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WHEN: Tuesday, September 17, 2013
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Presidential Documents

Title 3—

The President

Proclamation 9005 of August 30, 2013

National Alcohol and Drug Addiction Recovery Month, 2013

By the President of the United States of America

A Proclamation

Each day, millions of Americans take courageous steps toward recovery from alcohol and drug addiction. Their examples reveal the transformative power of recovery, and their stories provide hope to those struggling to break free from addiction. During National Alcohol and Drug Addiction Recovery Month, we celebrate their strength, challenge the stigmas that stand as barriers to recovery, and encourage those needing help to seek it.

This year's theme, ''Together on Pathways to Wellness'' encourages all Americans to walk alongside family, friends, and neighbors who are fighting to overcome addiction. My Administration is proud to advance evidence-based approaches to recovery—approaches that view addiction as a preventable, treatable disease of the brain. The *2013 National Drug Control Strategy* builds on our work over the past 4 years, increasing access to treatment and recovery services, and supporting early intervention to address substance abuse in schools, on college campuses, and in the workplace. And to give more Americans a chance to enter recovery, the Affordable Care Act expands mental health and substance use disorder benefits and Federal parity protections for millions of Americans. Thanks to this law, insurance companies must cover treatment for substance use disorders as they would any other chronic disease.

Alcohol and drug addiction remains a serious challenge in our country, but with support from loved ones and allies, Americans seeking help make steady progress each day. As we observe National Alcohol and Drug Addiction Recovery Month, let us unite to prevent addiction, give hope to everyone still struggling with this disease, and celebrate all those moving along the life-saving path to recovery.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2013 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

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

[FR Doc. 2013–21818
Filed 9–5–13; 8:45 am]
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Presidential Documents

Proclamation 9006 of August 30, 2013

National Childhood Cancer Awareness Month, 2013

By the President of the United States of America

A Proclamation

Every September, America renews our commitment to curing childhood cancer and offers our support to the brave young people who are fighting this disease. Thousands are diagnosed with pediatric cancer each year, and it remains the leading cause of death by disease for American children under 15. For those children and their families, and in memory of every young person lost to cancer, we unite behind improved treatment, advanced research, and brighter futures for young people everywhere.

Over the past few decades, we have made great strides in the fight against pediatric cancer. Thanks to significant advances in treatment over the last 30 years, the combined 5-year survival rate for children with cancer increased by more than 20 percentage points. Today, a substantial proportion of children diagnosed with cancer can anticipate a time when their illness will be in long-term remission or cured altogether.

My Administration is dedicated to carrying this progress forward. We are funding extensive research into the causes of childhood cancer and its safest and most effective treatments. We also remain committed to easing financial burdens on families supporting a loved one with cancer. Under the Affordable Care Act, insurance companies can no longer deny coverage to children with pre-existing conditions or set lifetime caps on essential health benefits. As of January 2014, insurers will be prohibited from dropping coverage for patients who choose to participate in a clinical trial, including clinical trials that treat childhood cancer.

All children deserve the chance to dream, discover, and realize their full potential. This month, we extend our support to young people fighting for that opportunity, and we recognize all who commit themselves to advancing the journey toward a cancer-free world.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2013 as National Childhood Cancer Awareness Month. I encourage all Americans to join me in reaffirming our commitment to fighting childhood cancer.

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

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Presidential Documents

Proclamation 9007 of August 30, 2013

National Childhood Obesity Awareness Month, 2013

By the President of the United States of America

A Proclamation

In the United States, obesity affects millions of children and teenagers, raising their risk of developing serious health problems, including diabetes, cancer, asthma, heart disease, and high blood pressure. While childhood obesity remains a serious public health issue, we have made significant strides toward stemming the tide. After three decades of dramatic increases in obesity rates among America's youth, recent studies by the Centers for Disease Control and Prevention indicate that rates are holding steady and even decreasing in some areas. During National Childhood Obesity Awareness Month, let us build on this momentum and strengthen the trend toward healthier lifestyles and brighter futures for our Nation's children.

First Lady Michelle Obama's *Let's Move!* initiative is on the front lines in the fight against childhood obesity. With partners across the public and private sectors and through targeted programs, this comprehensive campaign aims to solve the challenge of childhood obesity within a generation. *Let's Move!* is dedicated to making nutritious food more available and affordable, helping kids get active, and fostering environments that support healthy choices.

To this end, the initiative is always looking for new ways to engage parents, families, kids, and communities. We launched *Let's Move!* Active Schools to help bring physical activity back into the school day. We are teaming up with mayors, faith leaders, and businesses to make the healthy choice the easy choice for families. And we are working with the Department of Agriculture to provide more nutritious school lunches and snacks.

Through the Affordable Care Act, my Administration is expanding access to services that can help all Americans reach and maintain a healthy weight. Thanks to this law, millions of children can receive obesity screening and counseling at no out-of-pocket cost to their parents. The Affordable Care Act also created the Community Transformation Grant Program, which is tackling the root causes of chronic disease, including poor nutrition and lack of physical activity. Through this initiative, communities across our country are working with public health leaders, businesses, schools, faith-based organizations, and individuals to build partnerships that promote healthy lifestyles.

We all share in the responsibility of helping our Nation's children enjoy longer, healthier lives. Together, we can give them the energy and confidence to learn, excel, and pursue their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2013 as National Childhood Obesity Awareness Month. I encourage all Americans to learn about and engage in activities that promote healthy eating and greater physical activity by all our Nation's children.

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

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Presidential Documents

Proclamation 9008 of August 30, 2013

National Ovarian Cancer Awareness Month, 2013

By the President of the United States of America

A Proclamation

Each September, America calls attention to a deadly disease that affects thousands of women across our country. This year, over 22,000 women will develop ovarian cancer, and more than half that number of women will die of this disease. During National Ovarian Cancer Awareness Month, we lend our support to everyone touched by this disease, we remember those we have lost, and we strengthen our resolve to better prevent, detect, treat, and ultimately defeat ovarian cancer.

Because ovarian cancer often goes undetected until advanced stages, increasing awareness of risk factors is critical to fighting this disease. Chances of developing ovarian cancer are greater in women who are middle-aged or older, women with a family history of breast or ovarian cancer, and those who have had certain types of cancer in the past. I encourage all women, especially those at increased risk, to talk to their doctors. For more information, visit www.Cancer.gov.

My Administration is investing in research to improve our understanding of ovarian cancer and develop better methods for diagnosis and treatment. As we continue to implement the Affordable Care Act, women with ovarian cancer will receive increased access to health care options, protections, and benefits. Thanks to this law, insurance companies can no longer set lifetime dollar limits on coverage or cancel coverage because of errors on paperwork. By 2014, the health care law will ban insurers from setting restrictive annual caps on benefits and from charging women higher rates simply because of their gender. Additionally, insurance companies will be prohibited from denying coverage or charging higher premiums to patients with pre-existing conditions, including ovarian cancer.

This month, we extend a hand to all women battling ovarian cancer. We pledge our support to them, to their families, and to the goal of defeating this disease.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2013 as National Ovarian Cancer Awareness Month. I call upon citizens, government agencies, organizations, health care providers, and research institutions to raise ovarian cancer awareness and continue helping Americans live longer, healthier lives. I also urge women across our country to talk to their health care providers and learn more about this disease.

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

[FR Doc. 2013–21821
Filed 9–5–13; 8:45 am]
Billing code 3295–F3

Presidential Documents

Proclamation 9009 of August 30, 2013

National Preparedness Month, 2013

By the President of the United States of America

A Proclamation

Time and again, America faces crises that test our readiness and challenge our resolve—from natural disasters like hurricanes, tornadoes, and floods to shootings, cyber incidents, and even acts of terrorism. While my Administration is working tirelessly to avert national tragedies, it is every American's responsibility to be prepared. By planning for emergencies, individuals can protect themselves and their families while also contributing to their communities' resilience. During National Preparedness Month, we refocus our efforts on readying ourselves, our families, our neighborhoods, and our Nation for any crisis we may face.

My Administration is committed to preparing our country for the full range of threats. In the face of an emergency, we will continue to cut through red tape and bolster coordination. At my direction, the Federal Emergency Management Agency will launch a comprehensive campaign to build and sustain national preparedness with private sector, non-profit, and community leaders and all levels of government. The campaign will be based on science, research and development, public outreach, and broad participation. It will aim to inspire Americans of all ages to increase their preparedness by moving from awareness to action.

Over this past year, ordinary Americans have stepped up in moments of trial and tragedy to perform real acts of heroism. Despite the brave actions of first responders across America, neighbors and friends are often the first on the scene after an emergency, and circumstances can call anyone to become a hero. This year's National Preparedness Month theme, ''You Can Be the Hero,'' asks all Americans to ready themselves to assist in case of emergency. Anyone can improve their preparedness by making or reviewing emergency plans with their family and by building a disaster kit with food, water, and essential supplies. Visit www.Ready.gov or www.Listo.gov to see which types of disasters are most likely for your area and learn more about what you can do to prepare.

This month, as we reflect on challenges to our communities, regions, and our Nation, we continue to lend our support to recovery efforts, and we honor our first responders by doing our part to build a more resilient America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2013 as National Preparedness Month. I encourage all Americans to recognize the importance of preparedness and work together to enhance our national security, resilience, and readiness.

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

[FR Doc. 2013–21822
Filed 9–5–13; 8:45 am]
Billing code 3295–F3

Presidential Documents

Proclamation 9010 of August 30, 2013

National Prostate Cancer Awareness Month, 2013

By the President of the United States of America

A Proclamation

Among American men, prostate cancer is both the second most commonly diagnosed cancer and the second-leading cause of cancer deaths. Although prostate cancer incidence and mortality rates have declined over the past two decades, in 2013 alone, an estimated 239,000 men in the United States will be diagnosed with the illness, and almost 30,000 men will die from this disease. During National Prostate Cancer Awareness Month, we remember those lost to prostate cancer, offer our support to patients and their families, and highlight our commitment to better prevention, detection, and treatment methods.

The exact causes remain unknown, but medical professionals have identified several risk factors that can increase a man's chances of developing prostate cancer. It is more common among older men and men with a family history of prostate cancer. African American men also have a significantly higher risk, both of developing and dying from prostate cancer. I encourage all men to learn about warning signs by visiting www.Cancer.gov.

My Administration continues to support important prostate cancer research—research that will enhance our knowledge and improve prostate cancer prevention and treatment. The Affordable Care Act also offers new protections for all Americans. The health care law bans insurance companies from placing lifetime dollar limits on essential health benefits and from dropping coverage because of mistakes on insurance applications. Beginning in 2014, the Affordable Care Act will also eliminate annual dollar limits on vital benefits, and insurers will no longer be able to deny coverage or charge higher premiums to patients with prostate cancer—or any other pre-existing medical condition.

This month, I encourage all Americans to lend their support to family, friends, and neighbors whose lives have been touched by prostate cancer. Let us celebrate the compassion and perseverance of health care providers, researchers, and dedicated advocates. Together, we can raise awareness, support research, improve care, and reduce the impact of this disease on our citizens and our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2013 as National Prostate Cancer Awareness Month. I encourage all citizens, government agencies, private businesses, non-profit organizations, and other groups to join in activities that will increase awareness and prevention of prostate cancer.

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

[FR Doc. 2013–21823
Filed 9–5–13; 8:45 am]
Billing code 3295–F3

Presidential Documents

Proclamation 9011 of August 30, 2013

National Wilderness Month, 2013

By the President of the United States of America

A Proclamation

In September 1964, President Lyndon B. Johnson signed the Wilderness Act into law, recognizing places ''where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.'' Throughout our history, countless people have passed through America's most treasured landscapes, leaving their beauty unmarred. This month, we uphold that proud tradition and resolve that future generations will trek forest paths, navigate winding rivers, and scale rocky peaks as visitors to the majesty of our great outdoors.

My Administration is dedicated to preserving our Nation's wild and scenic places. During my first year as President, I designated more than 2 million acres of wilderness and protected over 1,000 miles of rivers. Earlier this year, I established five new national monuments, and I signed legislation to redesignate California's Pinnacles National Monument as Pinnacles National Park. To engage more Americans in conservation, I also launched the America's Great Outdoors Initiative. Through this innovative effort, my Administration is working with communities from coast to coast to preserve our outdoor heritage, including our vast rural lands and remaining wild spaces.

As natural habitats for diverse wildlife; as destinations for family camping trips; and as venues for hiking, hunting, and fishing, America's wilderness landscapes hold boundless opportunities to discover and explore. They provide immense value to our Nation—in shared experiences and as an integral part of our economy. Our iconic wilderness areas draw tourists from across the country and around the world, bolstering local businesses and supporting American jobs.

During National Wilderness Month, we reflect on the profound influence of the great outdoors on our lives and our national character, and we recommit to preserving them for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2013 as National Wilderness Month. I invite all Americans to visit and enjoy our wilderness areas, to learn about their vast history, and to aid in the protection of our precious national treasures.

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

[FR Doc. 2013–21824
Filed 9–5–13; 8:45 am]
Billing code 3295–F3

Presidential Documents

Proclamation 9012 of August 30, 2013

Labor Day, 2013

By the President of the United States of America

A Proclamation

On September 5, 1882, in what is thought to be the first Labor Day event, thousands of working Americans gathered to march in a New York City parade. In the 131 years since, America has called on our workers time and again—to raise and connect our cities; to feed, heal, and educate our Nation; to forge the latest technological revolution. On Labor Day, we celebrate these enduring contributions and honor all the men and women who make up the world's greatest workforce.

America is what it is today because workers began to organize—to demand fair pay, decent hours, safe working conditions, and the dignity of a secure retirement. Through decades upon decades of struggle, they won many of the rights and benefits we too often take for granted today, from the 40-hour work week and minimum wage to safety standards, workers' compensation, and health insurance. These basic protections allowed the middle class to flourish. They formed the basis of the American dream and offered a better life to anyone willing to work for it.

Yet over the past decades, that promise began to erode. People were working harder for less, and good jobs became more difficult to find. My Administration remains committed to restoring the basic bargain at the heart of the American story. We are bringing good jobs back to the United States. We are expanding programs that train workers in tomorrow's industries, and we eliminated tax breaks that benefited the wealthiest Americans at the expense of the middle class. In the years to come, I will continue to support collective bargaining rights that strengthen the middle class and give voice to workers across our Nation. And I will keep pushing for a higher minimum wage—because in America, no one who works full-time should have to live in poverty.

Thanks to the grit and resilience of the American worker, we have cleared away the rubble of the worst recession since the Great Depression. Now is the time to reward that hard work. Today, as America celebrates working people everywhere, we unite behind good jobs in growing industries, and we strengthen our resolve to rebuild our economy on a stronger foundation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2, 2013, as Labor Day. I call upon all public officials and people of the United States to observe this day with appropriate programs, ceremonies, and activities that honor the contributions and resilience of working Americans.

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

[FR Doc. 2013–21825
Filed 9–5–13; 8:45 am]
Billing code 3295–F3

Rules and Regulations

Federal Register

Vol. 78, No. 173

Friday, September 6, 2013

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0349; Directorate Identifier 2012–SW–058–AD; Amendment 39–17576; AD 2013–18–03]

RIN 2120–AA64

Airworthiness Directives; Bell Helicopter Textron Canada Inc. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bell Helicopter Textron Canada Inc. (BHT) Model 206A, 206B, and 206L helicopters. This AD requires replacing certain part-numbered engine auto-relight kit control boxes. This AD was prompted by a design review that revealed the control box chipset did not meet the required temperature range requirements, which could cause the control box to malfunction, disabling the engine auto-relight system. The actions of this AD are intended to prevent a disabled auto-relight system, failure of the engine to relight after a flame-out, increased pilot workload during a power loss emergency, and subsequent loss of control of the helicopter.

DATES: This AD is effective October 11, 2013.

ADDRESSES: For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/*. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Discussion

On April 22, 2013, at 78 FR 23688, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to BHT Model 206A and 206B helicopters, all serial numbers (S/N) except S/Ns 1, 2, and 3, with an engine auto-relight kit control box assembly (control box assembly) part number (P/N) 206–375–017–101 installed and BHT Model 206L helicopters, S/N 45001 through 45153 and 46601 through 46617, with a control box assembly P/N 206–375–017–103 installed. The NPRM proposed to require replacing the control box assembly with a new part-numbered control box assembly within 4 months. The proposed requirements were intended to prevent a disabled auto-relight system, failure of the engine to relight after a flame-out, increased pilot workload during a power loss emergency, and subsequent loss of control of the helicopter.

The NPRM was prompted by AD No. CF–2012–19, dated June 12, 2012, issued by Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada. TCCA issued AD No. CF–2012–19 to correct an unsafe condition for certain serial-numbered BHT Model 206A, 206B, and 206L helicopters with an engine auto-relight kit control box assembly (control box assembly) part number 206–375–017–101 or 206–375–017–103 installed. TCCA advises that these control box assemblies have a manufacturing defect which could disable the auto-relight system in the event of an engine flameout, subsequently requiring the pilot to re-start the engine manually. This condition could result in increased pilot workload during a power loss emergency in-flight and subsequent loss of control of the helicopter. AD No. CF–2012–19 specifies replacing the affected control boxes within 4 months to correct the unsafe condition.

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 23688, April 22, 2013).

FAA's Determination

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

Related Service Information

BHT has issued Alert Service Bulletin (ASB) No. 206–11–127 for Model 206A and 206B helicopters and ASB No. 206L–11–167 for Model 206L helicopters, both dated May 2, 2011. Both ASBs specify replacing the affected control box assembly with an upgraded control box assembly.

Costs of Compliance

We estimate that this AD will affect 1,357 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. If installed, replacing the control box assembly would require about 2 work-hours at an average labor rate of $85 per hour and required parts would cost about $18,974, for a cost per helicopter of $19,144.

According to BHT's service information, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage by BHT. 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 regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2013–18–03 Bell Helicopter Textron Canada Inc (BHT): Amendment 39–17576; Docket No. FAA–2013–0349; Directorate Identifier 2012–SW–058–AD.

(a) Applicability

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

(1) BHT Model 206A and 206B helicopters, all serial numbers (S/N) except S/Ns 1, 2, and 3, with an engine auto-relight kit control box assembly (control box assembly) part number (P/N) 206–375–017–101 installed; and

(2) BHT Model 206L helicopters, S/N 45001 through 45153 and 46601 through 46617, with a control box assembly P/N 206–375–017–103 installed.

(b) Unsafe Condition

This AD defines the unsafe condition as an inoperative control box assembly. This condition could result in a disabled auto-relight system, failure of the engine to relight after a flame-out, increased pilot workload during a power loss emergency, and subsequent loss of control of the helicopter.

(c) Effective Date

This AD becomes effective October 11, 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 4 months, replace the control box assembly:

(1) For Model 206A and 206B helicopters, replace control box assembly P/N 206–375–017–101 with a control box assembly P/N 206–375–017–105.

(2) For Model 206L helicopters, replace control box assembly P/N 206–375–017–103 with a control box assembly P/N 206–375–017–107.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Rao Edupuganti, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *rao.edupuganti@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) BHT Alert Service Bulletin (ASB) No. 206–11–127 for Model 206A and 206B helicopters and ASB No. 206L–11–167 for Model 206L helicopters, both dated May 2, 2011, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Bell Helicopter Textron Canada Limited, 12,800 Rue de l'Avenir, Mirabel, Quebec J7J1R4; telephone (450) 437–2862 or (800) 363–8023; fax (450) 433–0272; or at *http://www.bellcustomer.com/files/*. You may review a copy of the 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 Transport Canada Civil Aviation (TCCA) AD CF–2012–19, dated June 12, 2012. You may view the TCCA AD at *http://www.regulations.gov* in Docket No. FAA–2013–0349.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 7410: Ignition Power Supply.

Issued in Fort Worth, Texas, on August 21, 2013.

Kim Smith,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–21578 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 748

[Docket No. 130826763–3763–01]

RIN 0694–AF95

Addition and Revision to the List of Validated End-Users in the People's Republic of China

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to add an end-user in the People's Republic of China (PRC) to the list of Validated End-Users (VEUs). Specifically, BIS amends Supplement

No. 7 to part 748 of the EAR to add Intel Semiconductor (Dalian) Ltd. (Intel Dalian) as a VEU. With this rule, exports, reexports and transfers (in-country) of certain items to two Intel Dalian eligible destinations are now authorized under Authorization VEU. BIS also amends Supplement No. 7 to part 748 to change the name of an existing VEU in the PRC, from Lam Research Corporation to Lam Research Service Co., Ltd.

DATES: This rule is effective September 6, 2013.

FOR FURTHER INFORMATION CONTACT: Karen Nies-Vogel, Chair, End-User Review Committee, Bureau of Industry and Security, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue NW., Washington, DC 20230; by telephone: (202) 482–5991, fax: (202) 482–3991, or email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Authorization Validated End-User

Validated End-Users (VEUs) are designated entities located in eligible destinations to which eligible items may be exported, reexported, or transferred (in-country) under a general authorization instead of a license. The names of the VEUs, as well as the dates they were so designated, and their respective eligible destinations and items are identified in Supplement No. 7 to part 748 of the Export Administration Regulations (EAR). Under the terms described in that supplement, VEUs may obtain eligible items without an export license from the Bureau of Industry and Security (BIS), in conformity with Section 748.15 of the EAR. Eligible items vary between VEUs, but may include commodities, software, and technology, except those controlled for missile technology or crime control reasons on the Commerce Control List (CCL) (part 774 of the EAR).

VEUs are reviewed and approved by the U.S. Government in accordance with the provisions of Section 748.15 and Supplement Nos. 8 and 9 to part 748 of the EAR. The End-User Review Committee (ERC), composed of representatives from the Departments of State, Defense, Energy, and Commerce, and other agencies, as appropriate, is responsible for administering the VEU program. BIS amended the Export Administration Regulations (EAR) in a final rule published on June 19, 2007 (72 FR 33646) to create Authorization VEU.

Addition to the List of Validated End-User Authorizations in the People's Republic of China (PRC)

Addition of Intel Semiconductor (Dalian) Ltd. to the List of Validated End-Users in the PRC and Its ''Eligible Destinations'' and ''Eligible Items (By ECCN)''

This final rule amends Supplement No. 7 to part 748 of the EAR to add Intel Dalian as a VEU, and to identify its eligible destinations and the items that may be exported, reexported or transferred (in-country) to Intel Dalian under Authorization VEU, effective the date of this rule. The names and addresses of this newly-appointed VEU and its eligible destinations are as follows:

Validated End-User

Intel Semiconductor (Dalian) Ltd.

Eligible Destinations

Intel Semiconductor (Dalian) Ltd., No. 109 Huai He Road East, Dalian Economic and Technology Development Area, Dalian, Liao Ning Province, 116600, China.

Intel Semiconductor (Dalian) Ltd., c/o Dalian Kintetsu Logistics Co., Ltd, Dayaowan Bonded Port No. 6 Road W4 Unit A1, Dalian Economic and Technology Development Area, Dalian, Liao Ning Province, 116601, China.

Eligible Items (by ECCN) That May Be Exported, Reexported or Transferred (In-Country) to the Eligible Destination Identified Under Intel Semiconductor (Dalian) Ltd.'s Validated End-User Authorization

For Intel Semiconductor (Dalian) Ltd., Export Control Classification Numbers (ECCNs) 1A004, 1C006.d, 2A226, 2A292, 2B006.b, 2B230, 2B231, 2B350, 3A233.a, 3B001 (except for multilayer masks with a phase shift layer designed to produce ''space qualified'' semiconductor devices), 3C002, 3E002 (excluding development and production technology specific to digital signal processors and digital array processors and further limited to ''technology'' based on the international technology roadmap for semiconductors (ITRS)), and 4E001(limited to technology for computer products or components not exceeding an adjusted peak performance (APP) level of 12.0 weighted teraflops).

For Intel Semiconductor (Dalian) Ltd., c/o Dalian Kintetsu Logistics Co., Ltd., ECCNs 1A004, 1C006.d, 2A226, 2A292, 2B006.b, 2B230, 2B231, 2B350, 3A233.a, 3B001 (except for multilayer masks with a phase shift layer designed to produce ''space qualified'' semiconductor devices), and 3C002.

Technical Change for Existing VEU in the PRC

Change of Name of VEU Lam Research Corporation in the PRC

This final rule also amends Supplement No. 7 to part 748 of the EAR to change the name of an existing VEU, Lam Research Corporation, to Lam Research Service Co., Ltd.. This name change is made to list the name of the U.S. company's Chinese subsidiary because that is the actual name of the authorized VEU.

Current Validated End-User Name: Lam Research Corporation.

New Name of Validated End-User: Lam Research Service Co., Ltd.

Authorization VEU eliminates the burden on exporters and reexporters of preparing individual license applications because the export, reexport and transfer (in-country) of the eligible items specified for each VEU may be made under general authorization instead of under individual licenses. With the addition of Intel Dalian as a VEU, exporters and reexporters can supply Intel Dalian much more quickly, thus enhancing the competitiveness of both the VEU and its suppliers of U.S-origin items.

To ensure appropriate facilitation of exports and reexports, on-site reviews of VEUs, including Intel Dalian, may be warranted pursuant to Section 748.15(f)(2) of the EAR and Section 7(iv) of Supplement No. 8 to part 748 of the EAR. If such a review is warranted, BIS will inform the PRC Ministry of Commerce.

Since August 21, 2001, the Export Administration 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 8, 2013, 78 FR 49107 (August 12, 2013), has continued the EAR in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 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, reducing costs, harmonizing rules, and promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. This rule involves collections previously approved by the Office of Management and Budget (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; and for recordkeeping, reporting and review requirements in connection with Authorization VEU, which carries an estimated burden of 30 minutes per submission. This rule is expected to result in a decrease in license applications submitted to BIS. Total burden hours associated with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) and OMB Control Number 0694–0088 are not expected to increase significantly as a result of this rule.

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 PRA, unless that collection of information displays a currently valid OMB Control Number.

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

4. Pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), BIS finds good cause to waive requirements that this rule be subject to notice and the opportunity for public comment because they are unnecessary. In determining whether to grant VEU designations, a committee of U.S. Government agencies evaluates information about and commitments made by candidate companies, the nature and terms of which are set forth in 15 CFR part 748, Supplement No. 8. The criteria for evaluation by the committee are set forth in 15 CFR 748.15(a)(2).

The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (71 FR 38313 (July 6, 2006) (proposed rule), and 72 FR 33646 (June 19, 2007) (final rule)). Given the similarities between the authorizations provided under the VEU program and export licenses (as discussed further below), the publication of this information does not establish new policy. In publishing this final rule, BIS merely adds to the list of VEUs and the respective eligible items and destinations and implements a technical change, which is to change the name of an existing VEU, all within the established regulatory framework of the Authorization VEU program. Further, this rule does not abridge the rights of the public or eliminate the public's option to export under any of the forms of authorization set forth in the EAR.

Publication of this rule in other than final form is unnecessary because the authorizations granted in the rule are consistent with the authorizations granted to exporters for individual licenses (and amendments or revisions thereof), which do not undergo public review. In addition, as with license applications, VEU authorization applications contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such applications. This information is extensively reviewed according to the criteria for VEU authorizations, as set out in 15 CFR 748.15(a)(2). Additionally, just as the interagency reviews license applications, the authorizations granted under the VEU program involve interagency deliberation and result from review of public and non-public sources, including licensing data, and the measurement of such information against the VEU authorization criteria. Given the nature of the review, and in light of the parallels between the VEU application review process and the review of license applications, public comment on this authorization and subsequent amendments prior to publication is unnecessary. Moreover, because, as noted above, the criteria and process for authorizing and administering VEUs were developed with public comments, allowing additional public comment on this amendment to individual VEU authorizations, which was determined according to those criteria, is unnecessary.

Section 553(d) of the APA generally provides that rules may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3) because the delay would be contrary to the public interest. BIS is simply amending the list of VEU authorizations by adding a new end user, consistent with established objectives and parameters administered and enforced by the responsible designated departmental representatives to the End-User Review Committee. Delaying this action's effectiveness could cause confusion with the new VEU status as determined by those authorized government representatives and stifle the ongoing purpose of the VEU Authorization Program. Accordingly, it is contrary to the public interest to delay this rule's effectiveness.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the APA or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. As a result, no final regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 748

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, part 748 of the EAR (15 CFR parts 730–774) is amended as follows:

PART 748—[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.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 2. Amend Supplement No. 7 to part 748 to:

■ a. Remove the name of ''Lam Research Corporation'' from the Validated End-User column in ''China (People's Republic of)'' and add in its place ''Lam Research Service Co., Ltd.''; and

■ b. Add in alphabetical order the entry ''Intel Semiconductor (Dalian) Ltd.'' in ''China (People's Republic of)'' to read as follows:

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU): LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER, AND ELIGIBLE DESTINATIONS

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination	Federal Register citation
Nothing in this Supplement shall be deemed to supersede other provisions in the EAR, including but not limited to § 748.15(c).				
*	*	* * *	*	*
	Intel Semiconductor (Dalian) Ltd.	*These items authorized for the Intel destination identified by one asterisk (*):* 1A004, 1C006.d, 2A226, 2A292, 2B006.b, 2B230, 2B231, 2B350, 3A233.a, 3B001 (except for multilayer masks with a phase shift layer designed to produce "space qualified" semiconductor devices), 3C002, 3E002 (excluding development and production technology specific to digital signal processors and digital array processors and further limited to "technology" based on the international technology roadmap for semiconductors (ITRS)), and 4E001(limited to technology for computer products or components not exceeding an adjusted peak performance (APP) level of 12.0 weighted teraflops).	*Intel Semiconductor (Dalian) Ltd., No. 109 Huai He Road East, Dalian Economic and Technology Development Area, Dalian, Liao Ning Province, 116600, China.	78 FR [INSERT PAGE NUMBER], 9–6–13.
	.....	*These items authorized for the Intel destination identified by two asterisks (**):* 1A004, 1C006.d, 2A226, 2A292, 2B006.b, 2B230, 2B231, 2B350, 3A233.a, 3B001 (except for multilayer masks with a phase shift layer designed to produce "space qualified" semiconductor devices), and 3C002.	** Intel Semiconductor (Dalian) Ltd., c/o Dalian Kintetsu Logistics Co., Ltd, Dayaowan Bonded Port No. 6 Road W4 Unit A1, Dalian Economic and Technology Development Area, Dalian, Liao Ning Province, 116601, China.	
*	* *	* * *	*	*

Dated: August 29, 2013.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 2013–21579 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 101

[Docket No. USCBP–2012–0006; CBP Dec. 13–13]

Extension of Port Limits of Indianapolis, IN

AGENCY: U.S. Customs and Border Protection, DHS.

ACTION: Final rule.

SUMMARY: U.S. Customs and Border Protection (CBP) is extending the geographical limits of the port of entry of Indianapolis, Indiana. This extension will make the boundaries more easily identifiable to the public and will allow for uniform and continuous service to the extended area of Indianapolis, Indiana. The change is part of CBP's continuing program to use its personnel, facilities, and resources more efficiently, and to provide better service to carriers, importers, and the general public.

DATES: *Effective Date:* October 7, 2013.

FOR FURTHER INFORMATION CONTACT: Roger Kaplan, Office of Field Operations, U.S. Customs and Border Protection, by phone at (202) 325–4543, or by email at *Roger.Kaplan@dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** (77 FR 24656) on April 25, 2012, CBP proposed to amend the list of CBP ports of entry at 19 CFR 101.3(b)(1) to extend the limits of the Indianapolis, Indiana, port of entry to include all the territory within the boundaries of Marion County, Indiana, as well as portions of the neighboring counties of Boone, Hendricks, and Johnson. This update will allow CBP to better serve the public in the greater Indianapolis area by providing regular service to municipalities within Indianapolis that are not technically within the city limits, and to locations to the immediate west and south of the city. CBP determined that the proposed boundary changes would not result in a change in the service that is provided to the public by the port and would not change the workload at the port or require a change in the staffing at the port. Further background information is provided in the NPRM.

Interested parties were given until June 25, 2012, to comment on the proposed changes. CBP received one comment in response to the NPRM.

II. Comment Analysis

Comment: The commenter notes that Indianapolis, Indiana, is surrounded by

four other states and recommends that CBP should utilize other resources, apparently from the surrounding states, to better support Indianapolis.

Response: CBP is seeking to establish definitive geographic port limits to make the boundaries more easily identifiable to the public and to allow for uniform and continuous service to the extended area of Indianapolis, Indiana. This is a no-cost administrative measure and CBP will not need additional resources to implement the proposed boundary changes. As specified in the NPRM, the proposed changes will not result in changes to the workload or staffing levels at the port.

III. Conclusion

For the reasons discussed in the NPRM, CBP is extending the geographical limits of the port of entry of Indianapolis, Indiana, to include all the territory within the boundaries of Marion County, Indiana, as well as portions of the neighboring counties of Boone, Hendricks, and Johnson. The port of entry description of Indianapolis, Indiana, will be revised as proposed in the NPRM and set forth in the map included in the docket as ''Attachment: Port of Entry of Indianapolis—Proposed Limits.'' The revised port of entry description is also included in Section IV of this document. The description of the port limits of Indianapolis, Indiana in 19 CFR 101.3 will be revised to refer to this document, CBP Dec. 13–13.

IV. Port Description of Indianapolis, Indiana

The new port limits of Indianapolis, Indiana, are as follows:

In the State of Indiana, all of Marion County; that part of Boone County which is west of Interstate Route 65 and east of State Route 39; that part of Hendricks County which is east of State Route 39; and that part of Johnson County which is east of State Route 37, north of State Route 144, and west of Interstate Route 65.

V. Statutory and Regulatory Reviews

A. Executive Orders 12866 and 13563

DHS does not consider this rule to be a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563. The change is intended to expand the geographical boundaries of the Indianapolis, Indiana, port of entry and make the boundaries more easily identifiable to the public. There are no new costs to the public associated with this rule, and the rule does not otherwise implicate the factors set forth in section 3(f) of Executive Order 12866. Accordingly, this rule has not been submitted to the Office of Management and Budget for review.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires federal agencies to examine the impact a rule would have on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rule merely expands the limits of an existing port of entry and does not impose any new costs on the public. Accordingly, we certify that this rule will not have a significant economic impact on a substantial number of small entities.

VI. Signing Authority

The signing authority for this document falls under 19 CFR 0.2(a) because the extension of port limits is not within the bounds of those regulations for which the Secretary of the Treasury has retained sole authority. Accordingly, this final rule is signed by the Secretary of Homeland Security.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Customs ports of entry, Exports, Imports, Organization and functions (Government agencies).

Amendment to the Regulations

For the reasons set forth in the NPRM and the preamble, part 101 of title 19 of the Code of Federal Regulations is amended as set forth below.

PART 101—GENERAL PROVISIONS

■ 1. The general authority citation for part 101 is revised and the specific authority citation for section 101.3 continues to read as follows:

Authority: 5 U.S.C. 301; 6 U.S.C. 203; 19 U.S.C. 2 & note, 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1623, 1624, 1646a.

Sections 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

* * * * *

§ 101.3 [Amended]

■ 2. In § 101.3(b)(1) in the list of ports of entry under the State of Indiana, add ''CBP Dec. 13–13'' in the ''Limits of port'' column adjacent to the listing of Indianapolis.

Dated: September 3, 2013.

Janet Napolitano,

Secretary of Homeland Security.

[FR Doc. 2013–21772 Filed 9–5–13; 8:45 am]

BILLING CODE 9111–14–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2013–0039]

RIN 0960–AH60

Extension of Expiration Dates for Two Body System Listings

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: We are extending the expiration dates of the following body systems in the Listing of Impairments (listings) in our regulations: Genitourinary Impairments and Hematological Disorders. We are making no other revisions to these body systems in this final rule. These extensions will ensure that we continue to have the criteria we need to evaluate impairments in the affected body systems at step three of the sequential evaluation processes for initial claims and continuing disability reviews.

DATES: This final rule is effective on September 6, 2013.

FOR FURTHER INFORMATION CONTACT: Cheryl A. Williams, Director, Office of Medical Listings Improvement, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 965–1020. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213, or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

Background

We use the listings in appendix 1 to subpart P of part 404 of 20 CFR at the third step of the sequential evaluation process to evaluate claims filed by adults and children for benefits based on disability under the title II and title XVI programs.[1] 20 CFR 404.1520(d), 416.920(d). The listings are in two parts: Part A has listings criteria for adults and Part B has listings criteria for children. If you are age 18 or over, we apply the listings criteria in part A when we assess your impairment or combination of impairments. If you are under age 18,

[1] We also use the listings in the sequential evaluation processes we use to determine whether a beneficiary's disability continues. See 20 CFR 404.1594, 416.994, and 416.994a.

we first use the criteria in part B of the listings when we assess your impairment(s). If the criteria in part B do not apply, we may use the criteria in part A when those criteria give appropriate consideration to the effects of your impairment(s). 20 CFR 404.1525(b), 416.925(b).

Explanation of Changes

In this final rule, we are extending the dates on which the listings for the following two body systems will no longer be effective as set out in the following chart:

Listing	Current expiration date	Extended expiration date
Genitourinary Impairments 6.00 and 106.00	September 6, 2013	January 30, 2015.
Hematological Disorders 7.00 and 107.00	January 2, 2014	July 31, 2015.

We continue to revise and update the listings on a regular basis, including those body systems not affected by this final rule.[2] We intend to update the two listings affected by this final rule as quickly as possible, but may not be able to publish final rules revising these listings by the current expiration dates. Therefore, we are extending the expiration dates listed above.

Regulatory Procedures

Justification for Final Rule

We follow the Administrative Procedure Act (APA) rulemaking procedures specified in 5 U.S.C. 553 in promulgating regulations. Section 702(a)(5) of the Social Security Act, 42 U.S.C. 902(a)(5). Generally, the APA requires that an agency provide prior notice and opportunity for public comment before issuing a final regulation. The APA provides exceptions to the notice-and-comment requirements when an agency finds there is good cause for dispensing with such procedures because they are impracticable, unnecessary, or contrary to the public interest.

We determined that good cause exists for dispensing with the notice and public comment procedures. 5 U.S.C. 553(b)(B). This final rule only extends the date on which two body system listings will no longer be effective. It makes no substantive changes to our rules. Our current regulations[3] provide that we may extend, revise, or promulgate the body system listings again. Therefore, we have determined that opportunity for prior comment is unnecessary, and we are issuing this regulation as a final rule.

In addition, for the reasons cited above, we find good cause for dispensing with the 30-day delay in the effective date of this final rule. 5 U.S.C. 553(d)(3). We are not making any substantive changes to the listings in these body systems. Without an extension of the expiration dates for these listings, we will not have the criteria we need to assess medical impairments in these two body systems at step three of the sequential evaluation processes. We therefore find it is in the public interest to make this final rule effective on the publication date.

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this final rule does not meet the requirements for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563. Therefore, OMB did not review it. We also determined that this final rule meets the plain language requirement of Executive Order 12866.

Regulatory Flexibility Act

We certify that this final rule does not have a significant economic impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

This rule does not create any new or affect any existing collections, and therefore does not require OMB approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Dated: August 30, 2013.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we are amending appendix 1 to subpart P of part 404 of chapter III of title 20 of the Code of Federal Regulations as set forth below.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

Subpart P—[Amended]

■ 1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a)–(b) and (d)–(h), 216(i), 221(a), (i), and (j), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a)–(b) and (d)–(h), 416(i), 421(a), (i), and (j), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 2. Amend appendix 1 to subpart P of part 404 by revising items 7 and 8 of the introductory text before Part A to read as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

* * * * *

7. Genitourinary Impairments (6.00 and 106.00): January 30, 2015.

8. Hematological Disorders (7.00 and 107.00): July 31, 2015.

* * * * *

[FR Doc. 2013–21845 Filed 9–5–13; 8:45 am]

BILLING CODE 4191–02–P

[2] Since we last extended the expiration date of some of the listings in June 2012 (77 FR 35264 (2012)), we have published final rules revising the medical criteria for evaluating congenital disorders that affect multiple body systems (78 FR 7659 (2013)), and the medical criteria for evaluating visual disorders in the special senses and speech body system (78 FR 18837 (2013)). We have also published proposed rules that would revise the medical criteria genitourinary disorders (78 FR 7695) (2013)) and respiratory system disorders (78 FR 7968 (2013)), and revised listings for growth disorders and weight loss in children (78 FR 30249 (2013)).

[3] See the first sentence of appendix 1 to subpart P of part 404 of 20 CFR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2012–C–0224]

Listing of Color Additives Exempt From Certification; Mica-Based Pearlescent Pigments; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA or we) is confirming the effective date of July 15, 2013, for the final rule that appeared in the **Federal Register** of June 12, 2013 (78 FR 35115). The final rule amended the color additive regulations to provide for the safe use of mica-based pearlescent pigments prepared from titanium dioxide and mica as color additives in distilled spirits containing not less than 18 percent and not more than 23 percent alcohol by volume but not including distilled spirits mixtures containing more than 5 percent wine on a proof gallon basis.

DATES: *Effective date confirmed:* July 15, 2013.

FOR FURTHER INFORMATION CONTACT: Raphael A. Davy, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–1272.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 12, 2013 (78 FR 35115), we amended the color additive regulations in § 73.350 (21 CFR 73.350) to provide for the safe use of mica-based pearlescent pigments prepared from titanium dioxide and mica as color additives in distilled spirits containing not less than 18 percent and not more than 23 percent alcohol by volume but not including distilled spirits mixtures containing more than 5 percent wine on a proof gallon basis.

We gave interested persons until July 12, 2013, to file objections or requests for a hearing. We received no objections or requests for a hearing on the final rule. Therefore, we find that the effective date of the final rule that published in the **Federal Register** of June 12, 2013, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Foods, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e) and under authority delegated to the Commissioner of Food and Drugs, and redelegated to the Director, Office of Food Additive Safety, we are giving notice that no objections or requests for a hearing were filed in response to the June 12, 2013, final rule. Accordingly, the amendments issued thereby became effective July 15, 2013.

Dated: August 28, 2013.

Susan M. Bernard,

Director, Office of Regulations, Policy and Social Sciences, Center for Food Safety and Applied Nutrition.

[FR Doc. 2013–21712 Filed 9–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 48

[TD 9637]

RIN 1545–BK27

Modification of Treasury Regulations Pursuant to Section 939A of the Dodd-Frank Wall Street Reform and Consumer Protection Act

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that remove any reference to, or requirement of reliance on, ''credit ratings'' in regulations under the Internal Revenue Code (Code) and provides substitute standards of credit-worthiness where appropriate. This action is required by the Dodd-Frank Wall Street Reform and Consumer Protection Act. These regulations affect persons subject to various provisions of the Code.

DATES: *Effective Date:* These regulations are effective on September 6, 2013.

Applicability Dates: For dates of applicability, see §§ 1.150–1(a)(4), 1.171–1 (f), 1.197–2(b)(7), 1.249–1(f)(3), 1.475(a)–4(d)(4), 1.860G–2(g)(3), 1.1001–3(d), (e), and (g), and 48.4101–1(l)(5).

FOR FURTHER INFORMATION CONTACT: Arturo Estrada, (202) 622–3900 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 939A(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203 (124 Stat. 1376 (2010)) (the ''Dodd-Frank Act''), requires each Federal agency to review its regulations that require the use of an assessment of credit-worthiness of a security or money market instrument, and to review any references or requirements in its regulations regarding credit ratings. Section 939A(b) directs each agency to modify any regulation identified in the review required under section 939A(a) by removing any reference to, or requirement of reliance on, credit ratings and substituting a standard of credit-worthiness that the agency deems appropriate. Numerous provisions under the Internal Revenue Code (Code) are affected.

These regulations amend the Income Tax Regulations (26 CFR part 1) under sections 150, 171, 197, 249, 475, 860G, and 1001 of the Code (the existing regulations). These sections were added to the Code during different years to serve different purposes. These regulations also amend the Manufacturers and Retailers Excise Tax Regulations (26 CFR part 48) under section 4101, which provides registration requirements related to Federal fuel taxes.

On July 6, 2011, temporary regulations (TD 9533) under sections 150, 171, 197, 249, 475, 860G, and 1001 of the Code were published in the **Federal Register** (76 FR 39278) that modify or eliminate the reference to credit ratings in the relevant regulations. Additional temporary regulations (26 CFR part 48) under section 4101 were published as part of TD 9533. A notice of proposed rulemaking (REG–118809–11) cross-referencing the temporary regulations was published in the **Federal Register** the same day (76 FR 39341). No written comments responding to the notice of proposed rulemaking were received. No public hearing was requested or held. The regulations are adopted as proposed without substantive changes.

Explanation of Provisions

These regulations remove references to ''credit ratings'' and ''credit agencies'' or functionally similar terms in the existing regulations. Some changes involve simple word deletions or substitutions. Others reflect the revision of one or more sentences to remove the credit rating references. Where appropriate, substitute standards of credit-worthiness replace the prior references to credit ratings, credit agencies, or functionally similar terms. Language revisions serve solely to remove the references prohibited by section 939A of the Dodd-Frank Act and no additional changes to the existing regulations are intended.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. Because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business. No comments were received.

Drafting Information

These regulations were drafted by personnel in the Office of Associate Chief Counsel (Financial Institutions and Products), the Office of Associate Chief Counsel (Income Tax and Accounting), the Office of the Associate Chief Counsel (International) and the Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and the Treasury Department participated in the development of the regulations.

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 48

Excise taxes, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 48 are amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.150–1 is amended as follows:

1. Paragraph heading (a)(2) is revised.
2. Paragraph (a)(4) is revised.
3. In paragraph (b), the definition of ''Issuance costs'' is revised.

The revisions read as follows:

§ 1.150–1 Definitions.

(a) * * *

(2) *Effective/applicability date* * * *

* * * * *

(4) *Additional exception to the general applicability date.* Section 1.150–1(b), *Issuance costs,* applies on and after July 6, 2011.

(b) * * *

Issuance costs means costs to the extent incurred in connection with, and allocable to, the issuance of an issue within the meaning of section 147(g). For example, issuance costs include the following costs but only to the extent incurred in connection with, and allocable to, the borrowing: underwriters' spread; counsel fees; financial advisory fees; fees paid to an organization to evaluate the credit quality of an issue; trustee fees; paying agent fees; bond registrar, certification, and authentication fees; accounting fees; printing costs for bonds and offering documents; public approval process costs; engineering and feasibility study costs; guarantee fees, other than for qualified guarantees (as defined in § 1.148–4(f)); and similar costs.

* * * * *

§ 1.150–1T [Removed]

■ **Par. 3.** Section 1.150–1T is removed.

■ **Par. 4.** Section 1.171–1(f) *Example 2* is revised to read as follows:

§ 1.171–1 Bond premium.

* * * * *

(f) * * *

Example 2. Convertible bond—(i) *Facts.* On January 1, A purchases for $1,100 B corporation's bond maturing in three years from the purchase date, with a stated principal amount of $1,000, payable at maturity. The bond provides for unconditional payments of interest of $30 on January 1 and July 1 of each year. In addition, the bond is convertible into 15 shares of B corporation stock at the option of the holder. On the purchase date, B corporation's nonconvertible, publicly-traded, three-year debt of comparable credit quality trades at a price that reflects a yield of 6.75 percent, compounded semiannually.

(ii) *Determination of basis.* A's basis for determining loss on the sale or exchange of the bond is $1,100. As of the purchase date, discounting the remaining payments on the bond at the yield at which B's similar nonconvertible bonds trade (6.75 percent, compounded semiannually) results in a present value of $980. Thus, the value of the conversion option is $120. Under paragraph (e)(1)(iii)(A) of this section, A's basis is $980 ($1,100 − $120) for purposes of this section and §§ 1.171–2 through 1.171–5. The sum of all amounts payable on the bond other than qualified stated interest is $1,000. Because A's basis (as determined under paragraph (e)(1)(iii)(A) of this section) does not exceed $1,000, A does not acquire the bond at a premium.

(iii) *Applicability date.* Notwithstanding § 1.171–5(a)(1), this *Example 2* applies to bonds acquired on or after July 6, 2011.

§ 1.171–1T [Removed]

■ **Par. 5.** Section 1.171–1T is removed.

■ **Par. 6.** Section 1.197–2 is amended by revising paragraph (b)(7) to read as follows:

§ 1.197–2 Amortization of goodwill and certain other intangibles.

* * * * *

(b) * * *

(7) *Supplier-based intangibles*—(i) *In general.* Section 197 intangibles include any supplier-based intangible. A *supplier-based intangible* is the value resulting from the future acquisition, pursuant to contractual or other relationships with suppliers in the ordinary course of business, of goods or services that will be sold or used by the taxpayer. Thus, the amount paid or incurred for supplier-based intangibles includes, for example, any portion of the purchase price of an acquired trade or business attributable to the existence of a favorable relationship with persons providing distribution services (such as favorable shelf or display space at a retail outlet), or the existence of favorable supply contracts. The amount paid or incurred for supplier-based intangibles does not include any amount required to be paid for the goods or services themselves pursuant to the terms of the agreement or other relationship. In addition, see the exceptions in paragraph 2(c) of this section, including the exception in paragraph 2(c)(6) of this section for certain rights to receive tangible property or services from another person.

(ii) *Applicability date.* This section applies to supplier-based intangibles acquired after July 6, 2011.

* * * * *

§ 1.197–2T [Removed]

■ **Par. 7.** Section 1.197–2T is removed.

■ **Par. 8.** Section 1.249–1 is amended by revising paragraphs (e)(2)(ii) and (f)(3) to read as follows:

§ 1.249–1 Limitation on deduction of bond premium on repurchase.

* * * * *

(e) * * *

(2) * * *

(ii) In determining the amount under paragraph (e)(2)(i) of this section, appropriate consideration shall be given to all factors affecting the selling price or yields of comparable nonconvertible obligations. Such factors include general changes in prevailing yields of

comparable obligations between the dates the convertible obligation was issued and repurchased and the amount (if any) by which the selling price of the nonconvertible obligation was affected by reason of any change in the issuing corporation's credit quality or the credit quality of the obligation during such period (determined on the basis of widely published financial information or on the basis of other relevant facts and circumstances which reflect the relative credit quality of the corporation or the comparable obligation).

* * * * *

(f) * * *

(3) *Portion of repurchase premium attributable to cost of borrowing.* Paragraph (e)(2)(ii) of this section applies to any repurchase of a convertible obligation occurring on or after July 6, 2011.

* * * * *

§ 1.249–1T [Removed]

■ **Par. 9.** Section 1.249–1T is removed.

■ **Par. 10.** Section 1.475(a)–4 is amended by revising paragraph (d)(4) *Example 1, Example 2,* and *Example 3* to read as follows:

§ 1.475(a)–4 Valuation safe harbor.

* * * * *

(d) * * *

(4) * * *

Example 1. (i) X, a calendar year taxpayer, is a dealer in securities within the meaning of section 475(c)(1). X generally maintains a balanced portfolio of interest rate swaps and other interest rate derivatives, capturing bid-ask spreads and keeping its market exposure within desired limits (using, if necessary, additional derivatives for this purpose). X uses a mark-to-market method on a statement that it is required to file with the United States Securities and Exchange Commission and that satisfies paragraph (d)(2) of this section with respect to both the contracts with customers and the additional derivatives. When determining the amount of any gain or loss realized on a sale, exchange, or termination of a position, X makes a proper adjustment for amounts taken into account respecting payments or receipts. X and all of its counterparties on the derivatives have the same general credit quality as each other.

(ii) Under X's valuation method, as of each valuation date, X determines a mid-market probability distribution of future cash flows under the derivatives and computes the present values of these cash flows. In computing these present values, X uses an industry standard yield curve that is appropriate for obligations by persons with this same general credit quality. In addition, based on information that includes its own knowledge about the counterparties, X adjusts some of these present values either upward or downward to reflect X's reasonable judgment about the extent to which the true credit status of each counterparty's obligation, taking credit enhancements into account, differs from the general credit quality used in the yield curve to present value the derivatives.

(iii) X's methodology does not violate the requirement in paragraph (d)(3)(iii) of this section that the same cost or risk not be taken into account, directly or indirectly, more than once.

(iv) *Applicability date.* This *Example 1* applies to valuations of securities on or after July 6, 2011.

Example 2. (i) The facts are the same as in *Example 1,* except that X uses a better credit quality in determining the yield curve to discount the payments to be received under the derivatives. Based on information that includes its own knowledge about the counterparties, X adjusts these present values to reflect X's reasonable judgment about the extent to which the true credit status of each counterparty's obligation, taking credit enhancements into account, differs from this better credit quality obligation.

(ii) X's methodology does not violate the requirement in paragraph (d)(3)(iii) of this section that the same cost or risk not be taken into account, directly or indirectly, more than once.

(iii) *Applicability date.* This *Example 2* applies to valuations of securities on or after July 6, 2011.

Example 3. (i) The facts are the same as in *Example 1,* except that, after computing present values using the discount rates that are appropriate for obligors with the same general credit quality, and based on information that includes X's own knowledge about the counterparties, X adjusts some of these present values either upward or downward to reflect X's reasonable judgment about the extent to which the true credit status of each counterparty's obligation, taking credit enhancements into account, differs from a better credit quality.

(ii) X's methodology violates the requirement in paragraph (d)(3)(iii) of this section that the same cost or risk not be taken into account, directly or indirectly, more than once. By using the same general credit quality discount rate, X's method takes into account the difference between risk-free obligations and obligations with that lower credit quality. By adjusting values for the difference between a higher credit quality and that lower credit quality, X takes into account risks that it had already accounted for through the discount rates that it used. The same result would occur if X judged some of its counterparties' obligations to be of a higher credit quality but X failed to adjust the values of those obligations to reflect the difference between a higher credit quality and the lower credit quality.

(iii) *Applicability date.* This *Example 3* applies to valuations of securities on or after July 6, 2011.

* * * * *

§ 1.475(a)–4T [Removed]

■ **Par. 11.** Section 1.475(a)–4T is removed.

■ **Par. 12.** Section 1.860G–2 is amended by revising paragraphs (g)(3)(ii)(B), (g)(3)(ii)(C) and (g)(3)(ii)(D) to read as follows:

§ 1.860G–2 Other rules.

* * * * *

(g) * * *

(3) * * *

(ii) * * *

(B) *Presumption that a reserve is reasonably required.* The amount of a reserve fund is presumed to be reasonable (and an excessive reserve is presumed to have been promptly and appropriately reduced) if it does not exceed the amount required by a third party insurer or guarantor, who does not own directly or indirectly (within the meaning of section 267(c)) an interest in the REMIC (as defined in § 1.860D–1(b)(1)), as a condition of providing credit enhancement.

(C) *Presumption may be rebutted.* The presumption in paragraph (g)(3)(ii)(B) of this section may be rebutted if the amounts required by the third party insurer are not commercially reasonable considering the factors described in paragraph (g)(3)(ii)(A) of this section.

(D) *Applicability date.* Paragraphs (g)(3)(ii)(B) and (g)(3)(ii)(C) of this section apply on and after July 6, 2011.

* * * * *

§ 1.860G–2T [Removed]

■ **Par. 13.** Section 1.860G–2T is removed.

■ **Par. 14.** Section 1.1001–3 is amended as follows:

■ 1. Paragraph (d) *Example 9* is revised.

■ 2. Paragraph (e)(4)(iv)(B) is revised.

■ 3. Paragraph (e)(5)(ii)(B)(*2*) is revised.

■ 4. Paragraph (g) *Examples 1, 5* and *8* are revised.

The revisions read as follows:

§ 1.1001–3 Modifications of debt instruments.

* * * * *

(d) * * *

Example 9. Holder's option to increase interest rate. (i) A corporation issues an 8-year note to a bank in exchange for cash. Under the terms of the note, the bank has the option to increase the rate of interest by a specified amount if certain covenants in the note are breached. The bank's right to increase the interest rate is a unilateral option as described in paragraph (c)(3) of this section.

(ii) A covenant in the note is breached. The bank exercises its option to increase the rate of interest. The increase in the rate of interest occurs by operation of the terms of the note and does not result in a deferral or a reduction in the scheduled payments or any other alteration described in paragraph (c)(2) of this section. Thus, the change in interest rate is not a modification.

(iii) *Applicability date.* This *Example 9* applies to modifications occurring on or after July 6, 2011.

* * * * *

(e) * * *

(4) * * *

(iv) * * *

(B) *Nonrecourse debt instruments.* (*1*) A modification that releases, substitutes, adds or otherwise alters a substantial amount of the collateral for, a guarantee on, or other form of credit enhancement for a nonrecourse debt instrument is a significant modification. A substitution of collateral is not a significant modification, however, if the collateral is fungible or otherwise of a type where the particular units pledged are unimportant (for example, government securities or financial instruments of a particular type and credit quality). In addition, the substitution of a similar commercially available credit enhancement contract is not a significant modification, and an improvement to the property securing a nonrecourse debt instrument does not result in a significant modification.

(*2*) *Applicability date.* Paragraph (e)(4)(iv)(B)(*1*) of this section applies to modifications occurring on or after July 6, 2011.

* * * * *

(5) * * *

(ii) * * *

(B) * * *

(*2*) *Original collateral.* (*i*) A modification that changes a recourse debt instrument to a nonrecourse debt instrument is not a significant modification if the instrument continues to be secured only by the original collateral and the modification does not result in a change in payment expectations. For this purpose, if the original collateral is fungible or otherwise of a type where the particular units pledged are unimportant (for example, government securities or financial instruments of a particular type and credit quality), replacement of some or all units of the original collateral with other units of the same or similar type and aggregate value is not considered a change in the original collateral.

(*ii*) *Applicability date.* Paragraph (e)(5)(ii)(B)(*2*)(*i*) of this section applies to modifications occurring on or after July 6, 2011.

* * * * *

(g) * * *

Example 1. Modification of call right. (i) Under the terms of a 30-year, fixed-rate bond, the issuer can call the bond for 102 percent of par at the end of ten years or for 101 percent of par at the end of 20 years. At the end of the eighth year, the holder of the bond pays the issuer to waive the issuer's right to call the bond at the end of the tenth year. On the date of the modification, the issuer's credit quality is approximately the same as when the bond was issued, but market rates of interest have declined from that date.

(ii) The holder's payment to the issuer changes the yield on the bond. Whether the change in yield is a significant modification depends on whether the yield on the modified bond varies from the yield on the original bond by more than the change in yield as described in paragraph (e)(2)(ii) of this section.

(iii) If the change in yield is not a significant modification, the elimination of the issuer's call right must also be tested for significance. Because the specific rules of paragraphs (e)(2) through (e)(6) of this section do not address this modification, the significance of the modification must be determined under the general rule of paragraph (e)(1) of this section.

(iv) *Applicability date.* This *Example 1* applies to modifications occurring on or after July 6, 2011.

* * * * *

Example 5. Assumption of mortgage with increase in interest rate. (i) A recourse debt instrument with a 9 percent annual yield is secured by an office building. Under the terms of the instrument, a purchaser of the building may assume the debt and be substituted for the original obligor if the purchaser is equally or more creditworthy than the original obligor and if the interest rate on the instrument is increased by one-half percent (50 basis points). The building is sold, the purchaser assumes the debt, and the interest rate increases by 50 basis points.

(ii) If the purchaser's acquisition of the building does not satisfy the requirements of paragraph (e)(4)(i)(B) or paragraph (e)(4)(i)(C) of this section, the substitution of the purchaser as the obligor is a significant modification under paragraph (e)(4)(i)(A) of this section.

(iii) If the purchaser acquires substantially all of the assets of the original obligor, the assumption of the debt instrument will not result in a significant modification if there is not a change in payment expectations and the assumption does not result in a significant alteration.

(iv) The change in the interest rate, if tested under the rules of paragraph (e)(2) of this section, would result in a significant modification. The change in interest rate that results from the transaction is a significant alteration. Thus, the transaction does not meet the requirements of paragraph (e)(4)(i)(C) of this section and is a significant modification under paragraph (e)(4)(i)(A) of this section.

(v) *Applicability date.* This *Example 5* applies to modifications occurring on or after July 6, 2011.

* * * * *

Example 8. Substitution of credit enhancement contract. (i) Under the terms of a recourse debt instrument, the issuer's obligations are secured by a letter of credit from a specified bank. The debt instrument does not contain any provision allowing a substitution of a letter of credit from a different bank. The specified bank, however, encounters financial difficulty. The issuer and holder agree that the issuer will substitute a letter of credit from another bank.

(ii) Under paragraph (e)(4)(iv)(A) of this section, the substitution of a different credit enhancement contract is not a significant modification of a recourse debt instrument unless the substitution results in a change in payment expectations. While the substitution of a new letter of credit by a different bank does not itself result in a change in payment expectations, such a substitution may result in a change in payment expectations under certain circumstances (for example, if the obligor's capacity to meet payment obligations is dependent on the letter of credit and the substitution substantially enhances that capacity from primarily speculative to adequate).

(iii) *Applicability date.* This *Example 8* applies to modifications occurring on or after July 6, 2011.

* * * * *

§ 1.1001–3T [Removed]

■ **Par. 15.** Section 1.1001–3T is removed.

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

■ **Par. 16.** The authority citation for part 48 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 17.** Section 48.4101–1 is amended as follows:

■ 1. Paragraph (f)(4)(ii)(B) is revised.

■ 2. Paragraph (l)(5) is revised.

The revisions read as follows:

§ 48.4101–1 Taxable fuel; registration.

* * * * *

(f) * * *

(4) * * *

(ii) * * *

(B) *Basis for determination.* The determination under § 48.4101–1(f)(4)(ii) must be based on all information relevant to the applicant's financial status.

* * * * *

(l) * * *

(5) *Applicability date.* Paragraph (f)(4)(ii)(B) of this section applies on and after July 6, 2011.

§ 48.4101–1T [Removed]

■ **Par. 18.** Section 48.4101–1T is removed.

Beth Tucker,

Deputy Commissioner for Operations Support.

Approved: August 14, 2013.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2013–21752 Filed 9–5–13; 8:45 am]

BILLING CODE 4830–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

RIN 3046–AA96

List of Fair Employment Practice Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: This final rule amends our regulations to include a footnote stating that the designations of Fair Employment Practice Agencies are based on available information at the time of listing and are subject to modification based on changes in the state or local law; and revise the description of the type of charges for which the Commonwealth of Puerto Rico Department of Labor is a designated Fair Employment Practice Agency.

DATES: *Effective Date:* October 7, 2013.

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, or Colleen Adams Jackson, Attorney, Office of Legal Counsel, (202) 663–4640 (voice) or (202) 663–7026 (TTY). Copies of this final rule are available in the following alternative format: large print, Braille, electronic computer disk, and audio-tape. Requests for this notice in an alternative format should be made to the Publications Center at 1–800–699–3362 (voice), 1–800–800–3302 (TTY), or 703–821–2098 (FAX—this is not a toll free number).

SUPPLEMENTARY INFORMATION: Title VII of the Civil Rights Act of 1964 provides all individuals at least 180 days from the occurrence of an alleged unlawful employment practice to file a charge with EEOC. In most states, because the state has its own law prohibiting the conduct alleged and an agency with authority to grant or seek relief for such violation, subsection 706(e) of Title VII extends the EEOC charge-filling period to 300 days after the alleged unlawful employment practice occurred. 42 U.S.C. 2000e–5(e)(1). Section 706 also requires EEOC to accord substantial weight to the findings of such agencies. 42 U.S.C. 2000e–5. The EEOC regulations refer to the state or local fair employment practice agencies to which the extended EEOC filing period and substantial weight apply as ''FEP Agencies.'' 29 CFR 1601.70(a). However, where the Commission has determined that a state or local agency does not qualify under section 706 as a fair employment practice agency, the EEOC deems such agency a ''Notice Agency.'' 29 CFR 1601.71(b). A ''Notice Agency'' simply receives a copy of the charge from EEOC. Id. EEOC does not accord substantial weight to a Notice Agency's determination on the charge. In such cases, the extended 300-day filing period does not apply.

The list of FEP Agencies in 29 CFR 1601.74(a) is derived from the enactment or amendment of state or local authorizing statutes. Because of changes in state or local laws, the listings must be updated from time to time. EEOC has put in place a process for FEP Agencies to report changes in state or local laws that determine designation as a ''FEP Agency'' or as a ''Notice Agency.'' This final rule adds a footnote to the title of section 1601.74 alerting the public that the list is subject to change and that they can contact the FEPA to confirm the statutory coverage of the agency.

In addition, this final rule revises the description of the type of charges for which the Commonwealth of Puerto Rico Department of Labor is designated as a FEP Agency. The Commonwealth of Puerto Rico Department of Labor is currently listed solely as a Notice Agency with respect to ''all charges alleging violations of sec. 704(a) o[f] title VII.'' 29 CFR 1601.74(a) n.5. Section 704(a) refers to Title VII's anti-retaliation provision which prohibits employers from discriminating against employees or applicants for employment for opposing an unlawful employment practice or participating in a proceeding under Title VII. 42 U.S.C. 2000e–3(a).

The designation of the Commonwealth of Puerto Rico Department of Labor as solely a Notice Agency with respect to all charges alleging retaliation in violation of Title VII is being changed as a result of Puerto Rico's enactment of Law 17, 29 L.P.R.A. §§ 155, 155h, which prohibits employers from retaliating against an employee for (a) opposing any practice that Law 17 makes unlawful, or (b) participating in a sexual harassment complaint proceeding under Law 17. Consequently, the Commonwealth of Puerto Rico Department of Labor is a FEP Agency with respect to charges alleging retaliation for having opposed unlawful sexual harassment or participated in a sexual harassment complaint proceeding and is a Notice Agency for all other charges alleging retaliation under Title VII. This rulemaking amends 29 CFR 1601.74(a) n.5 to reflect this.

Regulatory Procedures

The Administrative Procedures Act (APA)

The Administrative Procedure Act (APA) provides an exception to its notice and comment procedures for interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice. 5 U.S.C. 553(b)(3)(A). This revised rule, which is located in 29 CFR Part 1601, ''Procedural Regulations,'' advises the public which state and local agencies are designated as Fair Employment Practice Agencies. The designation affects whether EEOC accords substantial weight to the state or local agencies findings, as well as the time limit for filing a charge with the EEOC. Thus, this rule pertains to EEOC's organization, procedure, or practice. Accordingly, this revised regulation is issued as a final rule without notice and comment.

Executive Order 12866 and 13563

The Commission has complied with the principles in section 1(b) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review. This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, and therefore does not require an assessment of potential costs and benefits under section 6(a)(3)(B)(ii) of the Order.

Paperwork Reduction Act

This regulation contains no information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

Regulatory Flexibility Act

The Commission 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. The rule corrects the listing of the Commonwealth of Puerto Rico Department of Labor as a FEP Agency with respect to charges of retaliation for participating in a sexual harassment complaint proceeding under the statute. The rule will not have a substantial impact on small entities because the Commonwealth of Puerto Rico Department of Labor has already been processing these particular types of charges pursuant to Law 17, even though EEOC had not updated its regulation. The revision will simply provide updated information to the public. For this reason, a regulatory

flexibility analysis is not required. Moreover, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* only requires a regulatory flexibility analysis when the agency is required to issue the rule after notice and comment by the Administrative Procedure Act or any other law. The EEOC has concluded that notice and comment are not required (see APA above).

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by State, local, or tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions are deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This is not a major rule under the Congressional Review Act. The Commission has otherwise complied with the Act's requirements by submitting this final rule to Congress prior to its effective date.

List of Subjects in 29 CFR Parts 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

For the Commission.

Dated: August 29, 2013.

Jacqueline A. Berrien,

Chair.

Accordingly, the Equal Employment Opportunity Commission amends 29 CFR part 1601 as follows:

PART 1601—PROCEDURAL REGULATIONS

■ 1. The authority citation for Part 1601 continues to read as follows:

Authority: 42 U.S.C. 2000 to 2000e–17; 42 U.S.C. 12111 to 12117; 42 U.S.C. 2000ff–11.

■ 2. In § 1601.74, redesignate footnotes 2 through 12 as 3 through 13, add an introductory paragraph, and revise newly redesignated footnote 6 to read as follows:

§ 1601.74 Designated and notice agencies.

The Commission has made the following designations [2]:

* * * * *

[6]The Commonwealth of Puerto Rico Department of Labor has been designated as a FEP agency for all charges except charges alleging a ''labor union'' has violated title VII; charges alleging an ''employment agency'' has violated title VII; and charges alleging violations of title VII by agencies or instrumentalities of the Government of Puerto Rico when they are not operating as private businesses or enterprises. For these types of charges it shall be deemed a ''Notice Agency,'' pursuant to 29 CFR 1601.71(b). With respect to charges alleging retaliation under section 704(a) of Title VII, the Commonwealth of Puerto Rico Department of Labor is a FEP agency for charges alleging retaliation for having opposed unlawful sexual harassment or participated in a statutory sexual harassment complaint proceeding and a ''Notice Agency'' for all other charges alleging violation of section 704(a) of Title VII.

* * * * *

[2] State and local laws may change and that can affect the timeliness of a claim. It is advisable for individuals to contact the FEP agency to confirm coverage, or otherwise determine that the above designation reflects the current status of the agency under state and local law.

[FR Doc. 2013–21545 Filed 9–5–13; 8:45 am]

BILLING CODE 6570–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AO32

Disease Associated With Exposure to Certain Herbicide Agents: Peripheral Neuropathy

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) adopts as a final rule its proposal to amend its adjudication regulations by clarifying and expanding the terminology regarding presumptive service connection for acute and subacute peripheral neuropathy associated with exposure to certain herbicide agents. This amendment implements a decision by the Secretary of Veterans Affairs based on findings from the National Academy of Sciences (NAS) Institute of Medicine report, *Veterans and Agent Orange: Update 2010.* It also amends VA's regulation governing retroactive awards for certain diseases associated with herbicide exposure as required by court orders in the class action litigation of *Nehmer* v. *U.S. Department of Veterans Affairs.*

DATES: *Effective Date:* This rule is effective September 6, 2013.

Applicability Date: This final rule shall apply to claims received by VA on or after September 6, 2013 and to claims pending before VA on that date. Additionally, VA will apply this rule in readjudicating certain previously denied claims as required by court orders in *Nehmer* v. *Department of Veterans Affairs.*

FOR FURTHER INFORMATION CONTACT: Dr. Nick Olmos-Lau, Medical Officer, Regulations Staff (211D), or Nancy Copeland, Consultant, Compensation Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–9700. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: As required by the Agent Orange Act of 1991, codified in part at 38 U.S.C. 1116, the Department of Veterans Affairs (VA) asks the National Academy of Sciences (NAS) to evaluate scientific literature regarding possible associations between the occurrence of a disease in humans and exposure to an herbicide agent. Congress mandated that NAS to the extent possible determine (1) Whether there is a statistical association between exposure to herbicide agents and the illness, taking into account the strength of the scientific evidence and the appropriateness of the scientific methodology used to detect the association; (2) the increased risk of illness among individuals exposed to herbicide agents during service in the Republic of Vietnam during the Vietnam era; and (3) whether a plausible biological mechanism or other evidence of a causal relationship exists between exposure to the herbicides and the illness. That statute provides that whenever the Secretary determines, based on sound medical and scientific evidence, that a positive association (i.e., the credible evidence for the association is equal to or outweighs the credible evidence against the association) exists between an illness and exposure to herbicide agents in an herbicide used in support of U.S. military operations in the Republic of Vietnam, the Secretary will publish regulations establishing presumptive service connection for that illness. On August 10, 2012, VA published a proposed rule in the **Federal Register** (77 FR 47795), to amend its adjudication regulations regarding presumptive service connection for acute and subacute peripheral neuropathy associated with exposure to certain herbicide agents. Specifically, based on findings from the September 29, 2010 NAS report titled, *Veterans and Agent Orange: Update 2010* (hereinafter ''Update 2010''), which concluded that early-onset peripheral neuropathy associated with herbicide exposure is not necessarily a transient condition, we

proposed replacing the terms ''acute and subacute'' in 38 CFR 3.307(a)(6)(ii) and 38 CFR 3.309(e) with the term ''early-onset'' and removing the Note to 38 CFR 3.309(e) requiring that the neuropathy be ''transient.'' This change would remove the requirement that acute and subacute peripheral neuropathy appear ''within weeks or months'' after exposure and that the condition resolve within two years of the date of onset in order for the presumption to apply.

This amendment clarifies that VA will not deny presumptive service connection for early-onset peripheral neuropathy solely because the condition persisted for more than two years after the date of the last herbicide exposure. However, it does not change the requirement that peripheral neuropathy must have become manifest to a degree of ten percent or more within one year after the veteran's last in-service exposure in order to qualify for the presumption of service connection. In *Update 2010,* NAS found that evidence did not support an association between herbicide exposure and delayed-onset peripheral neuropathy, which NAS defined as having its onset more than one year after exposure.

We also proposed amending 38 CFR 3.816(b)(2), the regulation governing retroactive awards for certain diseases associated with herbicide exposure as required by court orders in the class action litigation in *Nehmer* v. *U.S. Veterans' Admin.* 712 F. Supp. 1404 (N.D. Cal. 1989) (incorporating *Final Stipulation and Order,* May 14, 1991) (*Nehmer I*), *enforced, Nehmer* v. *U.S. Veterans' Admin.,* 32 F. Supp. 2d 1175 (N.D. Cal. 1999) (*Nehmer II*), *aff'd sub nom., Nehmer* v. *Veterans' Admin. of Gov't of U.S.,* 284 F.3d 1158 (9th Cir. 2002) (*Nehmer III*); *Nehmer* v. *U.S. Dep't of Veterans Affairs,* 494 F.3d 846, 850 (9th Cir. 2007) (*Nehmer IV*).

Currently, the regulation states that the *Nehmer* court orders apply to presumptions established before October 1, 2002, and lists the diseases covered by those presumptions, including ''acute and subacute peripheral neuropathy.'' The courts invalidated the date restriction and corresponding listing of presumptive conditions because they were not inclusive of all the conditions VA has determined to be presumptively service connected based on herbicide exposure under the Agent Orange Act of 1991. Rather than revising and maintaining separate lists of diseases covered, VA is removing the list of conditions in 38 CFR 3.816 and the October 1, 2002, date and inserting language clarifying that the *Nehmer* court orders apply to the presumptions listed in 38 CFR 3.309(e).

We provided a 60-day comment period and interested persons were invited to submit comments on or before October 9, 2012. We received 111 written comments, including 3 from Veterans Service Organizations and advocacy groups.

The majority of commenters expressed support for VA's proposed amendments. However, many felt that the action does not go far enough and urged VA to eliminate the requirement that peripheral neuropathy manifest to a degree of at least ten percent disabling within the first year after the veteran's last in-service exposure to herbicides. VA appreciates these comments. However, in *Update 2010,* NAS concluded that there is inadequate or insufficient evidence to determine whether there is an association between exposure to herbicides (including Agent Orange) and delayed-onset chronic neuropathy. NAS reaffirmed the conclusion in each of its prior reports that there are no data to suggest that exposure to herbicides can lead to the development of delayed-onset chronic peripheral neuropathy many years after termination of exposure in those who did not originally experience early-onset neuropathy. NAS went on to state that ''[t]he committee considers a neuropathy to be early onset if abnormalities appear within a year after external exposure has ended.'' Therefore, we make no changes based on these comments.

Several commenters advocated that VA expand the list of presumptive conditions for veterans exposed to Agent Orange. Some asserted that veterans exposed to Agent Orange during service should be granted entitlement to service connection for all disabilities they currently have and one commenter stated that all Vietnam era veterans should be automatically entitled to 100 percent compensation. A service organization urged that hypertension be added based on the benefit of the doubt doctrine. The organization contends that, because some studies link hypertension to herbicide exposure while others do not, the evidence is in equipoise and veterans should be given the benefit of the doubt. Another service organization asserted that VA's proposed rule fails to provide the most favorable interpretation of the existing science.

In response, VA notes that the Agent Orange Act of 1991, codified at 38 U.S.C. 1116, established a deliberate process for determining when a disease should be added. Specifically, the Secretary must determine, based on sound medical and scientific evidence, that there is a ''positive association'' between an illness and exposure to herbicide agents used in support of U.S. military operations in the Republic of Vietnam. The Secretary must take into account reports from NAS and ''all other sound medical and scientific information and analyses available to the Secretary.'' In evaluating any study, the Secretary must ''take into consideration whether the results are statistically significant, are capable of replication, and withstand peer review.'' The law further provides that a positive association exists if ''the credible evidence for the association is equal to or outweighs the credible evidence against the association.'' VA adheres to this process. Following the issuance of *Update 2010,* VA issued a negative notice on August 10, 2012, explaining why no additional diseases were being added to its list of conditions associated with exposure to herbicides in Vietnam (77 FR 47924). This notice provided an explanation of VA's decision to not create presumptions of service connection for a variety of other diseases, including hypertension. This rulemaking is limited to clarifying and expanding the terminology regarding presumptive service connection for acute and subacute peripheral neuropathy associated with exposure to certain herbicides. *See* 77 FR 47795. As such, the addition of diseases other than early-onset peripheral neuropathy to VA's presumptive list is beyond the scope of this rulemaking. Therefore, we make no changes based on these comments.

Three commenters, including one service organization, urged VA to recognize chronic delayed-onset peripheral neuropathy as due to Agent Orange exposure when no other cause can be established. As explained earlier, NAS found that there are no data to suggest that exposure to herbicides can lead to the development of delayed-onset chronic peripheral neuropathy many years after termination of exposure in those who did not originally experience early-onset neuropathy. NAS also noted that some neuropathies are often labeled as idiopathic or of unknown or spontaneous origin because, in 30 percent of the cases of chronic neuropathies, there is no apparent cause. Therefore, we make no changes based on these comments.

We received many comments from veterans who served in the Republic of Vietnam regarding their individual claims for veterans benefits and comments from family members and friends in support of veterans who served in the Republic of Vietnam. These comments are beyond the scope

of this rulemaking. Therefore, VA makes no changes based on these comments.

Some commenters, including one service organization, support the rule but advocate for more research and point to other entities and studies as additional resources. The service organization also urged VA to fund well-designed epidemiologic studies of Vietnam veterans. VA acknowledges the need for ongoing research and continues to carefully evaluate ongoing NAS herbicide exposure studies, medical and scientific research findings, discoveries, and recommendations as they occur. In addition, VA conducts ongoing research on the health effects of herbicides and supports epidemiologic studies of Vietnam veterans through grants to outside scientists. We make no changes based on these comments.

One commenter disagreed with VA's proposed rule, stating that he is not a veteran and that he was diagnosed with peripheral neuropathy as the result of shingles. VA recognizes that peripheral neuropathy is not unique to veterans or exposure to Agent Orange. However, as explained above, pursuant to the Agent Orange Act of 1991, whenever the Secretary determines, based on sound medical and scientific evidence, that there is a positive association (i.e., the credible evidence for the association is equal to or outweighs the credible evidence against the association) between an illness and exposure to herbicide agents, the Secretary will publish regulations establishing presumptive service connection for that illness. Thus, VA makes no changes based on this comment.

One commenter suggested that VA should add a regulatory ''discovery rule'' to the current requirement that peripheral neuropathy become manifest to a degree of ten percent or more within one year after the veteran's last in-service exposure. The commenter clarified that his proposed ''discovery rule'' would provide for a tolling of the current one-year manifestation requirement until after the veteran is first diagnosed with peripheral neuropathy (i.e., the veteran first ''discovers'' that he or she has peripheral neuropathy). The commenter asserted that adding a ''discovery rule'' to the one-year period would give relief to veterans with peripheral neuropathy whose symptoms were not recognized until many years after exposure while also balancing cost concerns. In response, VA notes that the existing statutory and regulatory framework governing the administration of VA compensation benefits does not limit the time period during which veterans may file claims for benefits. Moreover, whether a condition became manifest to a degree of ten percent or more within one year of the veteran's last in-service exposure to herbicides is a factual determination that must be made on a case-by-case basis, considering all the available evidence. Additionally, even if a veteran is not able to avail himself of the presumption of service connection, he may still be able to establish service connection on a direct basis under 38 U.S.C. 1110 and 38 CFR 3.303(d). To the extent the comment recommends changes to VA's overall scheme for administering benefits, such changes would require legislation which is beyond the scope of this rulemaking. Thus, VA makes no changes based on this comment.

One commenter stated that he had type 2 diabetes and asked why a time limit is being imposed on the onset of peripheral neuropathy, given that it may result from type 2 diabetes that arises many years after the initial diagnosis of that condition. Several other commenters also stated that they had diabetes and asserted that they should be able to receive compensation for both diabetes and peripheral neuropathy. These commenters may be confused as to how the peripheral neuropathy presumption relates to cases where peripheral neuropathy arises secondary to service-connected type 2 diabetes. In such cases, service connection can be awarded under 38 CFR 3.310 if the peripheral neuropathy is found to be secondary to service-connected type 2 diabetes. As a result, the ''early onset'' time limitation contained in the amended 38 CFR 3.307(a)(6)(ii), would not apply to these cases.

One organization commented that there is a disparity between the law and actual practice and stated that the Board of Veterans' Appeals has considered the latent nature of peripheral neuropathy and found in favor of disabled veterans on many occasions. Decisions of the Board are not considered precedential and are binding only with regard to the specific case addressed in each decision. Moreover, as discussed above, determinations regarding entitlement to service connection are made on an individual basis, dependent on the facts of each case. Even if a veteran is unable to avail himself of the presumption afforded by 38 U.S.C. 1116, he may still be able to establish entitlement on a direct basis. This is particularly important when there is an approximate balance of positive and negative evidence in a claimant's particular case because a claimant is entitled to the benefit of the doubt. (38 U.S.C. 5107(b)) The fact that VA has made favorable determinations underscores its adherence to this principle when deciding the merits of each case. VA makes no changes based on this comment.

One organization stated that using the term ''early-onset'' in 38 CFR 3.307(a)(6)(ii) is unnecessary and confusing because the requirement in that regulation that the disease be manifest to a ten percent degree within one year of exposure is sufficient to indicate that the presumption applies only to early-onset peripheral neuropathy. However, we believe that using the term ''early-onset peripheral neuropathy'' is necessary and helpful in 38 CFR 3.309(e), which lists the diseases presumptively associated with herbicide exposure, and we believe that using consistent terminology in 38 CFR 3.307(a)(6)(ii) and 3.309(e) will minimize confusion rather than creating it. The commenter also asserted that the changes to 38 CFR 3.816(b)(2) are unrelated to NAS' findings regarding peripheral neuropathy and that cross-referencing between 38 CFR 3.816 and 38 CFR 3.309 appears to obfuscate the diseases that receive a presumptive service connection and may serve to undermine the Agent Orange Act of 1991. We have considered the language used and believe it is clear and accurate. As explained in the proposed rule, we are revising 3.816(b)(2) to comport with the *Nehmer* court orders and believe that cross-referencing 38 CFR 3.816 and 38 CFR 3.309 will simplify updating the list of diseases covered. This revision will clarify that *Nehmer* court orders apply to all presumptive conditions covered by § 3.309(e). As such, we make no change based on these comments.

Based on the rationale set forth in the proposed rule and this document, we are adopting the proposed rule as a final rule with no changes.

Administrative Procedure Act

The Secretary finds good cause to dispense with the delayed-effective-date requirement of 5 U.S.C. 553(d) because 38 U.S.C. 1116 (c)(2) requires that final regulations establishing presumptions of service connection for diseases associated with exposure to certain herbicide agents ''shall be effective on the date of issuance.''

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Secretary hereby certifies that this rule will not have a significant economic impact on a substantial

number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule will not affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Order 12866 and 13563

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

The economic, interagency, budgetary, legal, and policy implications of this final rule have been examined and it has been determined to be a significant regulatory action under Executive Order 12866 because it raises novel legal or policy issues.

VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www1.va.gov/orpm/,* by following the link for ''VA Regulations Published.''

Unfunded Mandates

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

Catalog of Federal Domestic Assistance Numbers and Titles

The Catalog of Federal Domestic Assistance program number and title for this rule is 64.109, Veterans Compensation for Service-Connected Disability.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Rojas, Interim Chief of Staff, approved this document on April 22, 2013, for publication.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Dated: September 3, 2013.

Robert C. McFetridge,

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

For the reasons set out in the preamble, VA amends 38 CFR part 3 as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

■ 1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.307 [Amended]

■ 2. In § 3.307(a)(6)(ii), remove the term ''acute and subacute peripheral neuropathy'' and add, in its place, ''early-onset peripheral neuropathy''.

§ 3.309 [Amended]

■ 3. Amend § 3.309(e) by:

■ a. Removing the term ''Acute and subacute peripheral neuropathy'' and adding, in its place, ''Early-onset peripheral neuropathy''.

■ b. Removing Note 2.

■ c. Redesignating Note 3 as Note 2.

§ 3.816 [Amended]

■ 4. Amend § 3.816 by:

■ a. In the introductory text of paragraph (b)(2), removing ''before October 1, 2002.''

■ b. In the introductory text of paragraph (b)(2), removing the period after ''chloracne'' and the phrase ''Those diseases are:'' and adding, in their place, '', as provided in § 3.309(e).''

■ c. Removing paragraphs (b)(2)(i) through (ix).

[FR Doc. 2013–21674 Filed 9–5–13; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 62

[EPA–HQ–OAR–2011–0405 and EPA–HQ–OAR–2006–0534; FRL- 9802–3]

RIN 2060–AR–11 and RIN 2060–A004

Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed On or Before December 1, 2008, and Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators

Correction

In rule document 2013–09427 appearing on pages 28052–28078 in the issue of Monday, May 13, 2013, make the following correction:

§ 62.14470 [Corrected]

■ 1. On page 28074, in the third column, in the fifth line, ''May 13, 2016'' should read ''August 13, 2013''.

[FR Doc. C1–2013–09427 Filed 9–5–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–8297]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR Part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region II				
New York:				
Annsville, Town of, Oneida County.	360516	June 9, 1975, Emerg; April 5, 1988, Reg; September 27, 2013, Susp.	September 27, 2013	September 27, 2013
Augusta, Town of, Oneida County	360517	June 9, 1975, Emerg; May 1, 1985, Reg; September 27, 2013, Susp.	.....do*	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Ava, Town of, Oneida County	360518	April 10, 1984, Emerg; February 1, 1985, Reg; September 27, 2013, Susp.	do	Do.
Barneveld, Village of, Oneida County.	361569	June 10, 1975, Emerg; April 17, 1985, Reg; September 27, 2013, Susp.	do	Do.
Boonville, Town of, Oneida County.	360519	November 28, 1975, Emerg; July 3, 1985, Reg; September 27, 2013, Susp.	do	Do.
Boonville, Village of, Oneida County.	360520	August 8, 1975, Emerg; April 17, 1985, Reg; September 27, 2013, Susp.	do	Do.
Bridgewater, Town of, Oneida County.	360521	June 21, 1984, Emerg; December 19, 1984, Reg; September 27, 2013, Susp.	do	Do.
Bridgewater, Village of, Oneida County.	360522	August 11, 1976, Emerg; April 15, 1982, Reg; September 27, 2013, Susp.	do	Do.
Camden, Town of, Oneida County	360523	December 26, 1974, Emerg; May 1, 1985, Reg; September 27, 2013, Susp.	do	Do.
Camden, Village of, Oneida County.	360993	December 19, 1974, Emerg; August 16, 1988, Reg; September 27, 2013, Susp.	do	Do.
Clayville, Village of, Oneida County.	360524	June 12, 1984, Emerg; June 12, 1984, Reg; September 27, 2013, Susp.	do	Do.
Clinton, Village of, Oneida County	360525	November 7, 1974, Emerg; May 1, 1985, Reg; September 27, 2013, Susp.	do	Do.
Deerfield, Town of, Oneida County.	360526	September 18, 1974, Emerg; April 17, 1985, Reg; September 27, 2013, Susp.	do	Do.
Florence, Town of, Oneida County	360527	June 1, 1976, Emerg; April 17, 1985, Reg; September 27, 2013, Susp.	do	Do.
Floyd, Town of, Oneida County	360528	January 24, 1975, Emerg; March 15, 1984, Reg; September 27, 2013, Susp.	do	Do.
Forestport, Town of, Oneida County.	360529	April 8, 1976, Emerg; April 17, 1985, Reg; September 27, 2013, Susp.	do	Do.
Holland Patent, Village of, Oneida County.	360530	April 25, 1975, Emerg; April 17, 1985, Reg; September 27, 2013, Susp.	do	Do.
Kirkland, Town of, Oneida County	360531	December 17, 1974, Emerg; April 3, 1985, Reg; September 27, 2013, Susp.	do	Do.
Lee, Town of, Oneida County	360532	March 6, 1975, Emerg; June 5, 1985, Reg; September 27, 2013, Susp.	do	Do.
Marcy, Town of, Oneida County	360533	April 23, 1975, Emerg; June 1, 1984, Reg; September 27, 2013, Susp.	do	Do.
Marshall, Town of, Oneida County	360534	July 17, 1975, Emerg; September 30, 1982, Reg; September 27, 2013, Susp.	do	Do.
New Hartford, Town of, Oneida County.	360535	August 22, 1974, Emerg; April 18, 1983, Reg; September 27, 2013, Susp.	do	Do.
New Hartford, Village of, Oneida County.	360536	January 23, 1975, Emerg; July 5, 1983, Reg; September 27, 2013, Susp.	do	Do.
New York Mills, Village of, Oneida County.	360537	May 23, 1975, Emerg; May 16, 1983, Reg; September 27, 2013, Susp.	do	Do.
Oneida Castle, Village of, Oneida County.	361526	June 1, 1983, Emerg; September 15, 1983, Reg; September 27, 2013, Susp.	do	Do.
Oriskany, Village of, Oneida County.	360538	January 29, 1975, Emerg; September 15, 1983, Reg; September 27, 2013, Susp.	do	Do.
Oriskany Falls, Village of, Oneida County.	361354	October 6, 1977, Emerg; January 19, 1983, Reg; September 27, 2013, Susp.	do	Do.
Paris, Town of, Oneida County	360539	August 6, 1975, Emerg; September 15, 1983, Reg; September 27, 2013, Susp.	do	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Remsen, Town of, Oneida County	360540	November 7, 1975, Emerg; May 1, 1985, Reg; September 27, 2013, Susp.	.....do	Do.
Remsen, Village of, Oneida County.	360541	September 8, 1983, Emerg; September 24, 1984, Reg; September 27, 2013, Susp.	.....do	Do.
Rome, City of, Oneida County	360542	October 15, 1974, Emerg; January 3, 1985, Reg; September 27, 2013, Susp.	.....do	Do.
Sangerfield, Town of, Oneida County.	360543	March 4, 1975, Emerg; June 5, 1985, Reg; September 27, 2013, Susp.	.....do	Do.
Sherrill, City of, Oneida County	360544	February 14, 1975, Emerg; September 15, 1983, Reg; September 27, 2013, Susp.	.....do	Do.
Steuben, Town of, Oneida County	360555	June 13, 1983, Emerg; September 24, 1984, Reg; September 27, 2013, Susp.	.....do	Do.
Sylvan Beach, Village of, Oneida County.	361042	April 29, 1975, Emerg; June 1, 1984, Reg; September 27, 2013, Susp.	.....do	Do.
Trenton, Town of, Oneida County	360556	April 21, 1975, Emerg; May 1, 1985, Reg; September 27, 2013, Susp.	.....do	Do.
Utica, City of, Oneida County	360558	October 2, 1974, Emerg; February 1, 1984, Reg; September 27, 2013, Susp.	.....do	Do.
Vernon, Town of, Oneida County	360559	April 15, 1975, Emerg; August 16, 1988, Reg; September 27, 2013, Susp.	.....do	Do.
Vernon, Village of, Oneida County	360560	October 6, 1975, Emerg; April 15, 1988, Reg; September 27, 2013, Susp.	.....do	Do.
Verona, Town of, Oneida County	360561	June 15, 1976, Emerg; May 4, 1989, Reg; September 27, 2013, Susp.	.....do	Do.
Vienna, Town of, Oneida County	360562	August 27, 1975, Emerg; March 1, 1984, Reg; September 27, 2013, Susp.	.....do	Do.
Waterville, Village of, Oneida County.	360563	March 15, 1983, Emerg; March 15, 1983, Reg; September 27, 2013, Susp.	.....do	Do.
Western, Town of, Oneida County	360564	August 17, 1976, Emerg; May 4, 1989, Reg; September 27, 2013, Susp.	.....do	Do.
Westmoreland, Town of, Oneida County.	360565	March 12, 1975, Emerg; March 2, 1983, Reg; September 27, 2013, Susp.	.....do	Do.
Whitesboro, Village of, Oneida County.	360566	March 15, 1974, Emerg; February 1, 1978, Reg; September 27, 2013, Susp.	.....do	Do.
Whitestown, Town of, Oneida County.	360567	May 13, 1975, Emerg; September 15, 1983, Reg; September 27, 2013, Susp.		
Yorkville, Village of, Oneida County.	360568	September 19, 1974, Emerg; June 1, 1983, Reg; September 27, 2013, Susp.	.....do	Do.
Region IV				
Florida:				
Bushnell, City of, Sumter County	120297	January 20, 1975, Emerg; June 25, 1976, Reg; September 27, 2013, Susp.		
Center Hill, City of, Sumter County.	120615	October 25, 1983, Emerg; January 18, 1989, Reg; September 27, 2013, Susp.	.....do	Do.
Coleman, City of, Sumter County	120616	April 6, 1984, Emerg; July 2, 1987, Reg; September 27, 2013, Susp.	.....do	Do.
Hillsborough County, Unincorporated Areas.	120112	October 9, 1970, Emerg; June 18, 1980, Reg; September 27, 2013, Susp.	.....do	Do.
Sumter County, Unincorporated Areas.	120296	August 21, 1974, Emerg; March 15, 1982, Reg; September 27, 2013, Susp.	.....do	Do.
Webster, City of, Sumter County	120298	July 10, 1975, Emerg; July 1, 1987, Reg; September 27, 2013, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Wildwood, City of, Sumter County	120299	October 31, 1975, Emerg; December 26, 1980, Reg; September 27, 2013, Susp.	.....do	Do.
Kentucky:				
Hancock County, Unincorporated Areas.	210256	N/A, Emerg; June 25, 2008, Reg; September 27, 2013, Susp.	.....do	Do.
Hawesville, City of, Hancock County.	210239	May 19, 1975, Emerg; November 5, 1986, Reg; September 27, 2013, Susp.	.....do	Do.
Lewisport, City of, Hancock County.	210093	May 9, 1975, Emerg; November 19, 1986, Reg; September 27, 2013, Susp.		
Region X				
Alaska:				
Kenai Peninsula Borough	020012	June 19, 1970, Emerg; November 20, 1986, Reg; September 27, 2013, Susp.	.....do	Do.
Seward, City of, Kenai Peninsula Borough.	020113	June 19, 1970, Emerg; November 20, 1986, Reg; September 27, 2013, Susp.	.....do	Do.

*do = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Susp.ension.

Dated: August 13, 2013.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–21758 Filed 9–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–8295]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5

U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR Part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region I				
Rhode Island:				
Central Falls, City of, Providence County	445394	November 6, 1970, Emerg; May 28, 1971, Reg; September 18, 2013, Susp.	September 18, 2013	September 18, 2013
Cranston, City of, Providence County	445396	September 11, 1970, Emerg; August 27, 1971, Reg; September 18, 2013, Susp.	.....do*	Do.
Cumberland, Town of, Providence County	440016	July 15, 1975, Emerg; December 16, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
East Greenwich, Town of, Kent County	445397	July 16, 1971, Emerg; February 9, 1973, Reg; September 18, 2013, Susp.	.....do	Do.
East Providence, City of, Providence County.	445398	June 5, 1970, Emerg; May 18, 1973, Reg; September 18, 2013, Susp.	.....do	Do.
Lincoln, Town of, Providence County	445400	May 5, 1972, Emerg; November 30, 1973, Reg; September 18, 2013, Susp.	.....do	Do.
Pawtucket, City of, Providence County	440022	January 15, 1971, Emerg; July 16, 1971, Reg; September 18, 2013, Susp.	.....do	Do.
Providence, City of, Providence County	445406	September 11, 1970, Emerg; December 11, 1970, Reg; September 18, 2013, Susp.	.....do	Do.
Warwick, City of, Kent County	445409	June 19, 1970, Emerg; April 6, 1973, Reg; September 18, 2013, Susp.	.....do	Do.
Region IV				
Georgia:				
Chattahoochee Hills, City of, Fulton County.	135174	N/A, Emerg; July 30, 2008, Reg; September 18, 2013, Susp.	.....do	Do.
East Point, City of, Fulton County	130087	January 28, 1972, Emerg; March 15, 1977, Reg; September 18, 2013, Susp.	.....do	Do.
Fulton County, Unincorporated Areas	135160	November 20, 1970, Emerg; October 29, 1971, Reg; September 18, 2013, Susp.	.....do	Do.
Hapeville, City of, Fulton County	130502	N/A, Emerg; July 2, 1996, Reg; September 18, 2013, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Milton, City of, Fulton County	130673	N/A, Emerg; August 10, 2007, Reg; September 18, 2013, Susp.	.....do	Do.
Mountain Park, City of, Fulton County	130315	April 7, 1983, Emerg; April 7, 1983, Reg; September 18, 2013, Susp.	.....do	Do.
Roswell, City of, Fulton County	130088	November 21, 1973, Emerg; December 15, 1977, Reg; September 18, 2013, Susp.	.....do	Do.
Sandy Springs, City of, Fulton County	130669	N/A, Emerg; May 10, 2007, Reg; September 18, 2013, Susp.	.....do	Do.
Union City, City of, Fulton County	130316	July 29, 1975, Emerg; September 28, 1979, Reg; September 18, 2013, Susp.	.....do	Do.
Region V				
Illinois:				
Antioch, Village of, Lake County	170358	May 12, 1975, Emerg; June 15, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Bannockburn, Village of, Lake County	170359	March 7, 1975, Emerg; June 15, 1979, Reg; September 18, 2013, Susp.	.....do	Do.
Barrington, Village of, Cook and Lake Counties.	170057	October 30, 1974, Emerg; October 16, 1984, Reg; September 18, 2013, Susp.	.....do	Do.
Barrington Hills, Village of, Cook, Kane, Lake and McHenry Counties.	170058	April 3, 1975, Emerg; August 10, 1979, Reg; September 18, 2013, Susp.	.....do	Do.
Beach Park, Village of, Lake County	171022	N/A, Emerg; June 13, 1994, Reg; September 18, 2013, Susp.	.....do	Do.
Buffalo Grove, Village of, Cook and Lake Counties.	170068	November 17, 1972, Emerg; September 14, 1979, Reg; September 18, 2013, Susp.	.....do	Do.
Deer Park, Village of, Cook and Lake Counties.	171028	February 17, 1993, Emerg; September 3, 1997, Reg; September 18, 2013, Susp.	.....do	Do.
Deerfield, Village of, Cook and Lake Counties.	170361	October 13, 1972, Emerg; September 30, 1977, Reg; September 18, 2013, Susp.	.....do	Do.
Fox Lake, Village of, Lake and McHenry Counties.	170362	March 9, 1973, Emerg; September 29, 1978, Reg; September 18, 2013, Susp.	.....do	Do.
Fox River Grove, Village of, Lake and McHenry Counties.	170477	April 17, 1973, Emerg; June 4, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Grayslake, Village of, Lake County	170363	December 11, 1973, Emerg; June 4, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Green Oaks, Village of, Lake County	170364	March 12, 1974, Emerg; March 2, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Gurnee, Village of, Lake County	170365	August 9, 1974, Emerg; December 16, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Hainesville, Village of, Lake County	171005	N/A, Emerg; May 11, 1995, Reg; September 18, 2013, Susp.	.....do	Do.
Hawthorn Woods, Village of, Lake County	170366	October 28, 1983, Emerg; November 2, 1983, Reg; September 18, 2013, Susp.	.....do	Do.
Highland Park, City of, Lake County	170367	April 5, 1973, Emerg; November 5, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Island Lake, Village of, Lake and McHenry Counties.	170370	January 24, 1975, Emerg; September 16, 1982, Reg; September 18, 2013, Susp.	.....do	Do.
Kildeer, Village of, Lake County	170371	March 21, 1975, Emerg; March 2, 1981, Reg; September 18, 2013, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Lake Barrington, Village of, Lake County	170372	June 25, 1975, Emerg; January 2, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Lake Bluff, Village of, Lake County	170373	May 11, 1981, Emerg; May 11, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Lake County, Unincorporated Areas	170357	April 4, 1973, Emerg; November 3, 1982, Reg; September 18, 2013, Susp.	.....do	Do.
Lake Forest, City of, Lake County	170374	April 23, 1974, Emerg; February 18, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Lake Villa, Village of, Lake County	170375	October 16, 1974, Emerg; July 2, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Lake Zurich, Village of, Lake County	170376	October 11, 1974, Emerg; July 5, 1983, Reg; September 18, 2013, Susp.	.....do	Do.
Lakemoor, Village of, Lake and McHenry Counties.	170915	March 5, 1976, Emerg; January 19, 1983, Reg; September 18, 2013, Susp.	.....do	Do.
Libertyville, Village of, Lake County	170377	February 16, 1973, Emerg; January 16, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Lincolnshire, Village of, Lake County	170378	January 26, 1973, Emerg; July 16, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Lindenhurst, Village of, Lake County	170379	December 27, 1974, Emerg; January 2, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Long Grove, Village of, Lake County	170380	February 3, 1975, Emerg; May 19, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Mettawa, Village of, Lake County	170381	March 20, 1979, Emerg; March 28, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Mundelein, Village of, Lake County	170382	March 30, 1973, Emerg; July 2, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
North Barrington, Village of, Lake County	170383	May 27, 1975, Emerg; October 18, 1983, Reg; September 18, 2013, Susp.	.....do	Do.
North Chicago, City of, Lake County	170384	July 3, 1974, Emerg; December 5, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Old Mill Creek, Village of, Lake County	170385	August 8, 1975, Emerg; August 1, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Park City, City of, Lake County	170386	November 12, 1975, Emerg; October 15, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Port Barrington, Village of, Lake and McHenry Counties.	170478	January 19, 1973, Emerg; March 4, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Riverwoods, Village of, Lake County	170387	August 21, 1975, Emerg; August 15, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Round Lake, Village of, Lake County	170388	September 13, 1974, Emerg; August 1, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Round Lake Beach, Village of, Lake County.	170389	March 12, 1975, Emerg; August 1, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Round Lake Heights, Village of, Lake County.	170390	August 5, 1974, Emerg; January 2, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Round Lake Park, Village of, Lake County	170391	July 21, 1975, Emerg; June 4, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Third Lake, Village of, Lake County	170392	December 26, 1975, Emerg; February 1, 1980, Reg; September 18, 2013, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Tower Lakes, Village of, Lake County	170393	May 9, 1975, Emerg; March 2, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Vernon Hills, Village of, Lake County	170394	March 24, 1975, Emerg; August 1, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Volo, Village of, Lake County	171042	N/A, Emerg; April 3, 1998, Reg; September 18, 2013, Susp.	.....do	Do.
Wadsworth, Village of, Lake County	170395	August 1, 1975, Emerg; February 4, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Wauconda, Village of, Lake County	170396	January 13, 1975, Emerg; December 1, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Waukegan, City of, Lake County	170397	March 12, 1974, Emerg; June 15, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Wheeling, Village of, Cook and Lake Counties.	170173	December 15, 1972, Emerg; September 15, 1978, Reg; September 18, 2013, Susp.	.....do	Do.
Winthrop Harbor, Village of, Lake County	170398	July 10, 1975, Emerg; December 2, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Zion, City of, Lake County	170399	May 24, 1974, Emerg; January 16, 1981, Reg; September 18, 2013, Susp.	.....do	Do.
Indiana:				
La Fontaine, Town of, Wabash County	180267	June 4, 1975, Emerg; April 17, 1987, Reg; September 18, 2013, Susp.	.....do	Do.
Lagro, Town of, Wabash County	180268	August 15, 1975, Emerg; June 18, 1987, Reg; September 18, 2013, Susp.	.....do	Do.
North Manchester, Town of, Wabash County.	180269	March 24, 1975, Emerg; August 19, 1985, Reg; September 18, 2013, Susp.	.....do	Do.
Roann, Town of, Wabash County	180270	September 16, 1975, Emerg; May 4, 1988, Reg; September 18, 2013, Susp.	.....do	Do.
Wabash, City of, Wabash County	180271	October 28, 1975, Emerg; January 18, 1984, Reg; September 18, 2013, Susp.	.....do	Do.
Wabash County, Unincorporated Areas	180266	April 3, 1975, Emerg; August 19, 1986, Reg; September 18, 2013, Susp.	.....do	Do.
Region VI				
Louisiana:				
Delhi, Town of, Richland Parish	220155	March 6, 1975, Emerg; January 8, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Mangham, Town of, Richland Parish	220156	August 2, 1974, Emerg; October 9, 1979, Reg; September 18, 2013, Susp.	.....do	Do.
Rayville, Town of, Richland Parish	220157	May 14, 1973, Emerg; September 3, 1980, Reg; September 18, 2013, Susp.	.....do	Do.
Richland Parish, Unincorporated Areas	220154	May 14, 1973, Emerg; August 1, 1987, Reg; September 18, 2013, Susp.	.....do	Do.

*-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: August 1, 2013.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–21760 Filed 9–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 98

[Docket No. USCG–2011–0088]

RIN 1625–AB63

Bulk Packaging To Allow for Transfer of Hazardous Liquid Cargoes

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations concerning the transfer of hazardous materials to and from bulk packaging on vessels. The Coast Guard is expanding the list of bulk packaging approved for hazardous material transfers to include International Maritime Organization (IMO) Type 1 and Type 2 portable tanks, United Nations (UN) portable tanks, and Intermediate Bulk Containers (IBCs). The Coast Guard is also expanding the list of allowed hazardous materials to provide greater flexibility in the selection and use of packaging in the transportation of hazardous materials. This rule will eliminate the need to obtain special permits or Competent Authority Approvals to use IMO Type 1 or Type 2 portable tanks, UN portable tanks, or IBCs.

DATES: This final rule is effective December 5, 2013. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on December 5, 2013.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2011–0088 and are available for inspection or copying at the 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2011–0088 in the ''Search'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email LT Tiffany Duffy, Hazardous Materials Standards Division, telephone 202–372–1403, email *Tiffany.A.Duffy@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

AAHMS Associate Administrator for Hazardous Material Safety
CFR Code of Federal Regulations
DHS Department of Homeland Security
DOT Department of Transportation
FR Federal Register
IBC Intermediate Bulk Container
IBC Code International Bulk Chemical Code
IM Intermodal
IMDG Code International Maritime Dangerous Goods Code
IMO International Maritime Organization
MAWP Maximum allowable working pressure
MPT Marine Portable Tank
NAICS North American Industry Classification System
NEPA National Environmental Policy Act of 1969
NPRM Notice of Proposed Rulemaking
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
OSV Offshore Supply Vessel
PHMSA Pipeline and Hazardous Materials Safety Administration
SBA Small Business Administration
U.S.C. United States Code
UN United Nations

II. Regulatory History

On March 9, 2012, we published in the **Federal Register** (77 FR 14327) a notice of proposed rulemaking (NPRM) titled Bulk Packaging to Allow for Transfer of Hazardous Liquid Cargoes. We received five comment letters on the proposed rule, containing a total of 10 comments. No public meeting was requested and none was held.

III. Background

In this final rule, we are amending 46 CFR subparts 98.30 and 98.33, which contain regulations concerning the transfer of hazardous materials to and from bulk packaging on vessels. These packagings are primarily portable tanks used by offshore supply vessels (OSVs) to transport hazardous materials to and from offshore platforms involved in the exploration and production of oil and natural gas. (In this document ''packaging'' is a generic reference to portable tanks and IBCs.)

Several types of portable tanks exist and are used by the industry in various capacities. Intermodal (IM) 101 and 102 portable tanks are older types of portable tanks that have not been manufactured since before 2003. However, pursuant to Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations in 49 CFR 173.32, existing IM 101 and 102 tanks may continue to be used as long as they comply with all required specifications and are inspected regularly (see 49 CFR 173.32(c)(2)). Similarly, marine portable tanks (MPTs), which are tanks that meet the requirements of 46 CFR part 64 and were approved by the Coast Guard before September 30, 1992, are also permitted by PHMSA regulations (see 49 CFR 173.32(c)(3)).

International Maritime Organization (IMO) Type 1 and Type 2 portable tanks are newer portable tanks that comply with specifications in the International Maritime Dangerous Goods Code (IMDG Code), section 4.2.0.1, which became effective in 2003. IMO Type 1 tanks are fitted with pressure-relief devices with a maximum allowable working pressure (MAWP) of 1.75 bar and above, while IMO Type 2 tanks are fitted with pressure-relief devices with an MAWP between 1.0 and 1.75 bar. The IMDG Code also contains specifications for other types of tanks, which are not discussed in this rule.

A United Nations (UN) portable tank, as used in this regulation, is an intermodal tank having a capacity of greater than 450 liters (118.9 gallons) (see definition in 49 CFR 171.8). The term is defined in 46 CFR 98.30–3 to mean a tank that complies with the regulations in 49 CFR 178.274, ''Specifications for UN Portable Tanks,'' and 178.275, ''Specification for UN

Portable Tanks intended for the transportation of liquid and solid hazardous materials.'' These regulations contain additional requirements for the construction of tanks that meet UN specifications. We note that this definition differs from the common use of the phrase ''UN portable tanks,'' which can be used to refer to any portable tank that meets any specification in the IMDG Code.

Intermediate Bulk Containers (IBCs) are rigid or flexible portable packaging, other than a cylinder or portable tank, which are designed for mechanical handling (see definition in 49 CFR 171.8). Regulations for IBCs are prescribed in 49 CFR 178, subpart N, ''IBC Performance-Oriented Standards.'' As IBCs are not generally designed for transportation of hazardous material, their use is limited more than portable tanks.

In order to be used for transportation of hazardous materials, portable tanks and IBCs must comply with both Coast Guard regulations in Title 46 of the CFR and Department of Transportation (DOT) PHMSA regulations in Title 49. Currently, the regulations in Title 46 only contain provisions for three classes of portable tanks: MPTs, IM 101 and 102 portable tanks, and portable tanks authorized for hazardous liquid materials by the Associate Administrator for Hazardous Materials Safety (AAHMS). This has led to a situation where operators who wish to use newer types of portable tanks or IBCs must apply for a special permit from PHMSA. This rulemaking updates Title 46 to permit newer portable tanks and some IBCs to be used without special approval.

IV. Discussion of Comments and Changes

In response to the publication of the NPRM, the Coast Guard received five comment submissions from the public, with a total of 10 distinct comments. The comments can be broadly divided into these three categories: IBC standards, manifolds, and general comments on the rule.

A. IBC Standards

One set of commenters focused on perceived shortcomings in the design of IBCs as compared to UN portable tanks and IMO tanks, and how the standards for IBCs could be made more rigorous to improve their safety. In making these comments, commenters suggested a variety of improvements that could be made to IBCs that would improve the level of safety when using these containers with hazardous liquid cargoes.

We believe that some of these comments may have resulted from an unclear paragraph in the NPRM. Under section IV of the NPRM, titled ''Discussion of Proposed Rule,'' there was a brief subsection describing proposed changes to 46 CFR 98.30–6: ''Vessels Carrying IBCs.'' That subsection read as follows:

> ''This section would be added to describe the types of IBCs the Coast Guard would allow for the carriage of certain hazardous materials on board a vessel, and to make clear the requirements the IBCs would have to meet to gain approval from the Coast Guard. *We would allow the use of an IBC only if the IBC is equivalent to, or greater in standards than, an authorized IMO Type 1 or IMO Type 2 portable tank, or a UN portable tank.* (77 FR 14327, at 14330),'' (emphasis added)

The above excerpt provides a general description of the precepts of the regulatory text in section 98.30–6, and describes the minimum construction requirements that metal IBCs must meet in order to be approved by the Coast Guard to be used with certain hazardous liquid cargoes. The regulatory text contains specifications based on recommendations from PHMSA and Coast Guard engineering staff governing shell thickness, relief valves, closures on fill openings, and venting requirements that we believe comprise minimum safety requirements necessary in a maritime environment. We believe that if an IBC meets those specifications, and is used in accordance with all other applicable regulations, it is safe to use in a capacity for which it is designed. In this final rule, we are finalizing the revisions proposed in the NPRM with only minor changes.

Many of the commenters on the proposed rule raised questions and offered suggestions relating to the bolded portion of the subsection quoted above. These comments are addressed below.

One comment asked how the Coast Guard would determine that an IBC was equivalent to, or greater in standards than, an authorized IMO Type 1 or 2 or a UN Portable tank, as stated in the NPRM. The commenter stated that there might be individuals who attempted to capitalize on ''grey areas'' of the regulations. This commenter also suggested that inspecting these IBCs could pose a burden on the Coast Guard in determining equivalence.

In response, we are clarifying in the final rule preamble what we mean by the statement that IBCs would be allowed if they are equivalent to, or greater than, an IMO Type 1 or 2 tank, or a UN Portable tank. The statement should not be interpreted to mean that there is a subjective test relating to safety. Instead, as stated above, the Coast Guard has determined that certain IBCs can be safely used if they meet the standards set forth in 46 CFR 98.30–6, are used in a manner compliant with all other regulations, and are only used with cargoes for which they are rated. The statement in the NPRM referenced by the commenter does not create an alternative means of compliance that deviates from the published regulations.

One commenter stated that, as the intent of this rule is to authorize IBCs for hazardous liquid cargo transfers only if the IBC is equivalent to, or greater in standards than, an authorized IMO or UN Portable Tank, MAWP of the authorized IBC should be similar to IMO or UN Portable Tanks.

We are not planning to make any specific changes to the regulatory text in response to this comment. Fundamentally, IBCs are not equivalent in design and construction to either IMO or UN Portable Tanks, and we did not intend to use this rulemaking action to revamp IBC standards. While our intent in this rulemaking is to ensure that the operation and use of IBCs is at a level of safety similar to the use of IMO and UN Portable Tanks, the types of containers have different design and construction requirements and are used in different ways. With regard to IBCs, existing transport regulations (e.g., those in 49 CFR part 173) prohibit the use of IBCs not capable of operating under the pressure specified for the intended cargo or application. We do not believe that it is necessary to require that IBCs meet the (varying) MAWP requirements of any of the portable tanks.

The commenter also stated that in order to achieve a similar level of safety, the IBC piping as required in proposed § 98.30–13(a)(3) should be to the higher standard of IMO Type 1 and Type 2 tanks and UN Portable tanks. The commenter stated that this would include the requirement of an internal valve with a shear section and a means of remote closure. Again, we note that we are not requiring IBCs to meet all the design specifications of IMO tanks and UN Portable tanks. We believe that IBCs can be used safely in the limited uses for which they are designed if they meet the applicable requirements and are used in accordance with regulatory and design standards, such as those in 49 CFR 173.35 (Hazardous Materials in IBCs). We do not believe it is prudent to redefine IBCs in such a way as to perform as substitutes for UN portable tanks.

One commenter stated that if the intent of the proposed rule is to create safer packages in relative volumes, IBCs

lack safety features in the discharge piping area that exist in the IMO and UN-portable type containers. While we agree that IBCs lack the safety features contained in some portable tanks, we believe that they can be used safely if the IBCs meet the requirements set forth in § 98.30–6, and are used in accordance with regulatory standards in Titles 46 and 49 of the CFR, as well as the manufacturers' design standards. Again, we note that the use of IBCs is more limited than that of IMO and UN portable tanks.

One commenter stated that if IBCs are authorized, there should be some specific verbiage regarding specialized lifting points, although the commenter did not suggest any specific language. In response, we note that there are current regulations in 49 CFR 178.704 that address the matter of lifting points for IBCs. Specifically, this section requires that ''[a]ny lifting or securing features of an IBC must be of sufficient strength to withstand the normal conditions of handling and transportation without gross distortion or failure and must be positioned so as to cause no undue stress in any part of the IBC.'' (49 CFR 178.704(c)) However, in order to enhance the clarity of our regulations, we have added text to § 98.30–9 that draws attention to the current requirements for lifting points in regards to IBCs.

B. Manifolds

A manifold is a chamber or system of pipes having several outlets in which a liquid or gas can be gathered or from which a liquid or gas can be distributed to packagings connected to each outlet. Manifolds are used to transfer hazardous and non-hazardous liquids and gases in both maritime and land-based applications. The advantage of a manifold is that it enables the simultaneous filling of multiple packagings, although the use of a manifold can increase the danger of inadvertent discharges without additional safety equipment. Using a manifold for a transfer involves attaching a pump to the storage tank, connecting the manifold to the pump, connecting two or more packagings to the manifold, monitoring the transfer, and breaking down the setup. This rulemaking only addresses manifolds used in the transfer of hazardous materials to or from a vessel.

An alternative to the manifold-multiple IBC for transferring hazardous material to or from a vessel is the sequential fill method. This method consists of multiple iterations of connecting a packaging to the pump, connecting the pump to the storage tank, monitoring the transfer, and breaking down the connections.

Currently, there are no regulations that address the use of manifolds in conjunction with packaging for the transfer of hazardous materials to or from vessels, and thus they are used in some operations. In proposed § 98.30–13(b) of the NPRM, the Coast Guard proposed to prohibit the use of manifolds when transferring a hazardous material to or from a packaging onboard a vessel. In the NPRM, we stated that, ''[m]anifolds would be prohibited because the use of a manifold is a manual operation and the emergency shutoff during the transfer to and from a portable tank or IBC should be automatic. This would minimize the loss of hazardous materials in the event of an emergency, thereby reducing risk to health and environment.'' (77 FR 14330)

Two commenters made recommendations on the NPRM's proposed prohibition of manifolds. One commenter simply stated that the prohibition was a good idea and that the use of manifolds should not be allowed. On the other hand, one commenter recommended that this prohibition be removed in the final rule. The commenter argued that the use of a manifold eliminates the requirement to make or break multiple tank connections, and that each connection is an opportunity for injury.

The commenter that recommended removing the prohibition noted that manifolds are currently in use by industry. Ending the use of manifolds for vessel transfers would have required their current users to shift to filling the packaging sequentially. This method requires more labor effort and, as noted by the commenter, presents additional possibilities for injuries.

Based on the arguments made in the comments, we have re-evaluated our position regarding the use of manifolds for vessel transfers of hazardous materials. We agree with the commenter's analysis that, in terms of reducing the need to make and break tank connections, the use of a manifold alleviates the potential for some injuries associated with those practices. It is also obviously less expensive to transfer material to multiple packages using a manifold rather than filling each package sequentially. However, we are concerned about the potential for loss of hazardous material during a transfer. The commenter proposing use of manifolds also suggested that the automatic shutdown of the transfer can be accomplished via the pump emergency shutdown control. We agree that this is sufficient protection for sequential transfer involving a single packaging. However, a transfer using a manifold is a more complex operation with multiple packagings, hoses, and connections, and a shutdown of the pump alone may not stop a discharge of hazardous material.

Because a manifold has connection points with many packages, if a discharge of hazardous material is observed, it may be unclear where in the system that discharge is occurring. Thus, all connections must be turned off in order to guarantee that the discharge is stopped. If a system has a large number of connections, each requiring manual shutoff, then a large amount of time can elapse before all the connections are turned off—resulting in a large discharge of hazardous materials. Conversely, if all packaging units connected to the system are equipped with automatic shutoff devices, there is no extra time associated in shutting down a large number of connections to a manifold compared to shutting down only two connections in a single tank to tank transfer. For that reason, we believe that the use of shutoff valves on each item of packaging attached to a manifold adequately addresses the concerns regarding discharges of hazardous materials.

Therefore, instead of the total prohibition proposed in the NPRM, we are revising § 98.30–13 to allow the use of manifolds for the transfer of hazardous materials to or from a vessel only when all attached packaging units are equipped with an automatic shutoff valve or other automatic means of closure [1] that will activate during an emergency. We note that this restriction will not have any effect on the use of manifolds with portable tanks, as all portable tanks are already required by existing regulations to be equipped with automatic shutoff valves.

C. General Comments

One commenter supported the proposed changes to the regulation, stating that the reduction in time and expense to submit and process waiver requests is a positive change, and will create no reduction in safety. We appreciate the support.

One commenter suggested that there is a misprint in § 98.33–1(b)(4), under applicability. The commenter suggested that a reference to standards for metal IBCs should refer to § 98.30–6, instead of § 98.30–5. We agree that this is a clerical error, and are correcting it in this final rule.

[1] Hereinafter we use ''shutoff valve'' to refer to both shutoff valves and other automatic closure devices.

One commenter suggested that instead of references to specific standards in the existing IMDG Code, the Coast Guard should add a general phrase to its regulations requiring tanks to comply with standards set forth in the most current version of the IMDG Code. We are not planning on making this change. Regulations governing incorporations by reference (see 1 CFR 51) do not allow for incorporation in this manner. Furthermore, while we recognize that updating the regulations via the notice and comment process can result in the use of older versions of the Code for periods of time, we believe it is necessary to give notice to the public that the new standard is being adopted and allow public input on the best way to implement new international agreements into U.S. regulations.

One commenter requested that the language ''any cargo listed in the IBC Code requiring vessels to meet the standards of the IBC Code for Ship Type 2 or Ship Type 3'' be included in the table in § 98.30–7(a), which lists hazardous materials authorized for transfer to and from portable tanks. The commenter stated that this was justified because the cargo tank protection requirements found in the IBC Code (2.6.2.2) provide the same level of cargo protection that is required of the UN and IMO portable tanks and the IBCs if allowed to transport Ship Type 2 cargoes. We disagree with the premise of this comment. The IBC Code relates to tank vessel design, and is not appropriate for regulations concerning intermediate bulk containers, which are considered packages under 49 CFR subchapters A–C.

D. Clerical Edits

This final rule also contains some additional minor clerical edits. In § 98.30–2(a), the office and address has been updated. In § 98.30–3, ''IBC'' has been moved to the first definition per alphabetical order, and the paragraph lettering before each definition has been removed. In redesignated §§ 98.30–7(g), 98.30–11, and 98.30–13(a), the words ''on board'' have been replaced with ''onboard.'' In redesignated § 98.30–16, the office name has been updated. In redesignated § 98.30–18(b)(1), quotation marks have been fixed. In § 98.30–37, the phrase ''Coast Guard approved'' has been changed to ''Coast Guard-approved'' and the numerals ''2'' and ''3'' were changed to ''two'' and ''three.'' In § 98.33–3(c), the office name has been updated. In § 98.33–15, citations have been updated to reflect redesignated sections in subpart 98.30.

V. Incorporation by Reference

The Director of the Federal Register has approved the material in 46 CFR 98.30–2 for incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the material are available from the sources listed in that section.

VI. 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 or executive orders.

A. Regulatory Planning and Review

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866. The Office of Management and Budget (OMB) has not reviewed it under E.O. 12866. Nonetheless, we developed an analysis of the costs and benefits of the rule to ascertain its probable impacts on industry. A final Regulatory Assessment follows:

TABLE 1—SUMMARY OF AFFECTED POPULATION, COSTS, AND BENEFITS

Category	Final rule
Applicability	Allows the use of IMO Type 1 and IMO Type 2 portable tanks, UN portable tanks, and IBCs for use in transferring hazardous materials onboard vessels.
Affected population	402 owners and operators of 1,334 OSVs
Industry costs (10-year, undiscounted)	Costs: $51,050 Cost Savings: $78,780 Net Savings: $27,730
Benefits	• Efficiency gains to industry by increasing the number of pre-approved types of portable tanks and expanding the list of pre-approved hazardous materials they can transport. • Reduces regulatory burden to industry and government by reducing the number of special permits or Competent Authority Approvals to be processed and harmonizing the Coast Guard regulations with PHMSA's HMR regulations. • Minimizes risk of release of hazardous material during transfer by requiring shutoff valve for manifold use.

1. Allowable Portable Tanks and Pre-Approved Hazardous Materials

In the NPRM published on March 9, 2012, in the **Federal Register** (77 FR 14327), we proposed amendments to the rules covering the transfer of hazardous materials on vessels that would expand the lists of allowable portable tanks and pre-approved hazardous materials. We estimated total savings resulting from the relief from requirements to obtain permits for IMO Type 1 and Type 2 portable tanks and IBCs would be $7,897 per year, discounted at a 7 percent interest rate. This was based on the assessment that, as the inspection and tagging requirements would remain unchanged, there would be no additional regulatory costs. We also estimated that the proposed rule would accrue costs savings from these two provisions [2]:

• The NPRM proposed expanding the list of allowable portable tanks to include IMO Type 1 and IMO Type 2 portable tanks, UN portable tanks, and IBCs. Without this provision, special

[2] For a complete description of the costs savings estimates, please refer to the Cost Savings section of the NPRM. (77 FR 14332–14333)

permits are needed to use this equipment. The expansion of approved portable tanks reduces the burden on industry to prepare the special permits and the administrative burden to government to process them.

• The NPRM included an expansion of the list of pre-approved hazardous materials. The expansion of this list has a similar economic benefit as the expansion of allowable portable tanks. It reduces the number of special permits, which generates savings for industry and government.

Table 2 reproduces the NPRM's Table IV.A.3, the summary of the undiscounted cost savings.

TABLE 2—UNDISCOUNTED COST SAVINGS FROM THE NPRM

	Special permit or competent authority approval	Expansion of list of hazardous materials	Total
Year	Savings	Savings	Savings
1	$5,050	$7,070	$12,120
2	5,050	0	5,050
3	5,050	0	5,050
4	5,050	7,070	12,120
5	5,050	0	5,050
6	5,050	0	5,050
7	5,050	7,070	12,120
8	5,050	0	5,050
9	5,050	0	5,050
10	5,050	7,070	12,120
Total	50,500	28,280	78,780

Table 3, a copy of the NPRM's Table IV.A.4, displays the cost savings schedule at discounted rates of 7 percent and 3 percent.

TABLE 3—SCHEDULE OF DISCOUNTED COST SAVINGS

Year	Total savings	7 percent	3 percent
1	$12,120	$11,327	$11,767
2	5,050	4,411	4,760
3	5,050	4,122	4,621
4	12,120	9,246	10,768
5	5,050	3,601	4,356
6	5,050	3,365	4,229
7	12,120	7,548	9,855
8	5,050	2,939	3,987
9	5,050	2,747	3,870
10	12,120	6,161	9,018
Total	78,780	55,467	67,231
Annualized	.....	7,897	7,882

We are not aware of any information, either from the comments or other sources, that alters that assessment. There are no changes in this final rule that will alter any of the assumptions relating to this part of the rule. Therefore, for this final rule, we retain the NPRM's annualized estimate of total savings resulting from the permitting changes, discounted at a 7 percent rate, of $7,897.

In summary, the benefits of these provisions are that it will provide greater flexibility to industry by increasing the types of packaging available for use, increasing the list of pre-approved hazardous materials they can contain, and reducing the need for special permits. The Government will also benefit from processing fewer Competent Authority Approvals. We also expect an increase in regulatory efficiency, as our regulations will align with international standards.

2. Modification to the Proposed Prohibition of Manifolds

(a) Manifold provision.

As previously discussed in section V, ''Discussion of Comments and Changes'', we are not finalizing a provision in the NPRM that would have prohibited the use of manifolds in the transfer of hazardous materials to or from a vessel. Instead, in this final rule, we decided to continue to allow the use of a manifold with packaging equipment, as long as each packaging attached to the manifold is equipped with a shutoff valve. Accordingly, we incorporate the cost of complying with this new requirement into the economic analysis of this final rule.

Table 4 summarizes the current practices with respect to transferring material from packaging and assesses the required change under the final rule.

TABLE 4—COMPARISON AND COST IMPLICATIONS OF BASELINE AND POST-RULE PRACTICES

Packaging type	Baseline practice (onshore transfer)	Post-rule practice (onboard transfer)	Change in practice
Portable Tanks	Sequential Fill	Allowed	No change.
IBC (Allowed by special permit for transport).	Manifold	Allowed with shutoff valve	No change: Portable tanks already equipped with shutoff valves.
	Sequential Fill	Allowed	No change.
	Manifold with shutoff valve	Allowed	No change.
	Manifold without shutoff valve	Manifold with shutoff valve Sequential fill	Cost for shutoff valve. Cost for Additional labor.

The only vessel operators that will incur costs under the final rule are users of IBCs, not equipped with shutoff valves, who are currently accomplishing transfers using a manifold. These operators have the option of installing a shutoff valve and continuing to use a manifold or use the sequential fill method resulting in additional labor to connect and disconnect packaging. In the remainder of this section we estimate the cost and benefit analysis of the manifold provision of this final rule.

(b) Cost of a shutoff valve.

We note that many IBCs come equipped with shutoff valves. One example is the PHMSA Special Permit ''SP4212'' standard, a commonly-used design specification for IBCs used in intermodal commerce. A review of industry Web sites indicates that shutoff valves are readily available on the commercial market.[3]

From a web search, we found examples of shutoff valves with prices.[4] The only difference in the examples was the size of the pipe opening, which ranged from 1.25 inches to 3 inches. To obtain a unit purchase cost estimate, we calculated the average of the lowest and highest prices, which was $1,015.

Our estimate of the loaded wage rate for a pump operator is $34 per hour.[5] We estimate that it would take 10 minutes to install a shutoff valve. The installation cost is approximately $6 ((10/60) * $34, rounded). Valves are expected to have a similar lifespan to the tanks for which they are used. Therefore, it is our expectation that a shutoff valve will last the life of the IBC in question. The total 10-year cost for a shutoff valve is $1,021, consisting of $1,015 to purchase the unit plus $6 for installation.

(c) Additional labor costs to sequentially fill IBCs.

The sequential fill option involves additional labor costs associated with connecting and disconnecting. The additional costs of the sequential filling of IBCs are dependent on a number of variables, such as capacity of the IBC, the speed of the pump accomplishing the transfer, and the amount of hazardous material being transferred. The following analysis estimates costs based on a set of reasonable assumptions regarding these inputs. The inputs are:

- Labor cost of $34 per hour, as used to calculate the installation time.
- Labor times: We estimate the following times for these tasks:
- Connect or disconnect a portable tank or IBC to pump, 10 minutes.
- Set-up or break-down pump-manifold configuration, 15 minutes.
- Connect or disconnect an IBC to a manifold, 5 minutes.
- Equipment characteristics:
- Capacity of the IBCs: One vendor offers IBCs that range from 125 to 550 gallons[6] and another has one with a 630 gallon (15 barrel)[7] capacity. For this scenario we use a mid-range capacity of 300 gallons.
- Pump Speed: From a web search, we found pumps with speeds from 37 gallons per minute (GPM)[8] to 1,200 GPM.[9] For this scenario we will use a pump rated at 50 gallons per minute, under the assumption that the lower speed offers more control of the transfer. This results in a fill time of 6 minutes (300 gallons/50 gallons per minute).
- The total amount to be transferred is 1,500 gallons. Applying the earlier input of IBCs with a 300 gallon capacity, the transfer will need five IBCs (1,500 total/300 gallons per IBC).

For the analysis, we divided the transfer into these tasks:

- Connect to pump: For the manifold method, this task consists of connecting the manifold to the pump. For the sequential fill method, the IBC is connected to the pump.
- Connect to manifold: The task applies only the manifold method; the IBCs are connected to the manifold.
- Disconnect from manifold: When the transfer is completed using the manifold method, the IBCs are disconnected from the manifold.
- Disconnect from pump: The equipment that was directly connected to the pump is disconnected. For the manifold method this is the manifold and for the sequential fill method it is the IBC.

We applied the inputs described above to these tasks to estimate total times under both the manifold and sequential fill methods. Table 5 displays the results of these calculations.

[3] See Hoover Solutions—(*http://www.partresource.com/index.php/by-types/valves.html*).

[4] Dultmeier Sales, *http://www.dultmeier.com/catalog/0.689.2495.3926.*

[5] *http://www.bls.gov/oes/oes_dl.htm,* May 2011 data, occupation 53–7027, pump operators, except well-head, h-hour column in national cross-industry data file, the average wage is $22.31 per hour. We calculated a load factor of 1.52 from the June 2011 employee compensation data for production, transportation, and material moving occupations—total compensation $24.20/wages and salaries $15.96 (*ftp://ftp.bls.gov/pub/special.requests/ocwc/ect/ececqrtn.pdf,* p. 27).

[6] Hoover Container Solutions, *http://www.hooversolutions.com/caged-poly-ibc.html.*

[7] Magnum Mud Equipment Company, Mangum Dual Purpose 155 Barrel IBC tank, *http://www.magnummud.com/eqt_certified_transport_tanks_dual_15bbl.htm.*

[8] Air diaphragm pump from Magnum Mud Equipment Co., *http://www.magnummud.com/eqt_pumps_M2.htm.*

[9] Centrifugal pump from Magnum Mud Equipment Co., *http://www.magnummud.com/eqt_pumps_6x8.htm.*

TABLE 5—TASK ANALYSIS OF 1,500 GALLON TRANSFER, VALUES IN MINUTES

Task	Manifold-IBC method			Sequential fill method		
	Time	Number	Total	Time	Number	Total
Connect to Pump	15	1	15	10	5	50
Connect to Manifold	5	5	25	N/A		0
Disconnect from Manifold	5	5	25	N/A		0
Disconnect from Pump	15	1	15	10	5	50
Total Equipment			80			100
Transfer time			6			30
Total Time			86			130

For this scenario, the additional time for the sequential fill method is 44 minutes (130–86). Using the loaded wage rate of $34 per hours, this yields an additional cost per transfer of $25 ((44/60)* $34).

(d) Cost to industry.

Based on Coast Guard estimates in the NPRM, there are approximately 50 IBCs currently in use on OSVs.[10] Based on publicly available information from vendors and relevant trade associations, we do not have information on how many IBCs used by the OSV industry currently use manifolds for transfers or how many of the IBCs are currently equipped with shutoff valves. Further, we do not have information on how many operators will chose to comply by installing a shutoff valve or employ the sequential fill method. We did not receive any information in the public comments for the NPRM on these issues.

For the purposes of this regulatory analysis, Table 6 presents a sensitivity analysis of total cost to industry at quartile assumptions of current usage of shutoff valves. Key inputs are total IBC population of 50 from the NPRM and the unit cost of $1,021 as derived above.

TABLE 6—SENSITIVITY ANALYSIS OF SHUTOFF VALVE COSTS

Number and percent of IBCs currently with shutoff valves	IBCs needing shutoff valves	Cost
50 (100 percent)	0	$0
37 (74 percent)	13	13,275
25 (50 percent)	25	25,525
12 (24 percent)	38	38,798
0 (0 percent)	50	51,050

As Table 6 shows, the maximum cost to industry would be $51,050 if all IBCs chose to install shut-off valves. The sequential fill method involves an additional labor cost of $25 per transfer. It would require 41 transfers ($1,021 divided by $25) over the 10-year period of analysis before the cost of the additional labor exceeds the cost of the shutoff valve.

(e) Benefits.

As stated in the Discussion of Comments and Changes section above, when using manifolds, the emergency shutoff during the transfer to and from a portable tank or IBC should be automatic. The use of automatic shutoff valves with manifolds can substantially reduce the quantities of hazardous materials discharged in the event of an emergency by quickly stopping the flow of materials from each tank.

3. Summary of Costs and Net Savings, and Benefits

Table 7 presents the 10-year costs and net savings information schedule. As noted above, we have no additional information to alter the savings estimates presented in the NPRM regarding the expansions of the lists of allowable portable tanks and pre-approved hazardous materials. These data are presented in Table 7 in the columns labeled ''Permit Savings'', ''HLC Savings'', and ''Total Savings''. The ''Shutoff Valve Cost'' column adds the $51,050 cost for the shutoff valve in Year 1 and the ''Net Savings'' column is ''Total Savings'' less the ''Manifold Compliance Costs.''

As shown in the ''Total'' row this rulemaking will produce a net savings of $27,730 on an undiscounted basis over 10 years.

TABLE 7—10-YEAR SCHEDULE OF NET SAVINGS, UNDISCOUNTED

Year	Permit savings	HLC savings	Total savings	Manifold compliance cost	Net savings
1	$5,050	$7,070	$12,120	$51,050	−$38,930
2	5,050	0	5,050	0	5,050
3	5,050	0	5,050	0	5,050
4	5,050	7,070	12,120	0	12,120
5	5,050	0	5,050	0	5,050
6	5,050	0	5,050	0	5,050
7	5,050	7,070	12,120	0	12,120
8	5,050	0	5,050	0	5,050

[10] This is a rounding of the 45 IBCs in the ''Cost Savings'' section of the NPRM, 77 FR 14332,

TABLE 7—10-YEAR SCHEDULE OF NET SAVINGS, UNDISCOUNTED—Continued

Year	Permit savings	HLC savings	Total savings	Manifold compliance cost	Net savings
9	5,050	0	5,050	0	5,050
10	5,050	7,070	12,120	0	12,120
Total	50,500	28,280	78,780	51,050	27,730

Table 8 presents the undiscounted data from Table 6 and adds discounted values using interest rates of 7 percent and 3 percent.

TABLE 8—10-YEAR SCHEDULE OF NET SAVINGS, UNDISCOUNTED AND DISCOUNTED

Year	Net savings	7 Percent	3 Percent
1	−$38,930	−$36,383	−$37,796
2	5,050	4,411	4,760
3	5,050	4,122	4,621
4	12,120	9,246	10,768
5	5,050	3,601	4,356
6	5,050	3,365	4,229
7	12,120	7,548	9,855
8	5,050	2,939	3,987
9	5,050	2,747	3,870
10	12,120	6,161	9,018
Total	27,730	7,757	17,668
Annualized		1,104	2,071

Our estimates indicate that under a maximum cost scenario, the final rule will produce an annualized net savings of $1,104 at a 7 percent discount rate. To the extent that companies have voluntarily installed shutoff valves on IBCs or decide against purchasing them because they find that switching to the sequential transfer method is more cost-efficient, the costs will be less and the net savings greater than the estimates presented in tables 7 and 8.

4. Summary of Benefits

The final rule will provide greater flexibility to industry by increasing the number of allowable types of portable tanks available for use, increasing the list of pre-approved hazardous materials they can transport, and reducing the need for special permits. The Government will also benefit from processing fewer special permits or Competent Authority Approvals. We also expect an increase in regulatory efficiency, as our regulations will be better aligned with international standards.

Additionally, the final rule mandates the use of shutoff valves with manifolds. In the event of an emergency, the shutoff valve would help to reduce the amount of hazardous materials spilling into the marine environment, while still limiting the potential for injuries associated with multiple attachment operations at sea that manifolds provide.

B. Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. 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.

As described in section VII, ''Regulatory Analyses'', the final rule will permit the use of manifolds only if shutoff valves are also installed.

For the revenue impact analysis we assume that the cost for shutoff valves will be incurred by the users of IBCs. We reviewed ownership data of entities that lease IBCs used in the cost analyses and determined that all of the owners of the IBCs are businesses, none of which are owned by not-for-profit organizations or governments.

Based on a search, we picked a representative sample of 77 businesses whose inventory of portable tanks may at some time include the IBCs used by the OSV industry. To determine the size standards we used the size standards (or threshold) from the Small Business Administration (SBA). We used *www.Manta.com* to estimate revenue and number of employees.[11] Table 9 provides the breakdown of businesses by size.

TABLE 9—NUMBER OF ENTITIES IMPACTED BY THE PROPOSED RULE

Entities	Number	Percentage
Businesses that Exceed SBA Standards	4	5
Foreign owned entities	26	34
Small Businesses with revenue data	26	34
Unknown, assumed Small Business [1]	21	27
Total	77	100

[1] Revenue information on these 26 were not available, which are then considered to be small.

Of the 77 businesses in the sample, we identified 26 as foreign-owned entities. We found revenue data for 30 businesses, of which 4 exceed the SBA limit and 26 qualify as small businesses. We did not find revenue data for 21 businesses and assume these are small, for a total of 47 (61 percent) small businesses in the sample. The reference population for the analysis consists of

[11] As indicated by either their revenue or personnel data for businesses. We used *www.Manta.com* to determine size standards.

the 26 small business for whom we found revenue data. With those inputs, we distributed the 50 IBCs evenly across the 26 small entities.[12] Assuming that all businesses elect to install shutoff valves rather than use the sequential-fill method with IBCs, the average cost per entity is $2,042 ($1,021 per shutoff valve × 2 shutoff valves per entity).

TABLE 10—SMALL ENTITY REVENUE IMPACT ANALYSIS

Impact range	Number of entities	Percent of total
0–1 percent	25	96
1–3 percent	1	4
3 percent or more	0	0

Entities are categorized by the North American Industry Classification System (NAICS) codes.[13] By using SBA criteria for small businesses, the associated NAICS codes, and the 2007 United States Economic Census data,[14] we are able to provide an overview of companies that lease out IBCs and manifolds. Table 11 provides the top 5 NAICS Codes of the identified small businesses.

TABLE 11—TOP FIVE NAICS CODES OF IDENTIFIED SMALL BUSINESSES

NAICS	Industry	Percentage of small entities	SBA size threshold (less than threshold small)	SBA size standard type	Number of entities
322220	Paper Bag and Coated and Treated Paper Manufacturing	29	500	Employees	8
314999	All Other Miscellaneous Textile Product Mills	7	500	Employees	2
423830	Industrial Machinery and Equipment Merchant Wholesalers.	7	100	Employees	2
424130	Industrial and Personal Service Paper Merchant Wholesalers.	7	100	Employees	2
424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers.	7	100	Employees	2
	All Other NAICS	43			12
Total		100			28

Note: Some of the NAICS used dates back to 2007. NAICS 322223, 322224, and 322221 were combined to 322220.

The analysis of the industries, as summarized in Table 11 shows that the companies leasing IBCs are spread across five industries.

The Coast Guard expects that this final rule will not have a significant economic impact on small entities. As described in the regulatory analysis, this final rule will reduce regulatory burdens by eliminating the need for special permits or Competent Authority Approvals for the specified portable tanks and hazardous materials and thus generate an savings to the industry. Our revenue impact analysis shows that 96 percent of the small entities will be impacted by less than 1 percent.

Therefore, 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.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking. 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.

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).

D. Collection of Information

This rule calls for a modification to an existing collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). It will modify existing Office of Management and Budget (OMB) Collection of Information: OMB Control Number 2137–0051, ''Rulemaking, Special Permits, and Preemption Requirements.''

As defined in 5 CFR 1320.3(c), ''collection of information'' comprises reporting, recordkeeping, monitoring, posting, labeling, and other similar actions. The title and description of the information collection, a description of those who must collect the information, and an estimate of the change in annual burden follow. The estimate covers the time for preparing or renewing special permit or Competency Authority Approval requests for carrying hazardous materials.

Title: Rulemaking, Special Permits, and Preemption Requirements.

OMB Control Number: 2137–0051.

This collection of information applies to rulemaking procedures regarding PHMSA's HMR regulations. Specific areas covered in this information collection include 49 CFR part 105, subparts A and B, ''Hazardous Materials Program Definitions and General Procedures;'' 49 CFR part 106, subpart B, ''Participating in the Rulemaking Process;'' 49 CFR part 107, subpart C, ''Preemption;'' and 49 CFR part 107, subpart H, ''Approvals, Registrations and Submissions.'' This rule will expand the types of allowed portable tanks and expand the list of allowed

[12] Companies offering IBCs include: *http://www.magnummud.com/equipment.htm, http://www.ccrcontainers.com/?q=en/product/chemicals, http://www.hooversolutions.com/stainless-steel-ibc-rentals.html, http://www.greif.com/products-services/rigid/intermediate-bulk-containers.html, http://girardequip.com/products/intermediate-bulk-containers, http://ibcresource.com/tankrentals.asp.*

[13] Small business information can be accessed online at *http://www.sba.gov/size/indextableofsize.html.*

[14] U.S. Census Bureau information can be accessed online at *http://factfinder.census.gov/servlet/DatasetMainPageServlet?_program=ECN&_tabId=ECN1&_submenuId=datasets_4&_lang=en&_ts=246366688395.*

hazardous materials permitted in those tanks. Under current regulations, the use of these tanks or the transfer of the hazardous materials specified would require a special permit or Competent Authority Approval from PHMSA's AAHMS. Under this rule, these special permits or Competent Authority Approvals will no longer be needed. Eliminating these special permits or Competency Authority Approvals will reduce the burden associated with the OMB Control Number 2137–0051 by reducing the number of respondents, responses, and burden hours associated with special permit or Competency Authority Approval requests. We contacted DOT regarding this collection of information, and it validated our methodology and concurred that this rule will impact the referenced ICR. However, DOT will defer any adjustments to the ICR until the final rule is published.

Summary of Collection of Information: The rule will impact the burden associated with 49 CFR part 107, Subpart H, ''Approvals, Registrations and Submissions.'' The rule will eliminate the need for special permit or Competent Authority Approval applications and therefore reduce the burden associated with that part of the collection. As previously stated, we contacted DOT regarding this collection of information.

Need for Information: Special permit or Competent Authority Approval procedures provide the information required for analytical purposes to determine if the requested relief provides for a comparable level of safety as provided by PHMSA's HMR regulations.

Use of Information: The information collected under this ICR is used in the review process by PHMSA in determining the merits of the petitions for rulemakings and for reconsideration of rulemakings, as well as applications for special permits or Competent Authority Approvals, preemption determinations and waivers of preemption determinations. This rule will affect special permit or Competent Authority Approval requests, which PHMSA's AAHMS would need to determine the merits and use of the unallowed tanks.

Description of Respondents: The respondents impacted by this rule are owners and operators of OSVs requesting the use of unauthorized portable tanks as well as owners and operators of OSVs requesting approval to transport unauthorized hazardous material.

Number of Respondents: The number of respondents affected by this ICR is 8,770. The number of respondents impacted by this rule will be 402 owners and operators of OSVs.

Frequency of Response: Without the rule, we estimate each respondent would have to provide a response every 2–5 years or one response per ICR renewal cycle.

Burden of Response: The savings in burden hours per request is estimated at 5.5 hours (5-hour special permit or Competent Authority Approval requests + 0.5-hour recordkeeping).

Estimated Total Annual Burden: Currently, the ICR annual hour burden is 4,219, of which 792 hours are the result of 144 special permit or Competent Authority Approval requests per year. As IM 101 and IM 102 portable tanks phase out, we expect an additional five special permits or Competent Authority Approvals per year over the 3-year ICR renewal period. This would add 27.5 future burden hours per year to the current 4,219 approved hourly estimate. As this rule will eliminate the need for these special permit or Competent Authority Approval requests, it will eliminate the future burden by 27.5 hours per year. We estimate that expanding the list of hazardous materials approved for transfer to and from the specified portable tanks and IBCs will eliminate the filing of seven special permits or Competent Authority Approvals per 3-year ICR renewal cycle. At 5.5 hours per special permit or Competent Authority Approval, this will be an additional reduction of 38.5 hours of regulatory burden per 3-year period.

Reason for Proposed Change: The rule will eliminate the need for special permit or Competent Authority Approval requests for unauthorized portable tanks and IBCs as well as the unauthorized transport of hazardous materials. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we will submit a copy of this final rule to the OMB for its review of the collection of information. You are not required to respond to a collection of information unless it displays a currently valid control number from OMB. Before the collection requirements in this final rule can be enforced, OMB must approve the action of the collection of information.

E. 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 responsibility among levels of government.

We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

F. 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.

G. 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.

H. 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.

I. 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.

J. 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.

K. Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of

energy. The Administrator of OMB's Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

L. Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule uses the following voluntary consensus standards: International Maritime Dangerous Goods Code (IMDG) 2010 Edition, Amendment 35–10, Section: 4.2.0.1. The sections that reference these standards and the locations where these standards are available are listed in 46 CFR 98.30–2.

M. 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 concluded 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 section 2.B.2, figure 2–1, paragraph (34)(d) and (e) of the Instruction and 6(a) of the **Federal Register**, 67 FR 48243, July 23, 2002. This rule involves regulations concerning inspection and equipping of vessels, regulations concerning equipment approval and carriage requirements and regulations concerning vessel operation safety standards. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 46 CFR Part 98

Cargo vessels, Hazardous materials transportation, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Water pollution control.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 98 as follows:

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

■ 1. The authority citation for part 98 continues to read as follows:

Authority: 33 U.S.C. 1903; 46 U.S.C. 3306, 3307, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; Department of Homeland Security Delegation No. 0170.1.

Subpart 98.30—Portable Tanks and Intermediate Bulk Containers

■ 2. Revise the heading for subpart 98.30 to read as shown above.

■ 3. Amend § 98.30–1 as follows:

■ a. In paragraph (a), after the words ''portable tanks'', add the words ''and Intermediate Bulk Containers (IBCs)'';

■ b. In paragraph (b) introductory text, after the words ''portable tanks'', add the words ''and IBCs'';

■ c. In paragraph (b)(1), remove the symbol '';'' and add, in its place, the symbol ''.'';

■ d. Revise paragraphs (b)(2) and (b)(3); and

■ e. Add paragraph (b)(4).

The revisions and addition read as follows:

§ 98.30–1 Applicability.

* * * * *

(b) * * *

(2) An IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank.

(3) A portable tank authorized for hazardous materials by the Associate Administrator for Hazardous Materials Safety (AAHMS) of the Pipeline and Hazardous Materials Safety Administration (PHMSA), under a special permit or Competent Authority Approval issued in accordance with 49 CFR part 107, subpart H.

(4) An IBC, but restricted to those metal IBCs as described in § 98.30–6 of this subpart.

§ 98.30–17 [Redesignated]

■ 4. Redesignate § 98.30–17 as § 98.30–18. §§ 98.30–13 through 98.30–15 [Redesignated as §§ 98.30–15 through 98.30–17]

■ 5. Redesignate §§ 98.30–13 through 98.30–15 as §§ 98.30–15 through 98.30–17, respectively. §§ 98.30–6 through 98.30–11 [Redesignated as §§ 98.30–9 through 98.30–14]

■ 6. Redesignate §§ 98.30–6 through 98.30–11 as §§ 98.30–9 through 98.30–14, respectively.

§ 98.30–5 [Redesignated]

■ 7. Redesignate § 98.30–5 as § 98.30–7. §§ 98.30–2 through 98.30–4 [Redesignated as §§ 98.30–3 through 98.30–5]

■ 8. Redesignate §§ 98.30–2 through 98.30–4 as §§ 98.30–3 through 98.30–5, respectively.

■ 9. Add new § 98.30–2 to read as follows:

§ 98.30–2 Incorporation by Reference.

(a) Certain material is incorporated by reference into this subpart with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the **Federal Register** and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Office of Design and Engineering Standards (CG–ENG), 2100 2nd St. SW., Stop 7126, Washington, DC 20593–7126, and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

(b) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, (Phone (44 020 7735 7611); Web site: *http://www.imo.org*.)

(1) International Maritime Dangerous Goods (IMDG) Code, 2012 Edition, Section: 4.2.0.1, IBR approved for § 98.30–3.

(2) International Maritime Dangerous Goods (IMDG) Code, 2012 Edition, Section: 6.7.2 through 6.7.2.20.3, IBR approved for § 98.30–5.

■ 10. Revise newly redesignated § 98.30–3 to read as follows:

§ 98.30–3 Definitions.

IBC means an intermediate bulk container as defined in 49 CFR 171.8.

IM 101 portable tank and IM 102 portable tank means a portable tank constructed and approved by PMSA and manufactured on or before January 1, 2003, that meets the requirements for continued use under 49 CFR 173.32.

IMO Type 1 portable tank means a portable tank constructed in accordance with International Maritime Dangerous Goods (IMDG) Code (2012 Edition), that

meets the definition of an IMO Type 1 portable tank under Section 4.2.0.1 of the IMDG Code (incorporated by reference, see § 98.30–2), and that meets the provisions for continued use under the IMDG Code.

IMO Type 2 portable tank means a portable tank constructed in accordance with the IMDG Code, that meets the definition of an IMO Type 2 portable tank under Section 4.2.0.1 of the IMDG Code (incorporated by reference, see § 98.30–2), and that meets the provisions for continued use under the IMDG Code.

MPT means a marine portable tank that was inspected and stamped by the Coast Guard on or before September 30, 1992, and that meets the applicable requirements in this part and part 64 of this chapter.

UN portable tank means a portable tank constructed in accordance with 49 CFR 178.274 and 178.275, and approved in accordance with 49 CFR 173.32 and 178.273.

■ 11. Amend newly redesignated § 98.30–5 as follows:

■ a. Revise paragraphs (a)(1), (a)(2) introductory text, and (a)(2)(i);

■ b. In paragraph (a)(2)(ii), remove the word ''exemption'' and add, in its place, the words ''special permit'';

■ c. Revise paragraph (b);

■ d. Redesignate paragraph (c) as paragraph (d) and revise newly redesignated paragraph (d); and

■ e. Add new paragraph (c).

The revisions and additions read as follows:

§ 98.30–5 Vessels carrying portable tanks other than MPTs.

(a) * * *

(1) An IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank authorized for its contents in accordance with 49 CFR 172.101, Hazardous Materials Table, Columns 7 and 8C.

(2) A portable tank authorized by PHMSA's AAHMS under a special permit or Competent Authority Approval issued in accordance with 49 CFR part 107, subpart H.

(i) According to the terms of the special permit or Competent Authority Approval, equivalent to an IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank.

* * * * *

(b) Each IM 101, IM 102, or UN portable tank must be tested and inspected in accordance with 49 CFR part 180, subpart G and follow specifications in accordance with 49 CFR 178.275(c).

(c) Each IMO Type 1 or IMO Type 2 portable tank must be tested and inspected in accordance with Sections 6.7.2 through 6.7.2.20.3 of the IMDG Code (incorporated by reference, see § 98.30–2).

(d) Each portable tank authorized under a special permit or Competent Authority Approval from PHMSA's AAHMS must be inspected, tested, maintained, and used in accordance with the terms of that special permit or Competent Authority Approval.

■ 12. Add new § 98.30–6 to read as follows:

§ 98.30–6 Vessels carrying IBCs.

Intermediate Bulk Containers (IBCs) with a classification of 31A may be used on a vessel to which this part applies and must meet at a minimum the following constructional requirements:

(a) The shell thickness must be a minimum 6.36 mm (0.25 inches) in reference steel.

(b) There must be a self-closing relief valve set to open at no less than 5 psig.

(c) Closures used on fill openings, in excess of 20 square inches, must be equipped with a device to prevent them from fully opening without first relieving internal pressure.

(d) All venting requirements must be followed in accordance with 49 CFR 178.345–10, Table 1.

■ 13. Amend newly redesignated § 98.30–7 as follows:

■ a. In paragraph (a)(1), remove the words ''or ''ORM–E'''' and add, in their place, the words '''''hazardous substance'', or ''hazardous waste'''';

■ b. Revise paragraph (a)(2)(iii);

■ c. In paragraph (a)(3), after the words ''material listed in'', remove the text ''Table 98.30–5(a)'' and add, in its place, the words ''Table 98.30–7(a)—Certain Hazardous Materials Authorized For Transfer To and From Portable Tanks'';

■ d. Redesignate Table 98.30–5(a) as Table 98.30–7(a) and transfer the newly redesignated table to the end of the section;

■ e. Revise paragraphs (b), (e), and (f); and

■ f. In paragraph (g), remove the words ''on board'' and add, in their place, the word ''onboard''.

The revisions and additions read as follows:

§ 98.30–7 Materials authorized for transfer to and from a portable tank.

(a) * * *

(2) * * *

(iii) Is authorized for transport in an IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank under subpart F of 49 CFR part 173;

* * * * *

(b) Grade D and Grade E combustible liquids with a flashpoint of 100 °F (38 °C) or higher by closed cup test that are not listed by name in the Hazardous Materials Table of 49 CFR 172.101 may be transferred to and from an MPT, IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank conforming to the T Code ''T1'' specified in 49 CFR 172.102(c)(7)(i).

* * * * *

(e) Environmentally hazardous substances (see paragraph (a)(4) of this section) may be transferred only to and from an MPT, IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank.

(f) A portable tank authorized for transfer of hazardous material in this section may be substituted by another portable tank in accordance with 49 CFR 173.32(b).

* * * * *

TABLE 98.30–7(a)—CERTAIN HAZARDOUS MATERIALS AUTHORIZED FOR TRANSFER TO AND FROM PORTABLE TANKS

Acetone.
Alcohols; flash point of 80 °F (27 °C) or less by open-cup test.
Benzene.
Gasoline.
Liquid Nitrogen.
Mixtures of Hydrochloric acid and hydrofluoric acid containing not more than 36 percent hydrochloric acid or 2 percent hydrofluoric acid.[1]
Methyl Ethyl Ketone.
Mixtures of hydrochloric acid and hydrofluoric acid containing not more than 24 percent hydrochloric acid or 6 percent hydrofluoric acid.[1]
Toluene (Toluol).
Corrosive liquid, toxic, N.O.S. (Mixtures of hydrochloric acid, hydrofluoric acid, and fluoboric acid), UN 2922, packing group II, containing not more than 11 percent hydrofluoric acid.[1]

Note: [1] Each MPT must be lined with rubber or with material equally acid-resistant and equally strong and durable.

■ 14. Add new § 98.30–8 to read as follows:

§ 98.30–8 Materials authorized for transfer to and from an IBC.

Any hazardous material listed in Table 98.30–7(a) of § 98.30–7 may be transferred to and from an IBC under this subpart, with the exception of Liquid Nitrogen.

■ 15. Revise newly redesignated § 98.30–9 to read as follows:

§ 98.30–9 Lifting a portable tank or IBC.

(a) No person may lift a portable tank and/or IBC with another portable tank and/or IBC.

(b) All lifting requirements for IBCs must be followed in accordance with 49 CFR 178.704(c) and (f).

§ 98.30–10 [Amended]

■ 16. In newly redesignated § 98.30–10, after the words ''portable tank'', add the words ''or IBC''.

■ 17. In newly redesignated § 98.30–11, remove the words ''on board'' and add, in their place, the word ''onboard''.

■ 18. Amend newly redesignated § 98.30–12 as follows:

■ a. Revise the section heading;

■ b. In paragraph (a), after the words ''portable tank'', add the words ''and/or IBC'';

■ c. In paragraph (b) introductory text, after the words ''portable tank'', add the words ''and/or IBC''; and

■ d. Add new paragraph (c).

The revision and addition read as follows:

§ 98.30–12 Stowage of portable tanks and IBCs.

* * * * *

(c) All IBCs must be secured as specified in 49 CFR 176.74.

■ 19. Amend newly redesignated § 98.30–13 as follows:

■ a. Redesignate the introductory text, paragraph (a), and paragraph (b) as paragraphs (a) introductory text, (a)(1), and (a)(2), respectively;

■ b. In redesignated paragraph (a) introductory text, after the words ''portable tank'', add the words ''or IBC'' and remove the words ''on board'' and add, in their place, the word ''onboard'';

■ c. Revise redesignated paragraph (a)(1); and

■ d. Add new paragraphs (a)(3) and (b).

The revision and additions read as follows:

§ 98.30–13 Pipe connections, and filling and discharge openings.

(a) * * *

(1) For an IM 101, IM 102, IMO Type 1, IMO Type 2, or UN portable tank, the closures specified in 49 CFR 178.275.

* * * * *

(3) For an IBC, the closures specified in 49 CFR 178.705.

(b) A manifold cannot be used when transferring a hazardous material to or from a portable tank or IBC onboard a vessel, unless the portable tank or IBC is equipped with a remote or automatic shutoff valve or other automatic means of closure that will activate during an emergency.

§ 98.30–15 [Amended]

■ 20. In newly redesignated § 98.30–15(a), after the words ''portable tank'', add the words ''or IBC''.

■ 21. Amend newly redesignated § 98.30–16 as follows:

■ a. Revise the section heading;

■ b. Remove the text ''(CG–OES)'' wherever it appears and add, in its place, the text ''(CG–ENG)'';

■ c. In paragraph (a) introductory text, remove the word ''shall'' and add, in its place, the word ''must''; and

■ d. Add new paragraph (c).

The revision and addition read as follows:

§ 98.30–16 Requirements for ships carrying NLSs in portable tanks and IBCs.

* * * * *

(c) Any ship that carries NLSs in an IBC, as described in § 98.30–6, must meet all requirements in accordance with 46 CFR 125.120.

■ 22. Amend newly redesignated § 98.30–18 as follows:

■ a. In paragraph (a) remove the word ''shall'' and add, in its place, the word ''must'', and after the words ''portable tank'', add the words ''or IBC'';

■ b. In paragraph (b) introductory text, after the words ''portable tank'', add the words ''or IBC'', and remove the word ''shall'', and add, in its place, the word ''must''; and

■ c. Revise paragraph (b)(1) to read as follows:

§ 98.30–18 Qualifications of person in charge.

* * * * *

(b) * * *

(1) On a tank barge, hold a ''Tankerman-PIC'', restricted ''Tankerman-PIC'', ''Tankerman-PIC (Barge)'', or restricted ''Tankerman-PIC (Barge)'' endorsement on his or her merchant mariner credential or merchant mariner's document authorizing transfer of the classification of cargo involved;

* * * * *

§ 98.30–19 [Amended]

■ 23. In § 98.30–19, in paragraphs (b) and (c), after the words ''portable tank'', add the words ''or IBC''.

§ 98.30–21 [Amended]

■ 24. In § 98.30–21, in the introductory text and paragraphs (b) and (c), after the words ''portable tank'', add the words ''or IBC''.

§ 98.30–23 [Amended]

■ 25. In § 98.30–23, in the introductory text, after the words ''portable tank'', add the words ''or IBC''.

§ 98.30–25 [Amended]

■ 26. In § 98.30–25, after the words ''portable tank'', add the words ''or IBC''.

§ 98.30–27 [Amended]

■ 27. In § 98.30–27, in paragraph (a) introductory text, remove the word ''shall'' and add, in its place, the word ''must''.

§ 98.30–29 [Amended]

■ 28. In § 98.30–29, after the words ''portable tank'', add the words ''or IBC''.

§ 98.30–31 [Amended]

■ 29. In § 98.30–31, in the introductory text, after the words ''portable tank or'', add the words ''IBC or''.

§ 98.30–33 [Amended]

■ 30. In § 98.30–33, in paragraph (a) introductory text and paragraph (b), after the words ''portable tank'', add the words ''or IBC''.

§ 98.30–35 [Amended]

■ 31. In § 98.30–35, after the words ''portable tank'', add the words ''or IBC''.

§ 98.30–37 [Amended]

■ 32. Amend § 98.30–37 as follows:

■ a. In the introductory text, after the words ''portable tank'', add the words ''or IBC'';

■ b. In paragraph (b), remove the words ''Coast Guard approved'' and add, in their place, the words ''Coast Guard-approved'';

■ c. In paragraph (d), remove the numeral ''2'' and add, in its place, the word ''two''; and

■ d. In paragraph (e), remove the numeral ''3'' and add, in its place, the word ''three''.

Subpart 98.33— Portable Tanks and IBCs for Certain Grade E Combustible Liquids and Other Regulated Materials

■ 33. Revise the heading for subpart 98.33 to read as shown above.

■ 34. Amend § 98.33–1 as follows:

■ a. Revise paragraph (b)(1);

■ b. Remove the Note to paragraph (b)(1);

■ c. In paragraph (b)(2), remove the text ''; and'' and add, in its place, the symbol ''.''; and

■ d. Add new paragraph (b)(4)

The revision and addition read as follows:

§ 98.33–1 Applicability.

* * * * *

(b) * * *

(1) A DOT-specification 57 portable tank constructed on or before October 1, 1996, or a UN portable tank (see 49 CFR 173.32 and § 98.30–3).

* * * * *

(4) An Intermediate Bulk Container (IBC), but restricted to those metal IBCs as described in § 98.30–6.

§ 98.33–3 [Amended]

■ 35. Amend § 98.33–3 as follows:
■ a. In the introductory text, after the words ''portable tanks'', add the words ''or IBCs''; and
■ b. In paragraph (c), after the word ''Commandant'', add the text ''(CG–ENG)''.

■ 36. Amend § 98.33–5 as follows:
■ a. Revise the section heading;
■ b. Redesignate the introductory text, paragraph (a), and paragraph (b) as paragraphs (a) introductory text, (a)(1), and (a)(2), respectively; and
■ c. Add new paragraph (b).

The revision and addition read as follows:

§ 98.33–5 Portable tanks and IBCs authorized.

* * * * *

(b) The cargoes authorized under § 98.33–3 may be transferred to and from IBCs to which this subpart applies if the IBCs meet the requirements in § 98.30–6.

§ 98.33–7 [Amended]

■ 37. In § 98.33–7, after the words ''portable tank'', add the words ''or IBC''.

§ 98.33–9 [Amended]

■ 38. In § 98.33–9, after the words ''portable tank'', add the words ''or IBC''.

§ 98.33–11 [Amended]

■ 39. In § 98.33–11, in paragraphs (a) and (b), after the word ''tank'', add the words ''or IBC''.

§ 98.33–13 [Amended]

■ 40. In § 98.33–13, after the words ''portable tank'', add the words ''or IBC''.

§ 98.33–15 [Amended]

■ 41. Amend § 98.33–15 as follows:
■ a. In the introductory text, after the words ''portable tank'', add the words ''or IBC'';
■ b. In paragraph (a), remove the text ''§ 98.30–11'' and add, in its place, the text ''§ 98.30–14'';
■ c. In paragraph (b), remove the text ''§ 98.30–13'' and add, in its place, the text ''§ 98.30–15'';
■ d. In paragraph (c), remove the text ''§ 98.30–15'' and add, in its place, the text ''§ 98.30–17'';
■ e. In paragraph (d), remove the text ''§ 98.30–17'' and add, in its place, the text ''§ 98.30–18''; and
■ f. In paragraph (j), remove the text ''§ 98.30–14'' and add, in its place, the text ''§ 98.30–16''.

Dated: August 27, 2013.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2013–21627 Filed 9–5–13; 8:45 am]

BILLING CODE 9110–04–P

Proposed Rules

Federal Register
Vol. 78, No. 173
Friday, September 6, 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 51

[NRC–2012–0246]

RIN 3150–AJ20

Proposed Waste Confidence Rule and Draft Generic Environmental Impact Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Public meetings.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) plans to hold public meetings to receive public comments on its forthcoming proposed amendments to the NRC's regulations pertaining to the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal (proposed Waste Confidence rule). In addition, the NRC will receive public comment on its forthcoming draft generic environmental impact statement (DGEIS), NUREG–2157, ''Waste Confidence Generic Environmental Impact Statement,'' that forms the regulatory basis for the proposed amendments. The meetings are open to the public, and anyone may attend. The NRC is issuing this notice in advance of the release of the proposed Waste Confidence rule and DGEIS in order to maximize public participation at these meetings and ensure that as many parties as possible are able to attend.

DATES: The NRC plans to hold public meetings in October and November 2013 during a planned, 75-day public comment period for the proposed Waste Confidence rule and DGEIS. This document contains specific meeting information in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Please refer to Docket ID NRC–2012–0246 when contacting the NRC about the availability of information for the proposed Waste Confidence rule and DGEIS. You may access publicly available information related to these documents by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0246.
- *NRC's Waste Confidence Web site:* Go to *http://www.nrc.gov/waste/spent-fuel-storage/wcd.html.*
- *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 PDR reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The DGEIS is not yet finalized, but will be available in ADAMS under Accession No. ML13224A106 before the public meetings. An additional **Federal Register** notice will be published to announce when the DGEIS is available.
- *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: Sarah Lopas, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–0675; email: *Sarah.Lopas@nrc.gov.*

SUPPLEMENTARY INFORMATION: As part of the public comment process, the NRC plans to hold 12 transcribed public meetings during the public comment period to solicit comments on the proposed Waste Confidence rule and DGEIS. The NRC plans to publish the proposed Waste Confidence rule and DGEIS in September 2013, and it will issue a notice of availability for the proposed rule and the DGEIS in the **Federal Register** at that time.

The proposed Waste Confidence rule would amend the NRC's regulations pertaining to the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal. The DGEIS forms the regulatory basis for the proposed amendments in the Waste Confidence rule. The DGEIS examines the potential environmental impacts that could occur as a result of the continued storage of spent nuclear fuel at at-reactor and away-from-reactor sites until a repository is available. The DGEIS provides generic environmental impact determinations that would be applicable to a wide range of existing and potential future spent fuel storage sites. While some site-specific information is used in developing the generic impact determinations, the Waste Confidence DGEIS does not replace the environmental analysis, performed pursuant to the National Environmental Policy Act, associated with any individual site licensing action.

The NRC staff plans to hold the following public meetings during the planned, 75-day public comment period to present an overview of the DGEIS and proposed Waste Confidence rule and to accept public comments on the documents.

- *October 1, 2013:* NRC Headquarters, One White Flint North, First Floor Commission Hearing Room, 11555 Rockville Pike, Maryland 20852.
- *October 3, 2013:* Crowne Plaza Denver International Airport Convention Center, 15500 East 40th Ave., Denver, Colorado 80239.
- *October 7, 2013:* Courtyard by Marriott, 1605 Calle Joaquin Road, San Luis Obispo, California 93405.
- *October 9, 2013:* Sheraton Carlsbad Resort & Spa, 5480 Grand Pacific Drive, Carlsbad, California 92008.
- *October 15, 2013:* Hilton Garden Inn Toledo Perrysburg, 6165 Levis Commons Blvd., Perrysburg, Ohio, 43551.
- *October 17, 2013:* Minneapolis Marriott Southwest, 5801 Opus Parkway, Minnetonka, Minnesota 55343.
- *October 28, 2013:* Radisson Hotel & Suites Chelmsford-Lowell, 10 Independence Drive, Chelmsford, Massachusetts 01824.
- *October 30, 2013:* Westchester Marriott, 670 White Plains Road, Tarrytown, New York 10591.
- *November 4, 2013:* Hilton Charlotte University Place, 8629 J.M. Keynes Drive, Charlotte, North Carolina 28262.
- *November 6, 2013:* Hyatt Regency Orlando—International Airport, 9300 Jeff Fuqua Boulevard, Orlando, Florida 32827.
- *November 14, 2013:* NRC Headquarters, One White Flint North, First Floor Commission Hearing Room, 11555 Rockville Pike, Maryland 20852.
- In addition to the meetings listed above, the NRC staff intends to hold a

meeting during the comment period in Illinois. Although the exact date and venue have yet to be arranged, the NRC staff will provide this information well in advance of the meeting.

The ten regional public meetings will start at 7:00 p.m. local time and will continue until 10:00 p.m. local time. The two NRC headquarters meetings will start at 2:00 p.m. Eastern Time and will continue until 5:00 p.m. Eastern Time. Additionally, NRC staff will host informal discussions during an open house 1 hour prior to the start of each meeting. Open houses will start at 6:00 p.m. local time for regional meetings and 1:00 p.m. Eastern Time for the NRC Headquarters meetings.

To maximize the time for comment, the NRC staff will only be available to answer specific questions on the Waste Confidence rule or DGEIS during the open house. The public meetings will be transcribed and will include: (1) A presentation of the contents of the DGEIS and proposed Waste Confidence rule; and (2) the opportunity for government agencies, organizations, and individuals to provide comments on the DGEIS and proposed rule. No oral comments on the DGEIS or proposed Waste Confidence rule will be accepted during the open house sessions. To be considered, oral comments must be presented during the transcribed portion of the public meeting. The NRC staff will also accept written comments at any time during the public meetings.

Persons interested in presenting oral comments at any of the 12 public meetings are encouraged to pre-register. Persons may pre-register to present oral comments by calling 301–287–9392 or by emailing *WCRegistration@nrc.gov* no later than 3 days prior to the meeting. Members of the public may also register to provide oral comments in-person at each meeting. Individual oral comments may be limited by the time available, depending on the number of persons who register.

If special equipment or accommodations are needed to attend or present information at a public meeting, the need should be brought to the NRC's attention no later than 10 days prior to the meeting to provide the NRC staff adequate notice to determine whether the request can be accommodated. To maximize public participation, the NRC headquarters meetings on October 1, 2013, and November 14, 2013, will be Web-streamed via the NRC's public Web site. See the NRC's Live Meeting Webcast page to participate: *http://video.nrc.gov/*. The NRC headquarters meetings will also feature a moderated teleconference line so remote attendees will have the opportunity to present oral comments. To receive the teleconference number and passcode, call 301–287–9392 or email *WCRegistration@nrc.gov.* Meeting agendas and participation details will be available on the NRC's Waste Confidence Public Involvement Web site at *http://www.nrc.gov/waste/spent-fuel-storage/wcd/pub-involve.html* and on the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm* no later than 10 days prior to the meetings.

Dated at Rockville, Maryland, this 30th day of August 2013.

For the Nuclear Regulatory Commission.

Keith I. McConnell,

Director, Waste Confidence Directorate, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2013–21710 Filed 9–5–13; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 1, 23, 25, 27, 29, 61, 91, 121, 125, and 135

[Docket No. FAA–2013–0485; Notice No. 1209]

RIN 2120–AJ94

Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); extension of comment period.

SUMMARY: This action extends the comment period for an NPRM that was published on June 11, 2013. In that document, the FAA proposed to permit operators to use an EFVS in lieu of natural vision to continue descending from 100 feet height above runway touchdown zone elevation and land on certain straight-in instrument approach procedures under instrument flight rules. This rule would also permit certain operators using EFVS-equipped aircraft to dispatch, release, or takeoff under instrument flight rules (IFR), and to initiate and continue an approach, when the destination airport weather is below authorized visibility minimums for the runway of intended landing. Pilot training, recent flight experience, and proficiency would be required for operators who use EFVS in lieu of natural vision to descend below decision altitude, decision height, or minimum descent altitude. EFVS-equipped aircraft conducting operations to touchdown and rollout would be required to meet additional airworthiness requirements. This rule would also revise pilot compartment view certification requirements for all vision systems. Given the technical complexity of the NPRM, Dassault-Aviation has requested that the FAA extend the comment period to October 15, 2013 to allow time to adequately analyze the NPRM and provide meaningful comments.

DATES: The comment period for the NPRM published on June 11, 2013, was scheduled to close on September 9, 2013, and is extended until October 15, 2013.

ADDRESSES: You may send comments identified by docket number FAA–2013–0485 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ida Klepper, ARM–100, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591,

telephone (202) 267–9688; email *Ida.Klepper@faa.gov.*

SUPPLEMENTARY INFORMATION: See the ''Additional Information'' section for information on how to comment on this proposal and how the FAA will handle comments received. The ''Additional Information'' section also contains related information about the docket. In addition, there is information on obtaining copies of related rulemaking documents.

Background

On June 11, 2013, the FAA issued Notice No. 1209, entitled ''Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems'' (78 FR 34935). Comments to that document were to be received on or before September 9, 2013.

Dassault-Aviation submitted an electronic request for an extension of the comment period from September 9, 2013 to October 15, 2013. The petitioner requested this extension to allow adequate time to evaluate and prepare comments for the NPRM and two draft Advisory Circulars (ACs) which are directly related to the NPRM. On August 13, 2013, the FAA published a Notice of Availability (78 FR 49318) making draft AC 90–106A, *Enhanced Flight Vision Systems,* and draft AC 20–167A, *Airworthiness Approval of Enhanced Vision System, Synthetic Vision System, Combined Vision System, and Enhanced Flight Vision System Equipment,* available for public comment. The comment period for both ACs closes on October 15, 2013. The petitioner asserted that comments to the NPRM should be linked with comments to both draft ACs, and that the comment period for the NPRM should therefore be extended to October 15, 2013 to match the comment period closing date for the draft ACs. The petitioner further asserted that doing so would provide them with adequate additional time to evaluate and provide comments for all three documents. The FAA agrees with the petitioner's position and is granting an extension of the comment period to October 15, 2013.

Extension of Comment Period

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the FAA has reviewed the petition made by Dassault-Aviation for extension of the comment period to the NPRM. This petitioner has shown a substantive interest in the proposed rule and good cause for the extension. The FAA has determined that extension of the comment period is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for the NPRM Notice No. 1209 is extended until October 15, 2013.

Additional Information

A. Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. The agency also invites 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.

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

B. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or
3. Accessing the Government Printing Office's Web page at *http://www.gpo.gov/fdsys/.*

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced in item (1) above.

Issued in Washington, DC, on September 3, 2013.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2013–21698 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

Proposed Additional Airworthiness Design Standards: Advanced Avionics Under the Special Class (JAR–VLA) Regulations; Aquila Aviation by Excellence GmbH, Model AT01–100.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments.

SUMMARY: This document announces the issuance of the design criteria for the inclusion of advance avionics with intergrated electronic displays for the Aquila Aviation by Excellence GmbH AT01–100. These additional provisions are expansions of the existing JAR–VLA (Joint Aviation Requirements-Very Light Aircraft) and CS–VLA regulations as the current regulations do not adequetely address these types of systems. The current regulations only address traditional federated gauges. The European Aviation Safety Agency (EASA) has not expanded the VLA regulations for these types of installation on these types of airplanes through EASA special conditions or new regulations. These Federal Aviation Administration (FAA) design criteria are being proposed to help initiate standards for this type of airplane without being overburdensome and to encourage EASA to follow suit.

DATES: Comments must be received on or before October 7, 2013.

ADDRESSES: Send all comments to the Federal Aviation Administration (FAA), Standards Office, Small Airplane Directorate (ACE–112), Aircraft Certification Service, 901 Locust Street, Room 301, Kansas City, MO 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Doug Rudolph, Aerospace Engineer, Standards Office (ACE–112), Small Airplane Directorate, Aircraft Certification Service, FAA; telephone number (816) 329–4059, fax number (816) 329–4090, email at *doug.rudolph@faa.gov.*

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this information by contacting the person named above under **FOR FURTHER INFORMATION CONTACT.**

Background

The original certification of the aircraft was done under the provisions of 14 CFR 21.29, as a § 21.17(b), special class aircraft, JAR–VLA, using the requirements of JAR–VLA Amendment VLA/92/01 as developed by the Joint Aviation Authority, and under Title 14 of the Code of Federal Regulations and two additional design criteria issued on September 2, 2003 (68 FR 56809).

The regulation applicable to the Amended Type Certificate (TC) approval is § 21.17(b). This section describes the regulatory basis for the approval of JAR–VLA and CS–VLA aircraft as a special class. Policy on this subject includes AC 23–11B and AC 21.17–3.

FAA policy expressed in AC 23–11B and AC 21.17–3 limits JAR–VLA and CS–VLA aircraft approved under § 21.17(b), to Day-VFR operations. Additionally, the FAA also published design criteria to allow expansion of the Aquila AT01–100 airplane to include Night-VFR as shown in NPRM 75 FR 32576. In conjunction with the expansion to Night-VFR operations intergrated avionic displays are to be installed on the Aquila AT01–100 airplane.

EASA allowed the applicant to comply with CS–23 regulations for the intergrated avionic displays installed on the Aquila AT01–100 airplane and made them part of the EASA certification basis, but did not publish these additional requirements as Special Conditions as they did for the Night-VFR expansion. The FAA's system does not allow this type of additional requirements, such as 14 CFR part 23 regulations, to be added to a special class, § 21.17(b) airplane without being publically noticed either through design criteria or expansion of the existing AC 23–11B. This is the reason for this design criteria noticification.

The FAA has concluded that it is acceptable to allow advanced intergrated avionic systems for certification on the Aquila Model AT01–100 under the special class amended TC project AT00651CE–A, provided the applicant complies with the below listed design criteria based on existing part 23 regulations at the described amendment levels. Revisions to AC 23–11B and AC 21.17–3 will be made to address future airplanes that wish to allow these installations.

To satisfy the additional required design criteria for the Special Class (JAR–VLA) Regulations of § 21.17(b), Aquila Aviation by Excellence GmbH has agreed with the FAA to use the 14 CFR part 23 regulations for their Model AT01–100, as shown on the FAA G–1 Issue Paper. The applicable criteria for the installation of advanced avionic displays on the Aquila AT01–100 are as follows:

14 CFR 23.867 at amendment 23–49, ''Electrical bonding and protection against lightning and static electricity''

14 CFR 23.1307 at amendment 23–49, ''Miscellaneous Equipment''

14 CFR 23.1311 at amendment 23–62, ''Electronic Display Instrument Systems''

14 CFR 23.1321 at amendment 23–49, ''Arrangement and visibility''

14 CFR 23.1359 at amendment 23–49, ''Electrical System Fire Protection''.

In addition to the above five regulations that will be used for design criteria, the FAA has also developed a methods of compliance (MOC) issue paper for VLA–1309 for this type of installation.

Comments Invited

We invite interested parties to submit comments on the proposed airworthiness standards to the address specified above. Commenters must identify the Aquila Model AT01–100 and submit comments to the address specified above. The FAA will consider all communications received on or before the closing date before issuing the final acceptance. The proposed airworthiness design standards and comments received may be inspected at the FAA, Small Airplane Directorate, Aircraft Certification Service, Standards Office (ACE–110), 901 Locust Street, Room 301, Kansas City, MO 64106, between the hours of 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

Issued in Kansas City, Missouri on August 5, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–20150 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0770; Directorate Identifier 2011–SW–057–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France (Eurocopter) 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 Model EC225 LP helicopters. This proposed AD would add a new operating limitation that would require increasing the minimum density altitude flight limitation for helicopters without certain Eurocopter modifications installed. This proposed AD is prompted by a report that flights below a certain density altitude create oscillations in the main rotor which can transfer dynamic loads to the structure, the main gearbox (MGB), and the main servo-control inputs, which could result in subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by November 5, 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, Rotorcraft Directorate, 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. 2008–0007R3, dated May 12, 2010, to correct an unsafe condition for Eurocopter Model EC225 LP helicopters that are ''not equipped of all three modifications MOD 0726582, MOD 0726477, and MOD 0726583, or, if not equipped of MOD 0726592, or, if equipped with all three modifications MOD 0726606, MOD 0726610, MOD 0726611 and missing accomplishment of MOD 0726632.'' EASA advises that the main rotor control linkage has a coupling between the MGB motion and the main servo-control inputs. According to EASA, in certain flight conditions with increased air density, this design generates ''spurious'' 14 Hertz control inputs in the main rotor, which, in return, transfer dynamic loads to the structure. These return dynamic loads give feedback to the MGB motion, inducing a continuous vibration phenomenon. EASA states that flight tests have demonstrated that below certain density altitudes, the occurrence of the vibration phenomenon is significantly increased or even diverges, which could lead to the loss of control of the helicopter. EASA advises that Eurocopter has continued to develop modifications (MODs) for correcting the vibrations below certain density altitudes, and therefore, helicopters with the following MODs installed are exempt from the applicability of EASA AD No. 2008–0007R3:

- MOD 0726582 relating to Vehicle Management System (VMS) software version V11.01, MOD 0726583 relating to full authority digital engine control (FADEC) software version V2.4.5 and MOD 0726477 relating to servo-controls with attenuated dynamic response;
- MOD 0726592 relating to new Makila 2A1 engines; and
- MOD 0726632 which allows flight to −6,000 feet density altitude.

To correct this unsafe condition, EASA issued AD 2008–0007R3, which requires revising the Rotorcraft Flight Manual (RFM) to prohibit operation below −2,000 feet density altitude for helicopters without certain modifications installed.

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

Eurocopter has issued EC225LP Emergency Alert Service Bulletin (ASB) No. 04A001, Revision 3, dated May 6, 2010, which specifies inserting RFM revision ''Normal Revision RN11 (10–04) or later, associated with conditional revision RCe (10–04) or later'' into the RFM for helicopters equipped with screen air intakes and inserting ''Normal Revision RN21 (10–05) or later, associated with conditional revision RCe (10–04) or later'' into the RFM for helicopters equipped with multi-purpose air intakes. Both RFM revisions limit the minimum altitude for flight to −2,000 feet density altitude.

Proposed AD Requirements

This proposed AD would require, within 50 hours time-in-service (TIS), amending the RFM to limit minimum flight altitude to −2,000 feet density altitude.

Differences Between This Proposed AD and the EASA AD

The EASA AD specifies a compliance time of 30 days, while the proposed AD requires compliance within 50 hours TIS.

Costs of Compliance

We estimate that this proposed AD would affect three helicopters of U.S. Registry and that the costs to comply with this AD by revising the RFM are 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):

EUROCOPTER FRANCE (EUROCOPTER): Docket No. FAA–2013–0770; Directorate Identifier 2011–SW–057–AD.

(a) Applicability

This AD applies to Eurocopter Model EC225 LP helicopters, certificated in any category, except helicopters with the following modifications (MOD) installed:

(1) MOD 0726582, MOD 0726477, and MOD 0726583;

(2) MOD 0726592; or

(3) MOD 0726632.

(b) Unsafe Condition

This AD defines the unsafe condition as oscillations in the main rotor which can transfer dynamic loads to the structure, the main gearbox (MGB), and the main servo-control inputs, which could result in subsequent loss of control of the helicopter.

(c) Comments Due Date

We must receive comments by November 5, 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 Action

Within 50 hours time-in-service (TIS), revise the Operating Limitations section of the Eurocopter EC225LP Rotorcraft Flight Manual (RFM) by inserting a copy of this AD into Section 2.3 of the RFM, or by making pen and ink changes as follows. Under paragraph 1, Altitude Limits, add the phrase:

''The minimum altitude is limited to −2,000 feet density altitude.''

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) Eurocopter EC225LP Emergency Alert Service Bulletin No. 04A001, Revision 3, dated May 4, 2010, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2008–0007R3, dated May 12, 2010. You may view the EASA AD in the AD docket on the Internet at *http:/www.regulations.gov.*

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2200: Auto Flight System.

Issued in Fort Worth, Texas, on August 29, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–21724 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0315; Directorate Identifier 2013–CE–006–AD]

RIN 2120–AA64

Airworthiness Directives; GROB-WERKE Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document withdraws a notice of proposed rulemaking (NPRM) that would have applied to GROB-WERKE GMBH & CO KG Model G 115E airplanes. The proposed airworthiness directive (AD) would have required a one-time inspection to verify correct cable routing behind the LH cockpit instrument panel and, depending on findings, correction and replacement of damaged parts. Since issuance of the NPRM, the FAA has re-evaluated this airworthiness concern and determined that the airplanes affected are not type certificated in the United States. This withdrawal does not prevent the FAA from initiating future rulemaking on this subject.

DATES: As of September 6, 2013, the proposed rule published April 9, 2013 (78 FR 21082), is withdrawn.

FOR FURTHER INFORMATION CONTACT: Taylor Martin, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4138; fax: (816) 329–4090; email: *taylor.martin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. The NPRM published in the **Federal Register** on April 9, 2013 (78 FR 21082). The NPRM proposed to require you to do a one-time inspection to verify correct cable routing behind the LH cockpit instrument panel and, depending on findings, correction and replacement of damaged parts.

Because of the comments received on the NPRM (78 FR 21082, April 9, 2013) that pointed out the Model G 115E airplane is not type certificated in the United States, the FAA re-evaluated the airworthiness concern and determined that the airplanes affected are not certificated in the United States and concluded that:

- An unsafe condition warranting AD action does not exist; and
- the associated level of risk does not warrant AD action.

Withdrawal of this NPRM (78 FR 21082, April 9, 2013) constitutes only such action and does not preclude the agency from issuing future rulemaking on this issue, nor does it commit the agency to any course of action in the future.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule and therefore, is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, the notice of proposed rulemaking (NPRM), FAA–2013–0315, published in the **Federal Register** on April 9, 2013 (78 FR 21082), is withdrawn.

Issued in Kansas City, Missouri, on August 13, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–20095 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0749; Airspace Docket No. 13–ASW–16]

Proposed Amendment of Class D Airspace; Dallas, Addison Airport, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace at Addison Airport, Dallas, TX. Changes to air traffic flows in the Dallas-Fort Worth metropolitan area has made it necessary to lower the ceiling of the airspace area to enhance the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before October 21, 2013.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2013–0749/Airspace Docket No. 13–ASW–16, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2013–0749/Airspace Docket No. 13–ASW–16.'' The postcard will be date/time stamped and returned to the commenter.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Central Service Center, 2601 Meacham Blvd., Fort Worth, TX 76137.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking 202–267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by amending Class D airspace at Addison Airport, Dallas, TX. Adjustments to air traffic flows in the Dallas-Fort Worth metropolitan area, along with restructuring of the Dallas-Fort Worth Class B airspace area, have made these changes necessary. The airspace would extend upward from the surface to but not including 2,500 feet MSL, instead of to but not including 3,000 feet MSL, within the 4.4-mile radius to retain the safety and management of IFR aircraft operating in the vicinity of Addison Airport.

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

The FAA has determined that this proposed 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 will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 FAA Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012, is amended as follows:

Paragraph 5000 Class D airspace.

* * * * *

ASW TX D Dallas, Addison Airport, TX [Amended]

Dallas, Addison Airport, TX
(Lat. 32°58′07″ N., long. 96°50′11″ W.)

That airspace extending upward from the surface, to but not including, 2,500 feet MSL within a 4.4-mile radius of Addison Airport, excluding that portion within the Dallas-Fort Worth, TX, Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Fort Worth, TX, on August 23, 2013.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–21751 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–124148–05]

RIN 1545–BE64

Research Expenditures

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document proposes regulations to amend the definition of research and experimental expenditures under section 174 of the Internal Revenue Code (Code). In particular, these proposed regulations provide guidance on the treatment of amounts paid or incurred in connection with the development of tangible property, including pilot models. The regulations will affect taxpayers engaged in research activities. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by December 5, 2013. Requests to speak and outlines of topics to be discussed at the public hearing scheduled for January 8, 2014, at 10 a.m., must be received by December 5, 2013.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–124148–05), room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–124148–05), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically, via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–124148–05). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning these proposed regulations, David McDonnell, (202) 622–3040; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Oluwafunmilayo (Funmi) Taylor, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Overview of Provisions

Section 174—Background

Section 174 was enacted as a part of the Internal Revenue Code of 1954 to eliminate uncertainty in the tax accounting treatment of research and experimental expenditures and to encourage taxpayers to carry on research and experimentation. *See* H.R. Rep. No.1337, 83d Cong., 2d Sess. 28 (1954); S. Rep. No. 1622, 83d Cong., 2d Sess. 33 (1954). Before the enactment of section 174, courts consistently held that the law required capitalization of product research and development costs, including production costs of tangible property used in the research process. Under prior law, expenditures related to a taxpayer's research and experimentation generally were capitalized and held in suspense until the taxpayer could determine (1) whether or not the research had failed; and (2) if the research was successful, whether or not the research resulted in property that had a useful life determinable with reasonable accuracy. Research and experimental expenditures resulting in property with a useful life determinable with reasonable accuracy were amortized over the useful life of the property or, if intangible, may have been allocated to tangible assets. For example, if a design developed through research and experimentation (''appropriate design'') was used to produce a tangible asset that was used in the taxpayer's trade or business or if the appropriate design was used to produce inventory or other property held for sale to customers, then the research costs were recovered by an adjustment to basis at the time the tangible property was used, sold, placed in service, or otherwise disposed of by the taxpayer. Where, however, projects were not abandoned and a useful life could not be definitely determined, taxpayers had no means of amortizing research expenditures. *See* H.R. Rep. No.1337, 83d Cong., 2d Sess. 28 (1954); S. Rep. No. 1622, 83d Cong., 2d Sess. 33 (1954). Congress addressed this issue by enacting section 174, which allows taxpayers to either currently deduct research or experimental expenditures as they are paid or incurred or treat them as deferred expenses amortizable over a period not less than 60 months. *See* sections 174(a) and (b). Section 174 does not define the phrase ''research or experimental expenditures.''

In 1957, the IRS published T.D. 6255 (the 1957 Regulations) and adopted § 1.174–2(a)(1), which defines the phrase ''research or experimental expenditures'' as expenditures ''which represent research and development costs in the experimental or laboratory sense.'' In 1994, the IRS published T.D. 8562, which adopted amendments to § 1.174–2(a)(1). The amendments clarified the 1957 Regulations by providing that the determination of whether costs qualify as research or experimental expenditures under section 174 depends upon whether the costs are incident to activities intended to discover information that would eliminate uncertainty concerning the development or improvement of a product. Applying this general rule, costs relating to the production of a product after the uncertainty relating to

the development or improvement of the product is eliminated do not qualify under section 174.

Section 174(c)—Depreciable Property

Since its enactment in 1954, section 174(c) has provided, in relevant part, that section 174 shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character that is subject to the allowance under section 167, relating to depreciation, or section 611, relating to depletion, except that allowances under sections 167 and 611 will be considered as expenditures.

Consistent with the statute, the 1957 Regulations provided that expenditures for the acquisition or improvement of property that is subject to an allowance for depreciation or depletion were not deductible under section 174 in the year of the acquisition or improvement. Section 1.174–2(b)(1). However, in accordance with section 174(c), the 1957 Regulations treated depreciation deductions as section 174 expenditures to the extent that the property to which the allowances related was used in connection with research and experimentation. Section 1.174–2(b)(1).

The 1957 Regulations further provided that expenditures could qualify as research or experimental expenditures even if those expenditures resulted, as an end product of the research and experimentation, in depreciable property to be used in the taxpayer's trade or business. Section 1.174–2(b)(4). However, the 1957 Regulations attempted to make clear that costs resulting in depreciable property were nonetheless required to meet the general requirement for section 174 treatment, namely, that amounts so expended must be for research and experimentation (within the meaning of § 1.174–2(a)(1) of the 1957 Regulations). To that end, the 1957 Regulations provided, in relevant part, that amounts expended for research or experimentation do not include the costs of the component materials of depreciable property, the costs of labor or other elements involved in its construction and installation, or costs attributable to the acquisition or improvement of the property. Section 1.174–2(b)(4). The 1957 Regulations provide an example where a taxpayer undertakes to develop a new machine for use in the taxpayer's business. The taxpayer expends $30,000 on the project of which $10,000 represents the actual costs of material, labor, etc., to construct the machine, and $20,000 represents research costs that are not attributable to the machine itself. The example concludes that under section 174(a) the taxpayer would be permitted to deduct the $20,000 as expenses not chargeable to capital account, but the $10,000 must be charged to the asset account (the machine). Section 1.174–2(b)(4). This preamble refers to the rules in § 1.174–2(b)(1) and § 1.174–2(b)(4) as the ''Depreciable Property Rule.'' The Depreciable Property Rule has remained unchanged from the rule's adoption in the 1957 Regulations.

Explanation of Provisions and Summary of Provisions

This document contains proposed amendments to 26 CFR part 1 under section 174. First, these proposed regulations provide that if expenditures qualify as research or experimental expenditures, it is irrelevant whether a resulting product is ultimately sold or used in the taxpayer's trade or business. Second, these proposed regulations provide that the Depreciable Property Rule contained in § 1.174–2(b)(4) is an application of the general definition of research and experimental expenditures contained in § 1.174–2(a)(1) to depreciable property. Third, these proposed regulations define the term ''pilot model.'' Fourth, these proposed regulations clarify the general rule that the costs of producing a product after uncertainty concerning the development or improvement of a product is eliminated are not eligible expenses under section 174 because these costs are not for research or experimentation. Finally, these proposed regulations provide a ''shrinking-back'' provision, similar to the rule provided for in § 1.41–4(b)(2), to address situations in which the requirements of § 1.174–2(a)(1) are met with respect to only a component part of a larger product and are not met with respect to the overall product itself.

In General

Questions have been raised concerning whether the sale of a product resulting from otherwise qualifying research or experimental expenditures subsequently disqualifies those expenditures from section 174 treatment. Specifically, it has been argued that section 174(c) precludes section 174 treatment in the case of a subsequent sale of a resulting product to a customer, because the sale gives rise to depreciable property in the hands of the customer. *See T.G. Missouri Company* v. *Commissioner,* 133 T.C. 278 (2009) (rejecting the Commissioner's argument that research or experimental expenditures were disqualified under section 174 because the product resulting from research was sold to customers and was subject to depreciation in the customers' hands).

The IRS and the Treasury Department believe that an interpretation of the Depreciable Property Rule that creates an override to section 174 eligibility upon the occurrence of a subsequent event (such as a sale of a resulting product or its use in the taxpayer's trade or business) does not further the Congressional purpose of resolving accounting uncertainties and encouraging business investment in research because taxpayers may not be able to know whether an expenditure was section 174 eligible at the time the expense is paid or incurred.

Instead, the IRS and the Treasury Department believe that the Depreciable Property Rule accomplishes two things. First, to the extent that land or depreciable property is used in connection with research or experimentation, the rule limits the amount that a taxpayer can treat as an eligible section 174 expense to depletion or depreciation deductions. Second, the Depreciable Property Rule in § 1.174–2(b)(4) reiterates that the only expenditures related to the production of depreciable property that are deductible section 174 expenditures are amounts expended for research or experimentation. Thus, for example, where a $30,000 total cost expended on a machine includes $20,000 of research-related labor and materials and, after all uncertainties related to the machine are resolved, $10,000 of construction-related labor and materials, the $10,000 of construction-related labor and materials is not a section 174 expenditure because that cost was not a research or experimental cost within the meaning of § 1.174–2(a).

Consistent with this interpretation, the IRS and the Treasury Department propose the following revisions to the current regulations and provide additional examples to further administration of the statute.

First, to counter an interpretation that section 174 eligibility can be reversed by a subsequent event, the proposed regulations provide that the ultimate success, failure, sale, or other use of the research or property resulting from research or experimentation is not relevant to a determination of eligibility under section 174.

Second, the proposed regulations amend § 1.174–2(b)(4) to provide that the Depreciable Property Rule is an application of the general definition of research or experimental expenditures provided for in § 1.174–2(a)(1) and

should not be applied to exclude otherwise eligible expenditures.

Third, the proposed regulations define the term ''pilot model'' as any representation or model of a product that is produced to evaluate and resolve uncertainty concerning the product during the development or improvement of the product. The term includes a fully-functional representation or model of the product or a component of a product (to the extent the ''shrinking-back'' provision, described in this preamble, applies).

Fourth, the proposed regulations clarify the general rule that the costs of producing a product after uncertainty concerning the development or improvement of a product is eliminated are not eligible under section 174 because these costs are not for research or experimentation.

Finally, the proposed regulations provide a ''shrinking-back'' provision, similar to the rule provided in § 1.41–4(b)(2), to address situations in which the requirements of § 1.174–2(a)(1) are met with respect to only a component part of a larger product and are not met with respect to the overall product itself.

The proposed regulations provide new examples applying the foregoing provisions.

Shrinking-Back Rule

As with business components under section 41, research or experimental expenditures may relate only to one or more components of a larger product. Taxpayers may refine the design of the product, or even redesign components of the product, after production of the product has begun, particularly in the case of a large tangible asset made up of numerous individual components. In these situations, although a basic design specification of the product may be established, amounts paid to eliminate uncertainty regarding the appropriate design of certain components of the product continue to qualify under section 174. For example, the design of an automobile may be certain except for the appropriateness of design of its braking system. The IRS and the Treasury Department believe that it is inappropriate to deny section 174 eligibility with respect to the development and design of the braking system simply because there is not uncertainty with respect to the automobile's general design. Accordingly, these proposed regulations provide a shrinking-back rule to ensure that section 174 eligibility is preserved in these instances. The IRS and the Treasury Department intend for this rule to be applied and administered in a manner that is consistent with the principles underlying the shrinking-back rule in § 1.41–4(b)(2). Thus, for example, the shrinking-back rule applies only if the requirements of section 174 are not met with respect to an overall product (as defined in § 1.174–2(a)(1)), and the shrinking-back rule is not itself applied to exclude research or experimental expenditures from section 174 eligibility.

Recordkeeping for Section 174

The IRS and the Treasury Department note that the rules generally applicable under section 6001 provide sufficient detail about required documentary substantiation for purposes of section 174. Section 1.6001–1(a) requires the keeping of records sufficient to establish the amount of deductions. The IRS may deny a deduction for failure to provide sufficient records substantiating the claimed deduction.

Proposed Effective Date

These regulations are proposed to apply to any taxable year ending on or after the date of publication of a Treasury decision adopting these rules as final regulations in the **Federal Register**. Notwithstanding the prospective effective date, the IRS will not challenge return positions consistent with these proposed regulations. Therefore, taxpayers may rely on these proposed regulations until the date that the final regulations are published in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic comments that are submitted timely to the IRS. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments will be available for public inspection and copying.

A public hearing has been scheduled for January 8, 2014, beginning at 10 a.m. in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written or electronic comments by December 5, 2013 and submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by December 5, 2013. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these proposed regulations is David McDonnell of the Office of Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.174–2 is amended as follows:

■ 1. Amending paragraph (a)(1) by adding a heading and adding two sentences at the end.
■ 2. Redesignating paragraph (a)(2) as paragraph (a)(3) and adding a heading to newly designated paragraph (a)(3).
■ 3. Adding paragraph (a)(2).
■ 4. Removing paragraph (a)(7).
■ 5. Redesignating paragraphs (a)(8) and (a)(9) as paragraphs (a)(10) and (a)(11), respectively, and adding headings to newly designated paragraphs (a)(10) and (a)(11).
■ 6. Redesignating paragraphs (a)(3) through (a)(6) as paragraphs (a)(6) through (a)(9), respectively, and adding headings to newly designated paragraphs (a)(6) through (a)(9).
■ 7. Adding paragraphs (a)(4) and (a)(5).
■ 8. Amending newly designated paragraph (a)(7) by removing the language ''(a)(3)(i)'' and adding ''(a)(6)(i)'' in its place.
■ 9. Amending newly designated paragraph (a)(9) by removing the language ''(a)(6)'' and adding ''(a)(9)'' in its place.
■ 10. Amending newly designated paragraph (a)(11) by removing the language ''subparagraph (2) of this paragraph'' and adding ''this paragraph (a)'' in its place.
■ 11. Amending Example 2 in newly designated paragraph (a)(11) by removing the language ''X'' and adding ''S'' in its place everywhere ''X'' appears and by removing the language ''Y'' and adding ''T'' in its place everywhere ''Y'' appears.
■ 12. Amending newly designated paragraph (a)(11) by adding *Example 3* through *Example 9.*
■ 13. Adding headings to paragraphs (b)(1) through (b)(3).
■ 14. Revising paragraph (b)(4).
■ 15. Adding paragraph (b)(5).
■ 16. Adding paragraph (d).

The revisions and additions read as follows:

§ 1.174–2 Definition of research and experimental expenditures.

(a) *In general.* (1) *Research or experimental expenditures defined.* * * * The ultimate success, failure, sale, or use of the product is not relevant to a determination of eligibility under section 174. Costs may be eligible under section 174 if paid or incurred after production begins but before uncertainty concerning the development or improvement of the product is eliminated.

(2) *Production costs.* Except as provided in paragraph (a)(5) of this section (shrinking-back rule), costs paid or incurred in the production of a product after the elimination of uncertainty concerning the development or improvement of the product are not eligible under section 174.

(3) *Product defined.* * * *

(4) *Pilot model defined.* For purposes of this section, the term *pilot model* means any representation or model of a product that is produced to evaluate and resolve uncertainty concerning the product during the development or improvement of the product. The term includes a fully-functional representation or model of the product or, to the extent paragraph (a)(5) of this section applies, a component of the product.

(5) *Shrinking-back rule.* If the requirements of paragraph (a)(1) of this section are not met at the level of a product (as defined in paragraph (a)(3) of this section), then whether expenditures represent research and development costs is determined at the level of the component or subcomponent of the product. The presence of uncertainty concerning the development or improvement of certain components of a product does not necessarily indicate the presence of uncertainty concerning the development or improvement of other components of the product or the product as a whole. The rule in this paragraph (a)(5) is not itself applied as a reason to exclude research or experimental expenditures from section 174 eligibility. The rule in this paragraph (a)(5) is to be applied and administered in a manner that is consistent with the principles underlying the shrinking-back rule in § 1.41–4(b)(2).

(6) *Research or experimental expenditures—exclusions.* * * *

(7) *Quality control testing.* * * *

(8) *Expenditures for literary, historical, or similar research—cross reference.* * * *

(9) *Research or experimental expenditures limited to reasonable amounts.* * * *

(10) *Amounts paid to others for research or experimentation.* * * *

(11) *Examples.* * * *

Example 3. U is engaged in the manufacture and sale of custom machines. U contracts to design and produce a machine to meet a customer's specifications. Because U has never designed a machine with these specifications, U is uncertain regarding the appropriate design of the machine, and particularly whether features desired by the customer can be designed and integrated into a functional machine. U incurs a total of $31,000 on the project. Of the $31,000, U incurs $10,000 of costs on materials and labor to produce a model that is used to evaluate and resolve the uncertainty concerning the appropriate design. U also incurs $1,000 of costs using the model to test whether certain features can be integrated into the design of the machine. This $11,000 of costs represents research and development costs in the experimental or laboratory sense. After uncertainty is eliminated, U incurs $20,000 to produce the machine for sale to the customer based on the appropriate design. The model produced and used to evaluate and resolve uncertainty is a pilot model within the meaning of paragraph (a)(4) of this section. Therefore, the $10,000 incurred to produce the model and the $1,000 incurred on design testing activities qualifies as research or experimental expenditures under section 174. However, section 174 does not apply to the $20,000 that U incurred to produce the machine for sale to the customer based on the appropriate design. See paragraph (a)(2) of this section (relating to production costs).

Example 4. Assume the same facts as *Example 3,* except that during a quality control test of the machine, a component of the machine fails to function due to the component's inappropriate design. U incurs an additional $8,000 (including design retesting) to reconfigure the component's design. The $8,000 of costs represents research and development costs in the experimental or laboratory sense. After the elimination of uncertainty regarding the appropriate design of the component, U incurs an additional $2,000 on its production. The reconfigured component produced and used to evaluate and resolve uncertainty with respect to the component is a pilot model within the meaning of paragraph (a)(4) of this section. Therefore, in addition to the $11,000 of research and experimental expenditures previously incurred, the $8,000 incurred on design activities to establish the appropriate design of the component qualifies as research or experimental expenditures under section 174. However, section 174 does not apply to the additional $2,000 that U incurred for the production after the elimination of uncertainty of the re-designed component based on the appropriate design or to the $20,000 previously incurred to produce the machine. See paragraph (a)(2) of this section (relating to production costs).

Example 5. V is a manufacturer that designs a new product. V incurs $5,000 to produce several models of the product that are to be used in testing the appropriate design before the product is mass-produced for sale. The $5,000 of costs represents research and development costs in the experimental or laboratory sense. Multiple models are necessary to test the design in a variety of different environments (exposure to extreme heat, exposure to extreme cold, submersion, and vibration). Upon completion of several years of testing, V enters into a contract to sell one of the models to a customer, and uses another model in its trade or business. The remaining models were rendered inoperable as a result of the testing process. Because V produced the models to resolve uncertainty regarding the appropriate design of the product, the models are pilot models under paragraph (a)(4) of this section. Therefore, the $5,000 that V incurred in producing the models qualifies as research or experimental expenditures under section 174. See also paragraph (a)(1) of this section (ultimate use is not relevant).

Example 6. W wants to improve a machine for use in its trade or business and incurs $20,000 to develop a new component for the machine. The $20,000 is incurred for engineering labor and materials to produce a model of the new component that is used to eliminate uncertainty regarding the development of the new component for the machine. The $20,000 of costs represents research and experimental costs in the experimental or laboratory sense. After W completes its research and experimentation on the new component, W incurs $10,000 for materials and labor to produce the component and incorporate it into the machine. The model produced and used to evaluate and resolve uncertainty with respect to the new component is a pilot model within the meaning of paragraph (a)(4) of this section. Therefore, the $20,000 incurred to produce the model and eliminate uncertainty regarding the development of the new component qualifies as research or experimental expenditures under section 174. However, section 174 does not apply to the $10,000 of production costs of the component because those costs were not incurred for research or experimentation. See paragraph (a)(2) of this section (relating to production costs).

Example 7. X is a manufacturer of aircraft. X is researching and developing a new, experimental aircraft that can take off and land vertically. To evaluate and resolve uncertainty during the development or improvement of the product and test the appropriate design of the experimental aircraft, X produces a working aircraft at a cost of $5,000,000. The $5,000,000 of costs represents research and development costs in the experimental or laboratory sense. In a later year, X sells the aircraft. Because X produced the aircraft to resolve uncertainty regarding the appropriate design of the product during the development of the experimental aircraft, the aircraft is a pilot model under paragraph (a)(4) of this section. Therefore, the $5,000,000 of costs that X incurred in producing the aircraft qualifies as research or experimental expenditures under section 174. Further, it would not matter if X sold the pilot model or incorporated it in its own business as a demonstration model. See paragraph (a)(1) of this section (ultimate use is not relevant).

Example 8. Y is a manufacturer of aircraft engines. Y is researching and developing a new type of compressor blade, a component of an aircraft engine, to improve its existing aircraft engine design's performance. To test the appropriate design of the new compressor blade and evaluate the impact of fatigue on the design, Y produces and installs the compressor blade on an aircraft engine produced by Y. The costs of producing and installing the compressor blade component that Y incurred represent research and development costs in the experimental or laboratory sense. Because Y produced the compressor blade component to resolve uncertainty regarding the appropriate design of the component, the component is a pilot model under paragraph (a)(4) of this section. Therefore, the costs that Y incurred to produce and install the component qualify as research or experimental expenditures under section 174. See paragraph (a)(5) of this section (shrinking-back rule). However, section 174 does not apply to Y's costs of producing the aircraft engine on which the component was installed. See paragraph (a)(2) of this section (relating to production costs).

Example 9. Z is a wine producer. Z is researching and developing a new wine production process that involves the use of a different method of crushing the wine grapes. In order to test the effectiveness of the new method of crushing wine grapes, Z incurs $2,000 in labor and materials to conduct the test on this part of the new manufacturing process. The $2,000 of costs represents research and development costs in the experimental or laboratory sense. Therefore, the $2,000 incurred qualifies as research or experimental expenditures under section 174 because it is a cost incident to the development or improvement of a component of a process.

(b) * * * (1) *Land and other property.* * * *

(2) *Expenditure resulting in depreciable property.* * * *

(3) *Amounts paid to others for research or experimentation resulting in depreciable property.* * * *

(4) *Deductions limited to amounts expended for research or experimentation.* The deductions referred to in paragraphs (b)(2) and (3) of this section for expenditures in connection with the acquisition or production of depreciable property to be used in the taxpayer's trade or business are limited to amounts expended for research or experimentation within the meaning of section 174 and paragraph (a) of this section.

(5) *Examples.* The application of paragraph (b) of this section may be illustrated by the following examples:

Example 1. X is a tool manufacturer. X has developed a new tool design, and orders a specially-built machine from Y to produce X's new tool. The machine is built upon X's order and at X's risk, and Y does not provide a guarantee of economic utility. There is uncertainty regarding the appropriate design of the machine. Under X's contract with Y, X pays $15,000 for Y's engineering and design labor, $5,000 for materials and supplies used to develop the appropriate design of the machine, and $10,000 for Y's machine production materials and labor. The $15,000 of engineering and design labor costs and the $5,000 of materials and supplies costs represent research and development costs in the experimental or laboratory sense. Therefore, the $15,000 X pays Y for Y's engineering and design labor and the $5,000 for materials and supplies used to develop the appropriate design of the machine are for research or experimentation under section 174. However, section 174 does not apply to the $10,000 of production costs of the machine because those costs were not incurred for research or experimentation. See paragraph (a)(2) of this section (relating to production costs) and paragraph (b)(4) of this section (limiting deduction to amounts expended for research or experimentation).

Example 2. Z is an aircraft manufacturer. Z incurs $5,000,000 to construct a new test bed that will be used in the development and improvement of Z's aircraft. No portion of Z's $5,000,000 of costs to construct the new test bed represent research and development costs in the experimental or laboratory sense to develop or improve the test bed. Because no portion of the costs to construct the new test bed were incurred for research or experimentation, the $5,000,000 will be considered an amount paid or incurred in the production of depreciable property to be used in the taxpayer's trade or business that are not allowable under section 174. However, the allowances for depreciation of the test bed are considered research and experimental expenditures of other products, for purposes of section 174, to the extent the test bed is used in connection with research or experimentation of other products. See paragraph (b)(1) of this section (depreciation allowances may be considered research or experimental expenditures).

Example 3. Assume the same facts as *Example 2,* except that $50,000 of the costs of the test bed relates to costs to resolve uncertainties regarding the new test bed design. The $50,000 of costs represents research and development costs in the experimental or laboratory sense. Because $50,000 of Z's costs to construct the new test bed was incurred for research and experimentation, the costs qualify as research or experimental expenditures under section 174. Paragraph (b)(2) of this section applies to $50,000 of Z's costs for the test bed because they are expenditures for research or experimentation that result in depreciable property to be used in the taxpayer's trade or business. Z's remaining $4,950,000 of costs is not allowable under section 174 because these costs were not incurred for research or experimentation.

* * * * *

(d) *Effective date.* These amendments to paragraphs (a) and (b) of this section apply to taxable years ending on or after the date the final regulations are published in the **Federal Register**. Notwithstanding the prospective effective date, the IRS will not challenge return positions consistent with these proposed regulations. Therefore, taxpayers may rely on these proposed regulations until the date that the final regulations are published in the **Federal Register**.

Beth Tucker,

Deputy Commissioner for Operations Support.

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DEPARTMENT OF THE TREASURY

31 CFR Part 34

RIN 1505–AC44

Gulf Coast Restoration Trust Fund

AGENCY: Office of the Fiscal Assistant Secretary, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of the Treasury is proposing regulations concerning the investment and use of amounts deposited in the Gulf Coast Restoration Trust Fund, which was established in the Treasury of the United States by the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). The regulations contain procedures required by the RESTORE Act, and generally describe the responsibilities of Federal and State entities which administer RESTORE Act programs and carry out restoration activities in the Gulf Coast region.

DATES: *Comment due date:* November 5, 2013.

ADDRESSES: Treasury invites comments on the topics addressed in this proposed rule. Comments may be submitted through one of these methods:

Electronic Submission of Comments: Interested persons may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt, and enables the Department to make them available to the public. Comments submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other commenters and interested members of the public.

Mail: Send to Department of the Treasury, Attention Janet Vail, Room 2050; 1500 Pennsylvania Avenue NW., Washington, DC 20220.

In general, Treasury will post all comments to *http://www.regulations.gov* without change, including any business or personal information provided, such as names, addresses, email addresses, or telephone numbers. Treasury will also make such comments available for public inspection and copying in Treasury's Library, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 622–0990. All comments received, including attachments and other supporting materials, will be part of the public record and subject to public disclosure. You should only submit information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Please send questions by email to *RESTOREruleQ@treasury.gov,* or contact Janet Vail, 202–622–2200.

SUPPLEMENTARY INFORMATION:

I. Background

On July 6, 2012, the President signed the RESTORE Act into law. The Act establishes a new Trust Fund in the Treasury of the United States, known as the Gulf Coast Restoration Trust Fund. Eighty percent of the administrative and civil penalties paid after July 6, 2012, under the Federal Water Pollution Control Act in connection with the *Deepwater Horizon* Oil Spill will be deposited into the Trust Fund and invested. Under terms described in the Act, amounts in the Trust Fund will be available for programs, projects, and activities that restore and protect the environment and economy of the Gulf Coast region.

The Act is focused on the five Gulf Coast States—Alabama, Florida, Louisiana, Mississippi, and Texas—and has five components. The Direct Component sets aside 35 percent of the penalties paid into the Trust Fund for eligible activities proposed by the five Gulf Coast States, including local governments within Florida and Louisiana. The Comprehensive Plan Component sets aside 30 percent of the penalties, plus half of all interest earned on Trust Fund investments, to be managed by a new Federal entity called the Gulf Coast Ecosystem Restoration Council (Council). The Council is comprised of members from six Federal agencies or departments and the five Gulf Coast States. One of the Federal members, the Secretary of Commerce, serves as Chairperson of the Council. The Council will direct Comprehensive Plan Component funds to projects and programs for the restoration of the Gulf Coast region, pursuant to a comprehensive plan that will be developed by the Council. Under the Spill Impact Component, the Gulf Coast States can use an additional 30 percent of penalties in the Trust Fund for eligible activities pursuant to plans approved by the Council. The remaining five percent of penalties, plus one-half of all interest earned on Trust Fund investments, will be divided equally between the NOAA RESTORE Act Science Program established by the National Oceanic and Atmospheric Administration (NOAA), and a Centers of Excellence Research Grants Program.

The Act gives Treasury several roles in administering the Trust Fund. One role is to establish procedures, in consultation with the Departments of the Interior and Commerce, concerning the deposit and expenditure of amounts from the Trust Fund. The procedures must include compliance measures for the programs and activities carried out under the Act, as well as auditing requirements to determine whether amounts are expended as intended. Treasury will also administer grants for the Direct Component and Centers of Excellence Grant Program. The Treasury Inspector General is authorized to conduct, supervise, and coordinate audits and investigations of projects, programs, and activities funded under the Act. In addition, the Act requires Treasury to withhold funds from a Gulf Coast State, Florida county, or Louisiana parish if Treasury determines that Trust Fund monies have been used for an unauthorized purpose, or if a condition on the use of funds has been violated.

II. This Proposed Rule

This proposed rule contains procedures required by the Act. The procedures recognize that, under the statutory scheme, many expenditures from the Trust Fund will be grants. The financial management, auditing, and reporting requirements in Federal grant law and policy, therefore, apply to these expenditures. Overseeing compliance will be a responsibility resting primarily with the Federal and State entities which administer grants for the programs, projects, and activities funded under the Act. Treasury will carry out an important and supplemental role in overseeing the States' compliance with requirements in the Comprehensive Plan Component and the Spill Impact Component. Treasury will receive public comments on this proposed rule for 60 days, and anticipates publishing binding procedures soon thereafter.

Trust Fund Investment

The Act provides that amounts in the Trust Fund shall be invested in accordance with 31 U.S.C. 9702. Following Treasury policy for other Trust Funds invested under 31 U.S.C. 9702, Treasury will invest the Gulf Coast Restoration Trust Fund in non-marketable Treasury securities known as Government Account Series (GAS) securities. GAS securities are sold through Treasury's Federal Investment Program. Treasury policies and procedures for the Federal Investment

Program are available at *http://www.treasurydirect.gov.*

Direct Component

For the Direct Component, Treasury will administer grants directly to the Gulf Coast States or local State governments identified in the RESTORE Act. The Act allocates 35 percent of amounts in the Trust Fund, other than interest earned on investments, to the Gulf Coast States in equal shares for eligible activities. Florida's entire share is further divided among 23 counties. Parishes in Louisiana will receive a portion of that State's share. The Act gives States, counties, and parishes significant discretion to choose restoration activities, but that discretion comes with limits and conditions. The Act describes the kinds of activities that can be funded, imposes certain financial restrictions, and identifies specific conditions that recipients must accept before receiving funds. The Act also authorizes Treasury to require additional conditions, including audit requirements, that apply to amounts disbursed from the Trust Fund.

A Gulf Coast State, Florida county, or Louisiana parish will apply for funds by submitting a detailed multi-year plan describing the projects and programs it wants to implement. Among other things, the plan must describe each project and program, and provide a budget, milestones, and the criteria the applicant will use to evaluate success. Before submitting the plan, the Gulf Coast State, county, or parish must publish the plan for public notice and comment, a process that Treasury expects will enhance the transparency and quality of funding applications. Applicants will be required to demonstrate compliance with applicable environmental laws. Treasury invites comment on appropriate methods for ensuring full compliance with applicable environmental laws while also providing for timely funds disbursement and project implementation. After a grant agreement is signed, funds will be disbursed to the States, counties, and parishes as they are needed for authorized expenditures.

Treasury's statutory role is not to determine which projects and programs will best restore the Gulf Coast region. For the Direct Component, Congress authorized the Gulf Coast States, Florida counties, and Louisiana parishes to make these choices. Instead, Treasury will review applications to determine that they document, with some specificity, compliance with eligibility and other requirements in the RESTORE Act and Federal laws and policies applying to grants. When reviewing applications, Treasury will generally avoid exercising its own judgment on matters requiring special expertise, such as whether a proposed restoration project is based on best available science. Treasury will consider whether the documentation submitted with the application, along with any comments offered during the State's public comment process and any written submissions from Council members, is sufficient for a reasonable person to find that the project or program meets the statutory criteria. For matters requiring special expertise, this approach occupies a middle ground between, on the one hand, accepting a submission without scrutiny, and on the other hand, engaging in fact-finding so that Treasury can render its own, independent judgment.

Treasury's proposed regulations for the Direct Component supplement a framework of Federal requirements that already apply to Federal grants. Many of these requirements are published in circulars issued by the Office of Management and Budget, available at *http://whitehouse.gov/omb/grants_docs/*. A grant agreement between Treasury and the State will memorialize the grant terms, as required by Federal law. In addition to these standard grant terms, Treasury's proposed regulations include requirements specific to the RESTORE Act. We invite comments on the application process and on Treasury's proposed approach for evaluating requests for funding, particularly those elements in funding requests that require special expertise and judgment.

Treasury also invites comments on the allocation of funds to certain counties in Florida and the parishes in Louisiana. The Act makes funds available to fifteen Florida counties based on a weighted formula that generally takes into account the average population in the county, sales tax collections, and the distance between the counties' shoreline and the *Deepwater Horizon* oil rig. These fifteen counties have proposed an allocation methodology that can be found at *http://www.fl-counties.com/advocacy/gulf-consortium.* The Act also provides a share to certain Louisiana parishes according to a weighted formula. This formula requires inputs about the weighted average miles of parish shoreline oiled, the weighted average of population of the parish, and the weighted average of the land mass of the parish. We invite comments on the best methodology for determining the facts under both formulas.

Comprehensive Plan Component

The Act provides 30 percent of penalties deposited into the Trust Fund to the Council, plus one-half of the interest earned on Trust Fund investments, to carry out a Comprehensive Plan. The Plan will include a prioritized list of specific projects and programs to be funded and carried out, subject to available funding, within the first three years, a projection for how amounts available to the Council will be used in the first ten years, and periodic updates. The Council, acting through the Federal agencies and Gulf Coast States represented on the Council, will expend funds to carry out these projects and programs.

The Act describes the Council's responsibilities in detail, including provisions on how the Council will govern itself, the process it must use to develop the Comprehensive Plan, and reporting requirements. The Council will develop standard contract terms for projects and programs awarded pursuant to the Comprehensive Plan, and may develop memoranda of understanding establishing integrated funding and implementation plans among Council members. The statutory scheme makes clear that the Council has a significant role in developing its own compliance procedures and in overseeing the funds provided for carrying out the Comprehensive Plan.

When the Council designates a Gulf Coast State to carry out a project or program, a grant agreement will describe the work and rules applying to it. The Council will use interagency agreements to memorialize its arrangements with Federal agencies. The Council may also award grants to nongovernmental entities. These grant agreements will include standard administrative terms on such topics as recordkeeping, reporting, and auditing, as well as specific certifications and conditions described in Treasury's proposed regulations. The regulations supplement Federal law and policy that generally apply to Federal grants. The proposed regulations require the Council to establish and implement a program to monitor compliance with its grant agreements and any agreements executed with its Federal agency members.

Spill Impact Component

The Act provides 30 percent of the penalties deposited into the Fund to the Gulf Coast States to carry out plans developed by the Gulf Coast States and approved by the Council. The Act specifies particular entities within the

States to prepare these plans. The Council will disburse funds based on a formula that the Council establishes by regulation, using criteria provided in the statute.

Like the Direct Component discussed earlier, the Act places restrictions and conditions on the States' use of funds. The list of eligible activities is generally the same, but the States have less discretion under the Spill Impact Component about the activities to fund because such activities must take into consideration and be consistent with the Comprehensive Plan, and the amount of funds available for infrastructure projects is more limited. In addition, the State plans are subject to Council approval.

The funds the Council disburses to the Gulf Coast States will be in the form of grants. As required by Federal law, the Council will prepare a grant agreement with the States and incorporate into the agreement standard administrative terms on such topics as recordkeeping, reporting, and auditing. Treasury's proposed regulations supplement this compliance framework with additional conditions and certifications. Going forward, the Council will need to establish and implement a compliance program to ensure that the grants it issues comply with the terms of the grant agreement.

NOAA RESTORE Act Science Program

The Act allocates 2.5 percent of penalties deposited into the Trust Fund, plus one-quarter of all interest earned on investments, to the National Oceanic and Atmospheric Administration (NOAA). NOAA will establish a new program, called the NOAA RESTORE Act Science Program, in consultation with the U.S. Fish and Wildlife Service. NOAA's program will support, to the maximum extent practicable, the long-term sustainability of the Gulf Coast ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.

The Act contemplates that NOAA will use at least part of these funds for grants. The Act permits NOAA, in its discretion, to transfer funds to the Gulf States Marine Fisheries Commission, an organization of the five Gulf Coast States to whom NOAA currently provides grants. The statute leaves open the possibility of additional grants to other recipients. NOAA, as the program agency, will develop grant requirements for this new program that incorporate standard administrative requirements that apply to all Federal grants. Treasury's proposed regulations will supplement these requirements, as permitted by the Act.

Centers of Excellence Research Grants Program

The Act sets aside 2.5 percent of penalties deposited into the Trust Fund, plus one-quarter of the interest earned on Trust Fund investments, for grants to establish Centers of Excellence that will focus on science, technology, and monitoring in a discipline listed in the statute. Each of the five Gulf Coast States receives an equal share of the funds available.

Treasury will make funds available to the Gulf Coast States in the form of a grant, and the States will use these funds to issue their own grants. The Act allows the States to design their own grant application process, within certain boundaries. The Act specifies that States shall select centers of excellence through a competitive process, giving priority to nongovernmental entities and consortia that demonstrate the ability to establish the broadest cross-section of qualified participants. While the nongovernmental entities and consortia must be in the Gulf Coast region, the Act does not require that they be located in the Gulf Coast State issuing the grant. All grants will be subject to certifications and conditions in these regulations, as well as compliance and auditing requirements imposed by Federal grant law and policies.

Request for Public Comment

Treasury requests public comment on all aspects of its proposed regulation. In addition to the topics discussed above, we would appreciate comments on the following questions:

- Are there additional procedures and auditing requirements that Treasury should require to assess whether the programs and activities funded with Trust Fund monies comply with the Act?
- Are there procedures Treasury could employ to identify and allocate funds available under other law to pay for administrative expenses attributable to Trust Fund management?

III. Regulatory Planning and Review (Executive Orders 12866 and 13563)

This regulation is a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. If adopted, this rule may have an annual effect on the economy of $100 million or more. Accordingly, this proposed rule has been reviewed by the Office of Management and Budget. The Regulatory Impact Assessment prepared by Treasury for this regulation is provided below.

This rule deals with the transfer of amounts in the Gulf Coast Ecosystem Trust Fund. On March 21, 2013, $323,392,877 was deposited into the Trust Fund and invested in Treasury securities. The amount in the Trust Fund is expected to increase due to investments and additional deposits of civil penalties from ongoing litigation.

Description of Need for the Regulatory Action

The RESTORE Act requires Treasury to establish procedures necessary for the deposit into, and expenditure of amounts from, the Gulf Coast Ecosystem Trust Fund. This rulemaking implements those responsibilities. Included in this rulemaking are procedures for issuing grants to the Gulf Coast States, Florida counties, and Louisiana parishes, as well as reporting and auditing requirements. The procedures supplement responsibilities in other Federal laws and policy that apply to grants. Treasury is analyzing the proposed regulation in accordance with the National Environmental Policy Act, and will complete its analysis before finalizing the regulation.

Affected Population

This rulemaking affects those entities in the five Gulf Coast States that are eligible to receive funding under the RESTORE Act. In general, funds will be made available to a State and local governments in the form of grants, and to Federal agencies through interagency agreements, for projects, programs, and activities they select within the broad parameters of the RESTORE Act. Funds are also available to NOAA for a science research program, and to the Gulf Coast Ecosystem Restoration Council, a body comprised of State and Federal entities, for projects and programs the Council identifies in its Comprehensive Plan.

Under the Direct Component and Spill Impact Component, 65 percent of the Trust Fund is available to support projects, programs, and activities proposed by governmental entities in the five Gulf Coast States. The RESTORE Act lists a broad range of eligible activities, including the restoration and protection of natural resources, mitigation of damage to fish and wildlife, and workforce development and job creation. State entities may apply to the Treasury Department for grant funds under the Direct Component, and to the Gulf Coast Ecosystem Restoration Council for grant funds under the Spill Impact Component.

The Comprehensive Plan Component makes 30 percent of the Trust Fund, plus a portion of accrued interest, available to the Gulf Coast Ecosystem Restoration Council for projects and programs, using best available science, that would restore and protect natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast. The Council will identify the projects and programs it wants to fund in its Comprehensive Plan, and assign primary responsibility for them to its members. The Council will provide funds to the States in the form of grants, and may permit its Federal and State members to issue grants to or contract with nongovernmental entities.

The RESTORE Act also makes 2.5 percent of the Trust Fund, plus a portion of accrued interest, available to NOAA for the NOAA RESTORE Act Science Program. In this program, NOAA may use funds to carry out research, observation, and monitoring to support the long-term sustainability of the ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industry in the Gulf of Mexico. NOAA may carry out these functions directly, transfer funds to the Gulf States Marine Fisheries Commission, and issue grants.

The fifth RESTORE Act component is the Centers of Excellence Research Grants Program. In this program, Treasury will issue grants to governmental entities in the five Gulf Coast States using 2.5 percent of the Trust Fund, plus a portion of accrued interest. The State entities will use the funds to issue their own competitive grants to establish centers of excellence. These centers will be nongovernmental entities and consortia in the Gulf Coast region, including public and private institutions of higher education. They will focus on science, technology, and monitoring in five disciplines described in the RESTORE Act.

Baseline

The proposed regulation helps implement the RESTORE Act, which is generally focused on the environmental restoration and economic recovery of the Gulf Coast region. This region is an area in which the people, animals, minerals, land, and water are interconnected. The ecosystem and resources are vitally important to the United States economy, contributing about 30 percent of the nation's gross domestic product in 2009 (National Oceanic and Atmospheric Administration, 2010). The region provides more than 90 percent of the nation's offshore oil and natural gas production (U.S. Information Agency, 2010) and one-third of the nation's seafood (National Marine Fisheries Service, 2010). The region has 13 of the top 20 ports by tonnage and significant recreation and tourism.

On April 20, 2010, the largest oil spill in United States history occurred, exacerbating the effects of previous natural disasters and years of environmental decline in the Gulf Coast region. The cause was an explosion of the *Deepwater Horizon,* an oil drilling rig in the Gulf of Mexico. Before the well was capped, millions of barrels of crude oil were released, closing tens of thousands of square miles of federal waters for fishing while contaminating hundreds of miles of shoreline, bayous, bays, and islands with oil and chemicals used during response activities. The released oil dispersed over Gulf waters, wildlife, and coasts, causing extensive damage to marine and wildlife habitats, fishing, and tourism.

This proposed rule describes procedures concerning the expenditure of amounts from the Trust Fund, including compliance and auditing requirements. The amounts made available from the Trust Fund will continue efforts that provide for the long-term health of the ecosystems and economy of the Gulf Coast region. The Council, NOAA, and program grantees will determine how to advance these efforts using Trust Fund amounts.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 et seq.) generally requires agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. It is hereby certified that this rule will not have a significant economic impact on a substantial number of small entities, and thus no initial regulatory flexibility analysis is required. While this rule describes procedures concerning the allocation and expenditure of amounts from the Trust Fund, most of these requirements come from the RESTORE Act itself or other Federal law. The RESTORE Act or the Gulf Coast Restoration Council determines the percentage of funds available to the Gulf Coast States, Florida counties, and Louisiana parishes, with one exception. In the Direct Component, the RESTORE Act did not specify a method for determining the percentage of funds available to each of the eight disproportionately affected counties in the State of Florida. The proposed rule provides that these counties will determine an allocation formula for themselves by agreement. Because the proposed rule affects the allocation amounts for only eight Florida counties, some of which are small entities, the rule will not have a significant economic impact on a substantial number of small entities. Notwithstanding this certification, Treasury invites comments on the rule's impact on small entities.

V. Paperwork Reduction Act

The collections of information contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)). Comments on the collections of information should be sent to the Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, or email to *OIRA_submissions@omb.eop.gov,* with copies to the Treasury Department at the email address previously specified. Comments on the information collection should be submitted not later than November 5, 2013. Comments are specifically requested concerning:

- Whether the proposed collection[s] of information is necessary for the proper performance of the functions of the Treasury Department, including whether the information will have practical utility;
- The accuracy of the estimated burden associated with the proposed collection[s] of information (see below);
- How to enhance the quality, utility, and clarity of the information to be collected;
- How to minimize the burden of complying with the proposed collections of information, including the application of automated collection techniques or other forms of information technology.

The collections of information in this proposed regulation are in 31 CFR Part 34. This information is required to support applications for grants under the RESTORE Act and monitor the use of RESTORE Act funds. The likely respondents are recipients of these funds, namely State and local governments, Federal agencies, and nongovernmental entities who apply for grants.

	Direct component	Centers of Excellence Research Grants Program
Application—number of respondents	47	5
Application—frequency of responses	2	2
Application—burden hours per response	10	10
Application—total burden hours	940	100
Reports—number of respondents	47	5
Reports—frequency of responses	(1)	(1)
Reports—burden hours per response	3	3
Reports—total burden hours	564	60
Recordkeeping	4,700	500
Total burden hours	6,204	660

[1] Quarterly.

Estimated total annual burden hours for applications, reporting and recordkeeping: 6,864 hours for the Direct Component and the Centers of Excellence Research Grants Program. The Federal entities who administer the Comprehensive Plan Component, Spill Impact Component, and the NOAA RESTORE Act Science Program will submit their estimates separately to OMB. The public will have the opportunity to comment at that time.

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 control number assigned by OMB.

List of Subjects in 31 CFR Part 34

Coastal zone, Centers of Excellence Research Grants Program, Fisheries, Grant programs, Grants administration, Gulf Coast Ecosystem Restoration Council, Gulf Coast Restoration Trust Fund, Gulf RESTORE Program, Intergovernmental relations, Marine resources, Natural resources, NOAA RESTORE Act Science Program, Oil pollution, Research, Science and technology, Trusts, Wildlife.

For the reasons set forth in the preamble, the Department of the Treasury proposes to amend 31 CFR subtitle A to add new part 34 to read as follows:

PART 34—RESOURCES AND ECOSYSTEMS SUSTAINABILITY, TOURIST OPPORTUNITIES, AND REVIVED ECONOMIES OF THE GULF COAST STATES

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Subpart C—Eligible Activities for the Section 311(t) Gulf RESTORE Components

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34.802 Certifications.
34.803 Conditions.
34.804 Records.
34.805 Noncompliance.

Authority: 31 U.S.C. 301; 31 U.S.C. 321; 33 U.S.C. 1251 et seq.

Subpart A—General Provisions

§ 34.1 Purpose.

This part describes policies and procedures applicable to the following programs authorized under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act):

(a) Gulf RESTORE Program:

(1) Direct Component (subpart D)

(2) Comprehensive Plan Component (subpart E)

(3) Spill Impact Component (subpart F)

(b) NOAA RESTORE Act Science Program (subpart G)

(c) Centers of Excellence Research Grants Program (subpart H)

§ 34.2 Definitions.

As used in this part:

Act means the Resources and Ecosystems Sustainability, Tourist

Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

Administrative costs means those indirect costs incurred by the Gulf Coast States, coastal political subdivisions, and coastal zone parishes for general management functions, general ledger accounting, budgeting, human resource services, general procurement services, and general legal services that are allocable to activities authorized under the Act.

Administrative expenses means the expenses incurred by the Council to administer the Comprehensive Plan Component, and NOAA to administer the NOAA RESTORE Act Science Program, that are for general management functions, general ledger accounting, budgeting, human resource services, general procurement services, and general legal services. Oversight and monitoring activities are classified as administrative when the activity overseen or monitored is administrative rather than programmatic in nature.

Alabama Gulf Coast Recovery Council means the entity identified in section 311(t)(1)(F)(i) of the Federal Water Pollution Control Act, as amended by the RESTORE Act.

Best available science means science that maximizes the quality, objectivity, and integrity of information, including statistical information; uses peer-reviewed and publicly available data; and clearly documents and communicates risks and uncertainties in the scientific basis for such projects.

Centers of Excellence Research Grants Program means the program authorized by section 1605 of the Act.

Coastal political subdivision means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico. The term includes any of the disproportionately affected counties and nondisproportionately impacted counties in Florida, as defined below.

Coastal zone parishes means the parishes of Ascension, Assumption, Calcasieu, Cameron, Iberia, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Terrebonne, Tangipahoa, and Vermilion in the State of Louisiana.

Comprehensive Plan Component means the component of the Gulf RESTORE Program authorized by section 311(t)(2) of the Federal Water Pollution Control Act, as added by section 1603 of the Act, in which funds are provided through the Council, in accordance with a plan developed by the Council, to entities to carry out the purposes of the Act.

Council means the Gulf Coast Ecosystem Restoration Council, an independent entity in the Federal Government whose members are the Governors of the Gulf Coast States; the Secretaries of Agriculture, the Army, Commerce, and the Interior; the head of the department in which the Coast Guard is operating, and the Administrator of the Environmental Protection Agency (or their designees at the level of Assistant Secretary or the equivalent).

Deepwater Horizon oil spill means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

Direct Component means the component of the Gulf RESTORE Program authorized by section 311(t)(1) of the Federal Water Pollution Control Act, as added by section 1603 of the Act, in which Gulf Coast States, coastal zone parishes, disproportionately affected counties, and nondisproportionately impacted counties are provided funds directly by Treasury to carry out the purposes of the Act.

Disproportionately affected counties means the counties of Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Wakulla, and Walton in the State of Florida.

Environmental review and compliance procedures means the procedures under applicable Federal and state environmental laws.

Federal Water Pollution Control Act means 33 U.S.C. 1251 et seq.

Gulf Coast Region means:

(1) In the Gulf Coast States, the coastal zones defined under section 304 of the Coastal Zone Management Act of 1972 that border the Gulf of Mexico;

(2) Land within the coastal zones described in paragraph (1) of this definition that is held in trust by, or the use of which is by law subject solely to the discretion of, the Federal Government or officers or agents of the Federal Government;

(3) Any adjacent land, water, and watersheds, that are within 25 miles of the coastal zone described in paragraphs (1) and (2) of this definition; and

(4) All Federal waters in the Gulf of Mexico.

Gulf Coast State means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas.

Gulf Coast State entities means the parties delineated in § 34.702 as being eligible to administer the Centers of Excellence research grants in their respective states.

NOAA means the National Oceanic and Atmospheric Administration.

NOAA RESTORE Act Science Program means the program authorized by section 1604 of the Act.

Nondisproportionately impacted counties means the counties of Charlotte, Citrus, Collier, Dixie, Hernando, Hillsborough, Jefferson, Lee, Levy, Manatee, Monroe, Pasco, Pinellas, Sarasota, and Taylor in the State of Florida.

Spill Impact Component means the component of the Gulf RESTORE Program authorized by section 311(t)(3) of the Federal Water Pollution Control Act, as added by section 1603 of the Act, in which Gulf Coast States are provided funds by the Council according to a formula that the Council establishes by regulation, using criteria listed in the Act.

State Expenditure Plan means the plan that each Gulf Coast State must submit to the Council for the expenditure of amounts disbursed under the Spill Impact Component.

Treasury means the U.S. Department of the Treasury, the Secretary of the Treasury, or his/her designee.

Trust Fund means the Gulf Coast Restoration Trust Fund.

Subpart B—Trust Fund

§ 34.100 The Trust Fund.

Treasury will deposit into the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid after July 6, 2012 by responsible parties in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* pursuant to a court order, negotiated settlement, or other instrument under section 311 of the Federal Water Pollution Control Act. The authority for the Trust Fund will terminate on the date all funds owed to the Trust Fund have been returned, and all funds have been expended.

§ 34.101 Investments.

The Secretary of the Treasury will invest such amounts in the Trust Fund that are not, in the judgment of the Secretary, required to meet needs for current withdrawals. The Secretary may invest in interest-bearing obligations of the United States, having maturities suitable to the needs of the Trust Fund as determined by the Secretary. These obligations will bear interest at rates described in 31 U.S.C. 9702, unless the Secretary determines that such rates are unavailable for obligations with suitable maturities. In that event, the Secretary

will select obligations of the United States bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

§ 34.102 Interest earned.

Interest earned on Trust Fund investments will be available as described in § 34.103(b).

§ 34.103 Allocation of funds.

The amounts in the Trust Fund are allocated among the programs in § 34.1.

(a) Available funds in the Trust Fund, other than interest, are allocated as follows:

(1) Thirty-five percent in equal shares for the Gulf Coast States to be used for the Direct Component of the Gulf RESTORE Program.

(2) Thirty percent for the Council to be used for the Comprehensive Plan Component of the Gulf RESTORE Program.

(3) Thirty percent for formula distribution to Gulf Coast States to be used for the Spill Impact Component of the Gulf RESTORE Program.

(4) Two and one-half percent to be used for the NOAA RESTORE Act Science Program.

(5) Two and one-half percent in equal shares for the Gulf Coast States to be used for the Centers of Excellence Research Grants Program.

(b) Within ten days of the close of a Federal fiscal year, available funds equal to the interest earned on the Trust Fund investments will be allocated, as follows:

(1) Twenty-five percent to be used for the NOAA RESTORE Act Science program.

(2) Twenty-five percent for the Centers of Excellence Research Grants program.

(3) Fifty percent for the Comprehensive Plan Component.

§ 34.104 Expenditures.

Amounts in the Trust Fund will be available for expenditure solely for eligible activities, administrative costs, and administrative expenses without fiscal year limitation. Grantees must minimize the time between the receipt of funds and the disbursement of those funds.

§ 34.105 Waiver.

To the extent not inconsistent with applicable law, Treasury may waive or modify a requirement in thes regulations in this part in a single case or class of cases if the Secretary determines, in his or her sole discretion, that the requirement is not necessary for the deposit of amounts into, or the expenditure of amounts from, the Trust Fund. Treasury will provide public notice of any waivers or modifications granted.

Subpart C—Eligible Activities for the Section 311(t) Gulf RESTORE Components

§ 34.200 General.

This subpart describes policies and procedures regarding eligible activities applicable to the Direct Component, Comprehensive Plan Component, and Spill Impact Component. Subparts D, E, F, and I of this part describe additional requirements that must be met before an activity can receive funding.

(a) Trust Fund money may be used to carry out an activity in whole or in part only if the following requirements are met:

(1) Costs incurred, whether charged on a direct or indirect basis, must conform with the applicable OMB circulars and guidance.

(2) The activity must meet the eligibility requirements of the Gulf RESTORE Program as defined in §§ 34.201, 34.202, or 34.203, according to component.

(3) Environmental review and compliance procedures must be complied with for each program, project, or activity, as applicable. Grant agreements may provide for pre-award costs of environmental review and compliance in the manner prescribed by applicable OMB circulars and guidance.

(4) Activities funded through the Direct Component, Comprehensive Plan Component, and Spill Impact Component may not be included in any claim for compensation presented to the Oil Spill Liability Trust Fund after July 6, 2012.

(b) A Gulf Coast State, coastal political subdivision, and coastal zone parish may use funds available under the Direct Component or Spill Impact Component to satisfy the non-Federal cost-share of a project or program that is an eligible activity and authorized by Federal law.

§ 34.201 Eligible activities for the Direct Component.

The following activities are eligible for funding under the Direct Component. Activities in paragraphs (a) through (g) of this section are eligible for funding to the extent they are carried out in the Gulf Coast Region. Programs, projects, and activities designed to protect or restore natural resources must be based on the best available science.

(a) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast Region.

(b) Mitigation of damage to fish, wildlife, and natural resources.

(c) Implementation of a Federally-approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.

(d) Workforce development and job creation.

(e) Improvements to or on State parks located in coastal areas affected by the *Deepwater Horizon* oil spill.

(f) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.

(g) Coastal flood protection and related infrastructure.

(h) Promotion of tourism in the Gulf Coast Region, including promotion of recreational fishing.

(i) Promotion of the consumption of seafood harvested from the Gulf Coast Region.

(j) Planning limited to the costs of data gathering, studies, analysis, and preparation of plans and actions for eligible activities under § 34.201(a) through (i), including the costs of environmental review and compliance.

(k) Administrative costs.

§ 34.202 Eligible activities for the Comprehensive Plan Component.

The Council's activities under section 311(t)(2) and (3) of the Federal Water Pollution Control Act are eligible for funding from the Comprehensive Plan Component, including the following:

(a) The Council may expend funds for projects and programs, using the best available science, that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast Region. All Council projects and programs must be carried out in the Gulf Coast Region and be adopted in the Comprehensive Plan.

(b) The Council may expend funds to develop and publish the proposed and initial Comprehensive Plans, and to carry out, amend, and update the Comprehensive Plan as required by the Act or as necessary.

(c) The Council may expend funds to prepare annual reports to Congress, and other reports and audits required by the Act, these regulations, and other Federal law.

(d) The Council may expend funds to establish and operate one or more advisory committees as may be necessary to assist the Council.

(e) The Council may expend funds to collect and consider scientific and other

research associated with restoration of the Gulf Coast ecosystem, including research, observation, and monitoring.

(f) Administrative expenses.

§ 34.203 Eligible activities for the Spill Impact Component.

Programs, projects, and activities eligible for funding under the Spill Impact Component must meet the eligibility criteria set forth in § 34.201, as well as the following:

(a) The projects, programs, and activities must be included in a State Expenditure Plan approved by the Council.

(b) The projects, programs, and activities included in the State Expenditure Plan must contribute to the overall economic and ecological recovery of the Gulf Coast.

§ 34.204 Limitations on activities.

The following limitations apply to the activities of §§ 34.201, 34.202, and 34.203.

(a) Acquisition of land or interests in land by purchase, exchange, or donation must be from a willing seller.

(b) None of the Trust Fund amounts may be used to acquire land in fee title by the Federal Government unless the land is acquired by exchange or donation or the acquisition is necessary for the restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast Region and has the concurrence of the Governor of the State in which the acquisition will take place.

§ 34.205 Limitations on administrative costs and administrative expenses.

(a) Of the amounts received by a Gulf Coast State, coastal political subdivision, or coastal zone parish under the Direct Component, Comprehensive Plan Component, and Spill Impact Component, not more than three percent may be used for administrative costs, including staff. The three percent limit is applied to the total amount of funds received under each grant, beginning with the first fiscal year it receives funds through the end of the most recent fiscal year.

(b) Of the amounts received by the Council under the Comprehensive Plan Component, not more than three percent may be used for administrative expenses, including staff. The three percent limit is applied to the total amount of funds received by the Council, beginning with the first fiscal year it receives funds through the end of the fourth, or most recent fiscal year, whichever is later.

(c) With respect to the Alabama Gulf Coast Recovery Council, administrative duties may only be performed by public officials and employees that are subject to the ethics laws of the State of Alabama. Trust Fund amounts may not be used for the administrative costs of other personnel.

§ 34.206 Audited financial statements and audits.

Not later than December 1, 2014 and each year thereafter, the Council must prepare and submit to the Secretary of the Treasury an audited financial statement for the preceding Federal fiscal year, covering all accounts and associated activities of the Council.

(a) Each audited financial statement under this section must reflect:

(1) The overall financial position of the accounts and activities covered by the statement, including assets and liabilities thereof.

(2) Results of operations of the Council.

(b) The financial statements must be prepared in accordance with the form and content of the financial statements prescribed by the Director of the Office of Management and Budget for executive agencies pursuant to 31 U.S.C. 3515, consistent with applicable accounting and financial reporting principles, standards, and requirements.

(c) The Treasury Inspector General may conduct performance audits and reviews of the Council's accounts and activities as the Inspector General deems appropriate.

Subpart D—Gulf RESTORE Program—Direct Component

§ 34.300 General.

This subpart describes the policies and procedures applicable to the Direct Component of the Gulf RESTORE Program. The funds made available under this subpart will be in the form of a grant.

§ 34.301 Responsibility for administration.

Treasury is responsible for awarding grants and administering grants and grant agreements under this subpart. Treasury may develop and apply policies and procedures consistent with this subpart, applicable Federal policies, and the Act. Treasury will establish and implement a program to monitor compliance with its grant agreements.

§ 34.302 Allocation of funds.

The amounts made available in any fiscal year from the Trust Fund and allocated to this component will be available in equal shares for the Gulf Coast States for expenditure on eligible activities. The following entities are eligible to receive Direct Component grants.

(a) The amounts available to Alabama will be provided directly to the Alabama Gulf Coast Recovery Council, or such administrative agent as it may designate.

(b) Of the amounts available to Florida, 75 percent of funding will be provided directly to the eight disproportionately affected counties. Treasury will divide the funds among these counties according to the formula mutually-agreed upon by the counties and included in the multiyear implementation plan submitted by each disproportionately affected county.

(c) Of the amounts available to Florida, 25 percent of funding will be provided to the nondisproportionately impacted counties. Treasury will divide the funds among these counties according to the formula in section 311(t)(1)(C)(ii) of the Federal Water Pollution Control Act.

(d) Of the amounts available to Louisiana, 70 percent will be provided directly to the Coastal Protection and Restoration Authority Board of Louisiana.

(e) Of the amounts available to Louisiana, 30 percent will be provided directly to the coastal zone parishes based on the formula in section 311(t)(1)(D)(i) of the Federal Water Pollution Control Act. No parish will receive funds until its chief executive has certified to the Governor of Louisiana, in a form satisfactory to the Governor or the Governor's designee, that the parish has completed a comprehensive land use plan that is consistent with, or complementary to, the most recent version of the State's Coastal Master Plan approved by the Louisiana legislature.

(f) The amounts available to Mississippi will be provided directly to the Mississippi Department of Environmental Quality.

(g) The amounts available to Texas will be provided directly to the Office of the Governor or to an appointee of the Governor.

§ 34.303 Application procedure.

The entities identified in § 34.302 are eligible to apply for their allocation as a grant. Treasury will develop an application process for grants available under this subpart that is consistent with the Act and Federal policies on grants. At a minimum, the procedure will include the following:

(a) The applicant must submit a multiyear implementation plan describing each program, project, and activity for which it seeks funding. For each, the plan must include a narrative description showing need, purpose, and objectives; identification of the eligible activity under which it qualifies;

location; budget; milestones; projected completion dates; and criteria the applicant will use to evaluate the success of each activity in helping to restore and protect the Gulf Coast region impacted by the *Deepwater Horizon* oil spill. The applicant must also state whether it has applied for a grant to fund the program, project, or activity under any other part of the Act. For the State of Louisiana parishes, the applicant must submit information demonstrating compliance with § 34.302(e). Treasury may require a standard format for the plans and additional information.

(b) An applicant may satisfy some or all of the requirements in §§ 34.303(a) and 34.802(a) through (e) if it can demonstrate in its application to Treasury that before July 6, 2012:

(1) The applicant established conditions to carry out projects, programs, and activities that are substantively the same as the conditions required in § 34.303(a).

(2) The applicable program, project, or activity qualified as one or more of the eligible activities in § 34.201.

(c) The applicant must include supporting information that proposed activities meet the statutory requirements for eligibility, that its implementation plan was made available for public review and comment for a minimum of 30 days, and that each program, project, and activity is adopted after consideration of all meaningful input from the public, including broad-based participation from individuals, businesses, Tribal nations, and non-profit organizations.

(d) The applicant must include supporting information that each program, project, and activity that is designed to protect or restore natural resources is based on the best available science.

§ 34.304 Grant award process.

Upon determining that an application meets the requirements of these regulations and the Act, Treasury will offer the applicant a grant agreement that complies with subpart I and Federal policies applicable to grants.

§ 34.305 Use of funds.

(a) An activity may be funded in whole or in part if the applicable requirements of subparts C and D of this part are met. Unexpended funds at the end of the grant period or conclusion of the project, program, or activity, whichever is later, must be returned to the Trust Fund.

(b) When awarding contracts to carry out a project or program under the Direct Component, a Gulf Coast State, coastal political subdivision, or coastal zone parish may give preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in the State of project execution.

§ 34.306 Reports.

Grantees must submit timely reports as prescribed by Treasury.

§ 34.307 Recordkeeping.

Grantees must maintain records as prescribed by Treasury and make the records available to Treasury, including the Treasury Inspector General.

§ 34.308 Audits.

Treasury, including the Treasury Inspector General, may conduct audits and reviews of grantee's accounts and activities as deemed appropriate by Treasury.

Subpart E—Gulf RESTORE Program—Comprehensive Plan Component

§ 34.400 General.

This subpart describes the policies and procedures applicable to the Comprehensive Plan Component. The Comprehensive Plan is developed by the Council in accordance with section 311(t)(2) of the Federal Water Pollution Control Act. This Component provides for implementing the projects and programs listed in the Comprehensive Plan.

§ 34.401 Responsibility for administration.

After selecting Comprehensive Plan projects and programs to be funded, the Council must assign primary authority and responsibility for overseeing and implementing projects and programs to a Gulf Coast State or Federal agency represented on the Council.

(a) In assigning responsibility, the Council must enter into a grant agreement with the Gulf Coast State or an interagency agreement with the Federal agency. The Council must specify whether any part of this responsibility may be further assigned to another entity and under what terms.

(b) When a grant to a nongovernmental entity would equal or exceed ten percent of the total amount provided to the assignee for that particular project or program, the Council must publish in the **Federal Register** and deliver to these Congressional Committees at least 30 days prior to the assignee entering into an agreement the name of the grantee, the project's or program's purpose, and the amount of the award.

(1) House of Representative committees: Committee on Science, Space, and Technology; Committee on Natural Resources; Committee on Transportation and Infrastructure; Committee on Appropriations.

(2) Senate committees: Committee on Environment and Public Works; Committee on Commerce, Science, and Transportation; Committee on Energy and Natural Resources; Committee on Appropriations.

(c) The Council must establish and implement a program to monitor compliance with its grant agreements and interagency agreements.

§ 34.402 Application procedure and grant award process.

The Council may establish a selection process for assignees to use for awarding grants, cooperative agreements, or contracts to other entities. If the Council does not establish an application and selection process, assignees must use a selection process of their choosing that is fair, open, and meets the requirements of Federal laws and, for State and local governments that are awarding, the applicable State and local laws.

§ 34.403 Use of funds.

An activity may be funded in whole or in part if the applicable requirements of subparts C and E of this part are met.

§ 34.404 Reports.

Assignees/grantees must submit reports as prescribed by the Council or Treasury.

§ 34.405 Recordkeeping.

Grantees must maintain records as prescribed by the Council and Treasury, and make the records available to the Council and Treasury, including the Treasury Inspector General.

§ 34.406 Audits.

The Council and Treasury, including the Treasury Inspector General, may conduct audits and reviews of grantee's accounts and activities as any of them deems appropriate.

Subpart F—Gulf RESTORE Program—Spill Impact Component

§ 34.500 General.

This subpart describes the policies and procedures applicable to the Spill Impact Component of the Gulf RESTORE Program. The funds made available under this subpart must be in the form of grants.

§ 34.501 Responsibility for administration.

The Council is responsible for awarding and administering grants under this subpart. The Council must establish and implement a program to monitor compliance with its grant agreements.

§ 34.502 Allocation of funds.

The Council will allocate amounts to the Gulf Coast States based on a formula in the Act and a regulation that the Council promulgates. The Council will make allocated funds available through grants for programs, projects, and activities described in a State expenditure plan approved by the Council.

§ 34.503 State Expenditure Plans.

Each Gulf Coast State, through its Governor or the Governor's designee, must submit a State Expenditure Plan to the Council for its approval that describes each program, project, and activity for which the State seeks funding. The Council must develop requirements for these plans that include the following:

(a) The State Expenditure Plan must be developed by:

(1) In Alabama, the Alabama Gulf Coast Recovery Council.

(2) In Florida, a consortium of local political subdivisions that includes, at a minimum, one representative of each county affected by the *Deepwater Horizon* oil spill.

(3) In Louisiana, the Coastal Protection and Restoration Authority of Louisiana, as approved by the Board.

(4) In Mississippi, the Office of the Governor or an appointee of the Office of the Governor.

(5) In Texas, the Office of the Governor or an appointee of the Office of the Governor.

(b) The State Expenditure Plan must take into consideration the Comprehensive Plan and be consistent with the goals and objectives of the Comprehensive Plan.

(c) For each program, project, and activity, the State Expenditure Plan must include narrative description showing purpose and objectives, estimated expenditures, major milestones, estimated duration, and criteria the State will use to evaluate success. The applicant must also state whether it has applied for a grant to fund the program, project, or activity under any other part of the Act.

(d) The State Expenditure Plan must demonstrate that each program, project, and activity is an eligible activity and that the plan will contribute to the overall economic and ecological recovery of the Gulf Coast.

(e) The State Expenditure Plan must demonstrate that each project, program, and activity that would restore and protect natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands or the economy of the Gulf Coast is based on the best available science.

(f) The State Expenditure Plan may not propose to use more than 25 percent of the funding made available for infrastructure projects, unless the plan certifies that:

(1) The ecosystem restoration needs in the State will be addressed by the projects in the proposed plan; and

(2) Additional investment in infrastructure is required to mitigate the impacts of the *Deepwater Horizon* Oil Spill to the ecosystem or economy.

(g) If the Council disapproves a State Expenditure Plan, the Council must notify the impacted State in writing and consult with the State to address any identified deficiencies with the plan. If the Council fails to approve or take action within 60 days after the date on which the Council receives the plan, the State may obtain expedited judicial review within 90 days in a United States district court located in the State seeking the review.

§ 34.504 Grant administration.

If the Council approves a State Expenditure Plan, the State may apply for a grant to carry out specific projects, programs, and activities in the plan. The Council must establish and publish procedures for grants available under this subpart that are consistent with Federal laws, regulations, and policies on grants. At a minimum, the State's application must demonstrate all the elements required for a State Expenditure Plan to the satisfaction of the Federal grant administrator before a grant may be approved.

§ 34.505 Use of funds.

An activity may be funded in whole or in part if the applicable requirements of subparts C and F of this part are met.

§ 34.506 Reports.

Grantees must submit reports as prescribed by the Council or Treasury.

§ 34.507 Recordkeeping.

Grantees must maintain records as prescribed by the grant administering agency and make the records available to the grant administering agency, and Treasury, including the Treasury Inspector General.

§ 34.508 Audits.

The Council and Treasury, including the Treasury Inspector General, may conduct audits and reviews of grantee's accounts and activities as any of them deem appropriate.

Subpart G—NOAA RESTORE Act Science Program

§ 34.600 General.

This subpart describes policies and procedures applicable to the NOAA RESTORE Act Science program. The program's purpose is to carry out research, observation, and monitoring to support, to the maximum extent practicable, the long-term sustainability of the ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industries in the Gulf of Mexico.

§ 34.601 Responsibility for administration.

NOAA is responsible for establishing and administering this program, in consultation with the United States Fish and Wildlife Service. NOAA must develop, publish, and apply policies and procedures for the NOAA RESTORE Act Science program consistent with the Act, this subpart and Federal grant laws, regulations, and policies. NOAA must implement a program to monitor compliance with its grant agreements and interagency agreements funded through the Trust Fund. NOAA and the United States Fish and Wildlife Service will consult with the Regional Gulf of Mexico Fishery Management Council and the Gulf States Marine Fisheries Commission in carrying out the program.

§ 34.602 Activities for the NOAA RESTORE Act Science Program.

Amounts made available to NOAA may be expended to carry out a program comprised of the following activities with respect to the Gulf of Mexico:

(a) Marine and estuarine research.

(b) Marine and estuarine ecosystem monitoring and ocean observation.

(c) Data collection and stock assessments.

(d) Pilot programs for fishery independent data and reduction of exploitation of spawning aggregations.

(e) Cooperative research.

(f) Coordination of science and technology programs, in accordance with section 1604(f) of the Act, including setting priorities and engaging stakeholders. NOAA may also expend amounts made available from the Trust Fund for administrative expenses connected with the program. All funds must be expended in compliance with the Act, these regulations, and other applicable law.

§ 34.603 Limitations on activities.

None of the Trust Fund amounts may be used for the following activities:

(a) For any existing or planned research led by NOAA, unless agreed to in writing by the grant recipient.

(b) To implement existing regulations or initiate new regulations promulgated or proposed by NOAA.

(c) To develop or approve a new limited access privilege program (as that term is used in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1853(a)]) for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Councils.

§ 34.604 Limitations on administrative expenses.

(a) Of the amounts received by NOAA under the NOAA RESTORE Act Science Program, not more than three percent may be used for administrative expenses, including staff.

(b) The three percent limit is based on funds that the NOAA RESTORE Act Science Program receives in its fiscal year, and unused amounts may be carried forward into subsequent years. The three percent limit is applied to the total amount of funds received by NOAA, beginning with the first fiscal year it receives funds through the end of the fourth, or most recent fiscal year, whichever is later.

(c) NOAA may seek reimbursement of administrative expenses incurred after the first deposit into the Trust Fund, to the extent permitted by Federal law. Administrative expenses incurred prior to the first deposit into the Trust Fund are not reimbursable.

§ 34.605 Reports.

NOAA must submit reports as prescribed by Treasury.

§ 34.606 Recordkeeping.

Grantees must maintain records as prescribed by NOAA and make the records available to NOAA.

§ 34.607 Audits.

The Treasury Inspector General may conduct audits and reviews of grantee's accounts and activities as it deems appropriate.

Subpart H—Centers of Excellence Research Grants Program

§ 34.700 General.

This subpart describes the policies and procedures applicable to the Centers of Excellence Research Grants program. The program's purpose is to establish centers to conduct research only on the Gulf Coast Region. The funds made available to the Gulf Coast States under this subpart will be in the form of a grant.

§ 34.701 Responsibility for administration.

Treasury is responsible for awarding grants to the Gulf Coast States, who will use the amounts made available to award grants to nongovernmental entities and consortia in the Gulf Coast Region for the establishment of Centers of Excellence. Treasury may develop and apply policies and procedures consistent with this subpart, Federal grant administration requirements, and the Act. Each Gulf Coast State entity issuing a grant must establish and implement a program to monitor compliance with its grant agreements.

§ 34.702 Allocation of funds.

Each Gulf Coast State will be entitled to an equal share to carry out eligible activities. The duties of a Gulf Coast State will be carried out by the following entities:

(a) In Alabama, the Alabama Gulf Coast Recovery Council.

(b) In Florida, a consortium of public and private research institutions within the State which will include the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission.

(c) In Louisiana, the Coastal Protection and Restoration Authority of Louisiana.

(d) In Mississippi, the Mississippi Department of Environmental Quality.

(e) In Texas, the Office of the Governor or an appointee of the Office of the Governor.

§ 34.703 Application procedure.

Treasury will develop an application process for grants available to the Gulf Coast States under this subpart that is consistent with Federal law, regulations, and policies on grants. At a minimum, the process will include the following:

(a) Each Gulf Coast State must describe the rules and policies the State will apply to the Centers of Excellence grant(s), including the competitive process that the State will use to select a Center of Excellence. The process must allow nongovernmental entities and consortia in the Gulf Coast Region, including public and private institutions of higher learning, to compete. The process must give priority to entities and consortia that demonstrate the ability to organize the broadest cross-section of participants in the grant with interest and expertise in the discipline(s) on which the proposal is focused. The process must also guard against conflicts of interest. Centers of Excellence do not need to be located in the Gulf Coast State issuing the grant.

(b) Each Gulf Coast State must demonstrate that its rules and policies for Centers of Excellence grants, including the competitive selection process, were published and available for public review and comment for a minimum of 30 days, and that they were adopted after consideration of all meaningful input from the public, including broad-based participation from individuals, businesses, and non-profit organizations. This requirement does not apply to State statutes and regulations.

(c) Each application must state the amount of funding requested and the purposes for which the funds will be used.

§ 34.704 Use of grant funds and eligible activities.

(a) A Gulf Coast State receiving funds under this subpart must establish a grant program that complies with the Act, these regulations, and other Federal laws, regulations, and policies applying to grants.

(b) Gulf Coast States may use funds available under this subpart to award competitive grants for the establishment of Centers of Excellence that focus on science, technology, and monitoring in at least one of the following disciplines:

(1) Coastal and deltaic sustainability, restoration, and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner in a coastal delta in the Gulf Coast region.

(2) Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region.

(3) Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the Gulf of Mexico.

(4) Sustainable and resilient growth and economic and commercial development in the Gulf Coast Region.

(5) Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

§ 34.705 Ineligible activities.

Any activity that is not authorized under the provisions of § 34.704 is ineligible for funding under this subpart.

§ 34.706 Reports.

Each Gulf Coast State entity must submit the following reports:

(a) An annual report to the Council in a form set by the Council that includes information on recipients, grant amounts, disciplines addressed, and any other information required by the Council. When the grant recipient is a consortium, the annual report must also identify the consortium members. This information will be included in the Council's annual report to Congress.

(b) Other reports required by Treasury.

§ 34.707 Recordkeeping.

Grantees must maintain records as prescribed by Treasury and make the records available to Treasury, including the Treasury Inspector General.

§ 34.708 Audits.

Treasury, including the Treasury Inspector General, may conduct audits and reviews of each grantee's accounts and activities as deemed appropriate by Treasury.

Subpart I—Agreements

§ 34.800 General.

This subpart describes procedures applicable to grant agreements used by Treasury, the Council (including Federal agencies carrying out responsibilities for the Council), NOAA, Gulf Coast States, coastal political subdivision, and coastal zone parishes in making awards under subparts D, E, F, G, and H of this part.

§ 34.801 Grant agreements.

The grant agreements used must conform to all applicable Federal laws, regulations, and policies for grants, including audit requirements.

§ 34.802 Certifications.

At a minimum, grant agreements for the Direct Component, Comprehensive Plan Component, and Spill Impact Component must contain the following certifications. The certification must be signed by an authorized senior official of the organization or entity receiving grant funds with oversight for the administration and use of the funds in question.

(a) I certify that each project, program, and activity funded under this Agreement has been designed to restore and protect [*select all that are appropriate:* The natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, economy] of the Gulf Coast.

(b) I certify that each project, program, and activity funded under this Agreement is designed to carry out one or more of the eligible activities for this program/component.

(c) I certify that each project, program, and activity funded under this Agreement was selected after consideration of input from the public, including broad-based participation from individuals, businesses, and nonprofit organizations, as described in the grant application.

(d) I certify that each project, program, and activity funded under this Agreement that protects or restores natural resources is based on the best available science, as that term is defined in 31 CFR Part 34.

(e) I certify that this Grantee has followed in every material respect the applicable procurement rules applying to contracts in the Grantee's State for each project, program, and activity funded under this Agreement, including rules for competitive bidding and audit requirements. This Grantee agrees that it will not request funds under this grant award for any contract unless this certification remains true and accurate with respect to that contract. [*The Council may adapt this certification to account for any standard contract terms that it develops under section 311(t)(2)(C)(vii)(V) of the Federal Water Pollution Control Act.*]

(f) I certify that a conflict of interest policy is in effect and covering each project, program, and activity funded under this Agreement.

(g) I make each of these certifications based on my personal knowledge and belief after reasonable and diligent inquiry, and I affirm that this Grantee maintains written documentation sufficient to support each certification made above, and that this Grantee's compliance with each of these certifications is a condition of this Grantee's initial and continuing receipt and use of the funds provided under this Agreement.

§ 34.803 Conditions.

At a minimum, all grant agreements under subparts D, E, F, G, and H of this part must contain the following conditions.

(a) This Grantee must immediately report any indication of fraud, waste, abuse, or potentially criminal activity pertaining to grant funds to Treasury and the Treasury Inspector General.

(b) This Grantee must deposit all funds in one or more financial accounts which have the sole purpose of receiving fund amounts and making distributions of fund amounts. This Grantee must maintain detailed program, financial, and accounting records sufficient to demonstrate that grant funds were used in accordance with the program's requirements. This Grantee must track program income and use program income for purposes of the grant before requesting more program funds.

(c) Prior to making any subaward, this Grantee must execute a legally binding written agreement with the entity receiving the subaward. This Grantee and the subawardee must execute the written agreement before any funds are disbursed to the subawardee. The written agreement will extend all the applicable program requirements to the subawardee.

(d) This Grantee must use the funds only for the purposes identified in the Agreement.

(e) This Grantee must report at the conclusion of the grant period, or other period specified by the Federal agency administering the grant, on the use of funds pursuant to the agreement. The report must be sent to the Federal agency administering the grant and include the following information:

(1) A description of the use of all funds received.

(2) A statement that funds were used only for purposes identified in the agreement.

(3) A certification that the Grantee maintains written documentation sufficient to demonstrate the accuracy of these statements.

(4) A certification that the foregoing elements are reported accurately and that the certification is made from personal knowledge and belief after reasonable and diligent inquiry. The certification must be signed by a senior authorized official of the organization or entity receiving grant funds, who has oversight and authority over the administration and use of the funds in question.

§ 34.804 Records.

(a) As a condition of receiving funds, the Council and its members, NOAA, grantees, and all subrecipients must make available their records and personnel to Treasury, including the Treasury Inspector General, for the purpose of assessing compliance with this Agreement, the Act, and other Federal laws applying to their receipt of funds from the Gulf Coast Restoration Trust Fund.

(b) For grant agreements that exceed a three year period, the grantee must make an interim report at the end of every two years. The report must contain the elements listed in § 34.803(e).

§ 34.805 Noncompliance.

In addition to remedies available to the Federal agency administering grants, all grant agreements with the Gulf Coast States must be subject to the following conditions:

(a) If Treasury determines that a Gulf Coast State, coastal political subdivision, or coastal zone parish has expended funds received under the Direct Component, Comprehensive Plan Component, or Spill Impact Component on an ineligible activity, Treasury will make no additional funds available to that grantee from any part of the Trust Fund until the grantee has deposited in the Trust Fund an amount equal to the amount expended for an ineligible

activity, or Treasury has authorized the grantee to expend an equal amount from the grantee's own funds for a project or program that meets the requirements of the Act.

(b) If Treasury determines that a Gulf Coast State, coastal political subdivision, or coastal zone parish has materially violated a grant agreement under the Direct Component, Comprehensive Plan Component, or Spill Impact Component, Treasury will make no additional funds available to that grantee from any part of the Trust Fund until the grantee corrects the violation.

Richard L. Gregg,

Fiscal Assistant Secretary.

[FR Doc. 2013–21595 Filed 9–5–13; 8:45 am]

BILLING CODE 4810–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52

[EPA–R01–OAR–2012–0895; FRL- 9900–85-Region1]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Oxides of Nitrogen Exemption and Ozone Transport Region Restructuring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of extension of comment period.

SUMMARY: The EPA is announcing an extension of the public comment period on our proposed Approval and Promulgation of Air Quality Implementation Plans; Maine; Oxides of Nitrogen Exemption and Ozone Transport Region Restructuring (August 5, 2013). The EPA is extending the comment period that originally was scheduled to end on September 4, 2013. The extended comment period will close on October 3, 2013. The EPA is extending the comment period because of a request we received.

DATES: Comments must be received on or before October 3, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R01–OAR–2012–0895 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: arnold.anne@epa.gov*
3. *Fax:* (617) 918–0047.
4. *Mail:* ''Docket Identification Number EPA–R01–OAR–2012–0895,'' Anne Arnold, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100 (mail code: OEP05–2), Boston, MA 02109–3912.
5. *Hand Delivery or Courier.* Deliver your comments to: Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA 02109–3912. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R01–OAR–2012–0895. 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* Web site is an ''anonymous access'' systems, 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 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 at Air Quality Planning Unit, Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA 02109–3912. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding legal holidays.

In addition to the publicly available docket materials available for inspection electronically in the Federal Docket Management System at www.regulations.gov, and the hard copy available at the Regional Office, which are identified in the **ADDRESSES** section of this **Federal Register**, copies of the state submittal are also available for public inspection during normal business hours, by appointment at the Bureau of Air Quality Control, Department of Environmental Protection, First Floor of the Tyson Building, Augusta Mental Health Institute Complex, Augusta, ME 04333–0017.

FOR FURTHER INFORMATION CONTACT: Richard P. Burkhart, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square, Suite 100, Boston, MA 02109–3912, telephone number (617) 918–1664, fax number (617) 918–0664, email *Burkhart.Richard@epa.gov.*

Dated: August 29, 2013.

Stephen S. Perkins,

Acting Regional Administrator, EPA New England.

[FR Doc. 2013–21782 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2013–0552; FRL–9900–67–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Construction Permit Program Fee Increases; Construction Permit Regulation of $PM_{2.5}$; Regulation 3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the three State Implementation Plan (SIP) revision packages submitted by the State of Colorado on June 11, 2008, June 18, 2009, and May 25, 2011. EPA is proposing to approve the June 11, 2008 and June 18, 2009 submittal revisions to Regulation 3, Part A, Section VI.D.1., in which the State, among other things, increased the construction permit processing fees. EPA proposes approval of Colorado's May 25, 2011 submittal, which addresses regulation of fine particulate matter ($PM_{2.5}$) under Colorado's construction permit program. EPA also proposes to approve minor editorial changes to Regulation 3, Parts A, B, and D in the May 25, 2011 submittal. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: Written comments must be received on or before September 27, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2013–0552, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: komp.mark@epa.gov.*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2013–0552. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to section I, General Information, of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Komp, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6022, *komp.mark@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows: The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(i) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(ii) The initials *NAAQS* mean or refer to national ambient air quality standards.

(iii) The initials *NSR* mean or refer to New Source Review.

(iv) The initials *PM* mean or refer to particulate matter.

(v) The initials $PM_{2.5}$ mean or refer to particulate matter with an aerodynamic diameter of less than 2.5 micrometers (fine particulate matter).

(vi) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(vii) The initials *SIP* mean or refer to State Implementation Plan.

(viii) The initials *tpy* mean or refer to tons per year.

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I. General Information

What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit CBI to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register**, date, and page number);
- Follow directions and organize your comments;
- Explain why you agree or disagree;
- Suggest alternatives and substitute language for your requested changes;
- Describe any assumptions and provide any technical information and/or data that you used;
- If you estimate potential costs or burdens, explain how you arrived at

your estimate in sufficient detail to allow for it to be reproduced;

- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and
- Make sure to submit your comments by the comment period deadline identified.

II. Background

The State's June 11, 2008 and June 18, 2009 revisions, adopted on October 18, 2007 and September 18, 2008 respectively, contain fee increases in Part A, Section VI.D.1. of Regulation 3. The fee increases for processing construction permits reflect increased fees in Colorado Revised Statute Section 25–7–114.7.

In the State's May 25, 2011 submittal, the State addressed requirements for regulation of $PM_{2.5}$ in the State's construction permit program. In particular, Colorado included $PM_{2.5}$ in the ''air pollutant'' and ''criteria pollutant'' definitions in Part A, Sections I.B.6 and I.B.16, and set $PM_{2.5}$ permitting thresholds in Part B, Sections II.D.2 and II.D.3. Sources located in a nonattainment area for any criteria pollutant are exempt from obtaining a construction permit if the source's annual uncontrolled actual emissions of $PM_{2.5}$ are less than one ton per year (tpy). In areas that are in attainment for all criteria pollutants, sources with uncontrolled actual emissions less than five tpy are exempt from construction permits.

The State also made minor editorial changes throughout Regulation 3, as documented in the May 25, 2011 submittal. Finally, the cover letter for the May 25, 2011 submittal indicated that the revision addressed the exclusion of ethanol production facilities from chemical process plants in the definition of major stationary source. However, as the submittal itself reflects, the State of Colorado did not submit the exclusion and instead deferred any decision on the exclusion until all relevant pending matters at the federal level are resolved.

III. EPA Analysis of State's Submittals

The State's June 11, 2008 and June 18, 2009 revisions contained permitting fee increases in Part A, Section VI.D.1. of Regulation 3. The State increased its fees with the 2008 submittal to $17.97 per ton for regulated pollutants and $119.96 per ton for hazardous air pollutants. In the State's 2009 submittal, these fees were increased to $22.90 and $152.10, respectively. Section VI.D.1. also requires permit processing fees to be collected. We note that the Colorado Legislature increased the fees for permit processing in a 2008 bill that revised Colorado Revised Statute Section 25–7–114.7 as referenced in Section VI.D.1. We consider the new submittal to reflect these revised fees.

Based on EPA's review of the submittals, it appears that Colorado intended to replace the first revision of fees appearing in the June 11, 2008 with the June 18, 2009 submittal. Therefore, the latter revision supersedes the earlier revision. As of the day of the 2009 submittal, the Colorado Legislature revised the fees in Colorado Revised Statute Section 25–7–114.7 as referenced in Section VI.D.1.

However, both submittals contain increased emission fees that appear to be for the purpose of implementing and enforcing the State's Title V program. These emission fee increases are non-SIP regulatory fees and therefore any increases are outside the scope of the SIP revision process. Conversely, the permit processing fees, at least with respect to the processing of construction permits, are appropriate for approval into the SIP. See, CAA Section 110(a)(2)(L)(i). To the extent these fee increases impact processing of construction permits, EPA approves the increase.

The May 25, 2011 submittal revised the definition of ''air pollutant'' in Part A of Regulation Number 3 to add $PM_{2.5}$. Consistent with EPA's 2008 $PM_{2.5}$ New Source Review (NSR) Implementation Rule (73 FR 28321), the submittal revised the definition of ''criteria pollutant'' in Part A to include $PM_{2.5}$ and to recognize sulfur dioxide and nitrogen oxides as precursors to $PM_{2.5}$. With these changes, $PM_{2.5}$ and its precursors are regulated under Colorado's construction permit program in Part B of Regulation Number 3.[1]

The State correspondingly revised Part B to reflect regulation of $PM_{2.5}$. In particular, Colorado added emission thresholds below which sources of $PM_{2.5}$ are exempt from construction permit requirements. In areas which are nonattainment for any criteria pollutant, facilities with total annual uncontrolled emissions of $PM_{2.5}$ less than one ton per year (tpy) are exempt; in areas that are in attainment for all criteria pollutants, facilities with total annual uncontrolled emissions of $PM_{2.5}$ less than five tpy are exempt. These levels are identical to the existing PM_{10} permit thresholds. The State also retained the existing thresholds for the pollutants identified as $PM_{2.5}$ precursors, sulfur dioxide and nitrogen oxides: five tpy in areas which are nonattainment for any criteria pollutants, and ten tpy in areas that are in attainment for all criteria pollutants.

EPA proposes to approve these revisions to Parts A and B. In particular, we note that the revised construction permit program must be adequate to ensure that construction or modification of a stationary source will not interfere with attainment or maintenance of the $PM_{2.5}$ standards. See 40 CFR 51.160(a)(2). A technical support document provided in the docket for this rulemaking reviews monitored $PM_{2.5}$ design values in Colorado since 2001. As detailed in the document, with respect to the $PM_{2.5}$ standards, air quality in Colorado is generally good. Based on the combination of this air quality data and the particular threshold levels selected by Colorado, EPA proposes to approve the thresholds.

In addition, in paragraph III.D.2 of Part B, which contains reasonably available control technology (RACT) requirements for certain new or modified minor sources, Colorado added sources of volatile organic compounds (VOCs). This responded to Colorado's previous removal of these sources, which would have relaxed the stringency of the SIP. As Colorado's reinstatement of VOC sources restores this provision to its previous state, we propose to approve the change.

The cover letter to Colorado's May 25, 2011 submittal identified the specific regulations the State requested that EPA approve into the SIP, including minor editorial changes in Parts A, B, and D of Regulation 3. These Parts of Colorado's Regulation 3 address the State's permitting and PSD program. However, editorial changes were also made to Part C of the regulation. Part C is the State's Title V permitting program and is not part of the SIP. Since the State included these non-SIP regulatory changes in Part C, EPA is taking no action on them.

IV. What action is EPA taking?

We have evaluated Colorado's June 11, 2008, June 18, 2009 and May 25, 2011 submittals regarding revisions to the State's Regulation 3. We are proposing to approve the revisions. Specifically, we are proposing to approve the revision in the June 18, 2009 submittal to Regulation 3, Part A, Section VI.D.1. to the extent it increases construction permit processing fees as set forth in Colorado Revised Statute

[1] On May 23, 2013 (78 FR 30830), we separately proposed approval of revisions to Colorado's Prevention of Significant Deterioration (PSD) program in Part D of Regulation Number 3 to address the requirements for PSD programs set out in the 2008 $PM_{2.5}$ NSR Implementation Rule, including recognition of $PM_{2.5}$ precursors in the definition of ''regulated NSR pollutant.''

Section 27–7–114.7. All other fee increases are outside the scope of this SIP revision action.

We also propose to approve the revisions to Parts A and B of Regulation 3 in the May 25, 2011 submittal to approve the addition of $PM_{2.5}$ to the definitions of ''air pollutant'' and ''criteria pollutant'' in Part A, and the revisions of Part B to reflect Colorado's regulation of $PM_{2.5}$ in the State's construction permit program, including $PM_{2.5}$ thresholds. We also propose to approve Colorado's reinstatement of VOC sources to RACT requirements in Part B. Finally, we propose to approve the minor editorial changes made throughout Regulation 3, Parts A, B, and D.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations (42 U.S.C. 7410(k), 40 CFR 52.02(a)). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting federal requirements; this proposed action does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 52

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

Dated: August 28, 2013.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2013–21614 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2010–0652; FRL–9900–73–Region6]

Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Excess Emissions Requirements; Finding of Substantial Inadequacy: and Call for Oklahoma State Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing three actions concerning revisions to the Oklahoma State Implementation Plan (SIP) submitted by the State of Oklahoma on July 16, 2010 (the July 16, 2010 SIP submittal). These actions address revisions to the Oklahoma Administrative Code (OAC), Title 252, Chapter 100, Subchapter 9—Excess Emission Reporting Requirements (Subchapter 9). In the first action, we are proposing approval of certain provisions of the July 16, 2010 SIP submittal which are consistent with the Clean Air Act (CAA or Act). In the second action, we are proposing a limited approval and limited disapproval of certain other provisions of the July 16, 2010 SIP submittal which will have the overall effect of strengthening the Oklahoma SIP, but a portion of which are inconsistent with the requirements of the CAA. In the third action, we are proposing a finding of substantial inadequacy and proposing a SIP call with a proposed submittal date for certain provisions of the July 16, 2010 SIP submittal associated with the proposed limited approval and limited disapproval found to be inconsistent with CAA requirements, as set forth in the second action. If finalized, the SIP call associated with the proposed finding of substantial inadequacy will not, by itself, trigger a sanction clock for Oklahoma. This rulemaking is being taken in accordance with section 110 of the Act.

DATES: Comments must be received on or before October 7, 2013.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2010–0652, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *U.S. EPA Region 6 ''Contact Us'' Web site: http://epa.gov/region6/r6coment.htm.* Please click on ''6PD'' (Multimedia) and select ''Air'' before submitting comments.
- *Email:* Mr. Guy Donaldson at *donaldson.guy@epa.gov.* Please also send a copy by email to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.
- *Fax:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), at fax number 214–665–7263.
- *Mail:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733.
- *Hand or Courier Delivery:* Mr. Guy Donaldson, Chief, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202–2733. Such deliveries are accepted only between the hours of 8:00 a.m. and 4:00 p.m. weekdays except for legal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R06–OAR–2010–0652. The 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 the disclosure of which is restricted by statute. Do not submit information through *www.regulations.gov* or email that you consider to be CBI or otherwise protected from disclosure. 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 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 Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays. Contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph below to make an appointment. If possible, please make the appointment at least two working days in advance of your visit. There will be a 15 cent per page fee for making photocopies of documents. On the day of the visit, please check in at the EPA Region 6 reception area at 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

The State submittal is also available for public inspection at the State Air Agency listed below during official business hours by appointment:

Oklahoma Department of Environmental Quality (ODEQ), Air Quality Division, 707 North Robinson Street, Oklahoma City, Oklahoma 73101.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733, telephone (214) 665–6691, fax (214) 665–7263, email address *Shar.Alan@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA.

Outline

I. Summary and Background
A. What actions are we proposing?
B. What documents did we use in our evaluation of the July 16, 2010 SIP submittal?
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I. Summary and Background

A. What actions are we proposing?

We are proposing three related actions regarding the July 16, 2010 SIP submittal from the State of Oklahoma. This SIP submittal contains revisions to Oklahoma's excess emission rules, found in OAC, Title 252, Chapter 100, Subchapter 9 (Subchapter 9). More specifically, the July 16, 2010 SIP submittal: (1) Withdraws revisions to Subchapter 9 submitted to EPA on February 14, 2002; and (2) requests EPA's approval of revisions to Subchapter 9 made by the State in 2010 (2010 Subchapter 9 provisions). EPA approval of the 2010 Subchapter 9 provisions would replace the Subchapter 9 provisions promulgated by the State in 1994, and last approved in 1999 by EPA as part of the current Oklahoma SIP. The 2010 Subchapter 9 provisions were intended by the state to meet the requirements of the CAA with respect SIP provisions concerning excess emissions during startup, shutdown, and malfunction. Oklahoma developed the July 16, 2010 SIP submittal based on EPA's guidance recommendations in place at the time of submission. As a part of the July 16, 2010 SIP submittal, the State took several important steps to revise the existing SIP to make it consistent with CAA requirements, including: (1) Improvements to SIP provisions pertaining to excess emissions reporting requirements; (2) elimination of prior SIP provisions that created an exemption, exercised through director discretion, for excess emission events which was not consistent with CAA requirements; and (3) creation of affirmative defense provisions for excess emissions for qualifying sources in lieu of previously impermissible exemptions for violations of SIP emission limitations during such events. The EPA appreciates the efforts of ODEQ to improve the enforceability of their rules with respect to excess emissions. The EPA's proposed actions on ODEQ's 2010 Subchapter 9 provisions do not extend to sources of air emissions or activities located in Indian country, as defined at 18 U.S.C. § 1151.[1] We are proposing three related actions in this rulemaking.

First Action:

In the first action, we are proposing approval of the following sections of the 2010 Subchapter 9 provisions as a revision to the Oklahoma SIP: (1) Section 252:100–9–1.1 Applicability; (2) section 252:100–9–2 Definitions; and (3) sections 252:100–9–7(a) through 252:100–9–7(e).[2] As discussed more fully below, these provisions generally concern excess emission reporting requirements which improve the State's ability to review, analyze, and act in response to excess emission reports so that the air quality impacts associated with such emissions are minimized. These revised provisions thus allow better assessment of compliance with applicable SIP emission limitations and enforcement in the event that is necessary. EPA notes that these sections operate independently from the affirmative defense requirements of section 252:100–9–8, the subject of today's second proposed action. Table 1 below identifies sections of the 2010

[1] Oklahoma's July 16, 2010 SIP submittal does not include an express demonstration of authority over emission sources or activities in Indian country. Therefore, our proposed approval and limited approval/disapproval of the 2010 Subchapter 9 provisions does not extend to emission sources or activities located in Indian country. This is consistent with the CAA requirement that we approve state and tribal programs only where there is a demonstration of adequate authority. *See* CAA sections 110(a)(2)(E) and 110(o).

[2] Throughout this proposed rulemaking, reference to sections of the 2010 Subchapter 9 provisions will be those sections of the Oklahoma Administrative Code (OAC), Title 252, Chapter 100, Subchapter 9, as submitted to EPA on July 16, 2010, for approval as a revision to the Oklahoma SIP.

Subchapter 9 provisions which EPA is proposing for approval into the Oklahoma SIP.

TABLE 1—SECTIONS OF THE 2010 SUBCHAPTER 9 PROVISIONS PROPOSED FOR APPROVAL

Section of the 2010 Subchapter 9 provisions	Title	Information
252:100–9–1.1	Applicability	Propose approval.
252:100–9–2	Definitions	Propose approval.
252:100–9–7(a)	Immediate notice	Propose approval.
252:100–9–7(b)	Excess emission event report	Propose approval.
252:100–9–7(c)	Ongoing events	Propose approval.
252:100–9–7(d)	Alternative reporting	Propose approval.
252:100–9–7(e)	Certificate of truth, accuracy and completeness required.	Propose approval.

Second Action:

In the second action, we are proposing a limited approval and limited disapproval of the 2010 Subchapter 9 provisions which are not the subject of EPA's first action discussed above. Specifically, we are proposing a concurrent limited approval and limited disapproval of section 252:100–9–1. Purpose, and the entire section 252:100–9–8. Affirmative defenses, as a revision to the Oklahoma SIP. Table 2 below identifies sections of the 2010 Subchapter 9 provisions proposed for concurrent limited approval and limited disapproval.

TABLE 2—SECTIONS OF THE 2010 SUBCHAPTER 9 PROVISIONS PROPOSED FOR LIMITED APPROVAL AND LIMITED DISAPPROVAL

Section of the 2010 Subchapter 9 provisions	Title	Information
252:100–9–1	Purpose	Propose limited approval and limited disapproval.
252:100–9–8(a)	Affirmative defenses—General	Propose limited approval and limited disapproval.
252:100–9–8(b)	Affirmative defenses for excess emissions during malfunctions.	Propose limited approval and limited disapproval.
252:100–9–8(c)	Affirmative defenses for excess emissions during startup and shutdown.	Propose limited approval and limited disapproval.
252:100–9–8(d)	Affirmative defenses prohibited	Propose limited approval and limited disapproval.
252:100–9–8(e)	Affirmative defense determination	Propose limited approval and limited disapproval.

The EPA has utilized the limited approval approach numerous times in SIP actions across the nation over the last twenty years.[3] As discussed in section II ''Evaluation'' below, EPA believes that approval of sections 252:100–9–1 and 252:100–9–8 of the 2010 Subchapter 9 provisions will strengthen the Oklahoma SIP and represent an overall improvement in the regulation of excess emissions as compared to the excess emissions provisions found in the Subchapter 9 provisions in the currently EPA-approved Oklahoma SIP (last approved by EPA in 1999); however, there are certain portions in the 2010 Subchapter 9 provisions (e.g., the creation of an affirmative defense for excess emissions resulting from startup and shutdown activities) which are inconsistent with identified CAA requirements. Because these revisions are an improvement over the currently approved SIP, but are not fully consistent with the CAA, EPA's approval must be limited and we are concurrently proposing a limited disapproval. Finally, to ensure that the inconsistencies in these specific provisions with the CAA are corrected, EPA's third action below is a proposed finding of substantial inadequacy and a proposed SIP call to address those provisions of the proposed limited approval and limited disapproval action which are inconsistent with CAA requirements applicable to SIP revisions. If EPA finalizes the proposed limited approval and limited disapproval of sections 252:100–9–1 and 252:100–9–8 of the 2010 Subchapter 9 provisions, then EPA will also finalize the proposed finding of substantial inadequacy and proposed SIP call with respect to these provisions, as well.

Third Action:

As stated above, EPA's third action is a proposed finding of substantial inadequacy and proposed SIP call which, if finalized together with EPA's second action concerning the limited approval and limited disapproval, would require Oklahoma to submit revisions to those 2010 Subchapter 9 provisions in the limited approval and limited disapproval found to be inconsistent with the identified CAA requirements, or otherwise submit revisions to its excess emission provisions that comport with the requirements of the CAA. For a discussion regarding the timeframe for the adoption and submission of proposed revisions to the Oklahoma SIP provisions concerning excess emissions found in the 2010 Subchapter 9 provisions, see section II(D) below.

[3] *See, e.g.,* Approval and Promulgation of Implementation Plans; State of Georgia; 77 FR 38503 (June 28, 2012); and Limited Approval and Promulgation of Implementation Plans; Texas; 70 FR 50205 (August 26, 2005).

As all of the sections of the 2010 Subchapter 9 provisions listed in Table 2 above are interrelated and not separable from one another other, as discussed in Section II(C) below, they are the subject of the today's proposed finding of substantial inadequacy and proposed SIP call. However, Table 3 below identifies the specific sections of the 2010 Subchapter 9 provisions which are inconsistent with the requirements of the CAA and form the basis for the proposed finding of substantial inadequacy and the proposed SIP call.

TABLE 3—SECTIONS OF THE 2010 SUBCHAPTER 9 PROVISIONS THAT FORM THE BASIS FOR THE PROPOSED FINDING OF SUBSTANTIAL INADEQUACY AND PROPOSED SIP CALL

Section of the 2010 Subchapter 9 provisions	Title	Information
252:100–9–1	Purpose	Provisions not limited to excess emissions during unplanned events.
252:100–9–8(a)	Affirmative defenses—General	Provisions also create an affirmative defense for planned events.
252:100–9–8(c)	Affirmative defenses for excess emissions during startup and shutdown.	Provisions establish criteria for affirmative defense for planned events.

If finalized, the overall effect of the three actions proposed by EPA today will be the replacement of the existing Subchapter 9 provisions of the Oklahoma SIP (i.e., those provisions approved by EPA on November 3, 1999, (64 FR 59629 and codified at 40 CFR 52.1920(c)(48)), with the revisions contained in the specific 2010 Subchapter 9 provisions proposed for approval in today's first action and the specific 2010 Subchapter 9 provisions proposed for a limited approval and limited disapproval in today's second action. Thus, if today's proposed actions are finalized, the current Subchapter 9 provisions approved in 1999 into the Oklahoma SIP will be replaced by the 2010 Subchapter 9 provisions, and the entire 2010 Subchapter 9 provisions will become part of the Oklahoma SIP. It is important to note that if finalized, certain portions of the 2010 Subchapter 9 provisions pertaining to affirmative defenses will also be the subject of a finding of substantial inadequacy and a SIP call, as reflected by EPA's third action proposed today, and discussed in Section II(D) below.

Also, section 252:100–9–3 of the Subchapter 9 provisions in the current EPA-approved Oklahoma SIP is presently a subject of EPA's proposed Findings of Substantial Inadequacy and SIP Calls, 78 FR 12460 (February 22, 2013) (EPA's February 22, 2013 Proposed Startup, Shutdown, and Malfunction (SSM) SIP Calls). If today's actions are finalized, then the Subchapter 9 provisions in the currently EPA-approved Oklahoma SIP (including section 252:100–9–3 of those Subchapter 9 provisions) will no longer be part of the Oklahoma SIP. Consequently, if EPA finalizes approval of the 2010 Subchapter 9 provisions, any outstanding SIP call related to section 252:100:9–3 of the currently EPA-approved SIP, such as the one proposed under EPA's February 22, 2013. Proposed SSM SIP Calls, will be moot, because section 252:100–9–3 of currently EPA-approved Oklahoma SIP will no longer be part of the federally-approved Oklahoma SIP. Final approval of the 2010 Subchapter 9 provisions will resolve the specific SIP deficiencies that EPA identified in the EPA's February 22, 2013 Proposed SSM SIP Calls.

As discussed below, EPA's proposed finding of substantial inadequacy and proposed SIP call (with respect to today's second action concerning the limited approval and limited disapproval of certain provisions of the 2010 Subchapter 9 provisions) relates to specific inseparable sections (or inseparable words within a section) of the 2010 Subchapter 9 provisions. More specifically, EPA is proposing to find that the inclusion of an affirmative defense for excess emissions during startup and shutdown, such as the one contained in sections 252:100–9–8(a) and (c) of the 2010 Subchapter 9 provisions, is inconsistent with the requirements of CAA section 110. Further, it is contrary to the fundamental enforcement structure provided in CAA sections 113 and 304, thereby constituting a substantial inadequacy, which renders those SIP provisions impermissible. See Section II ''Evaluation'' below and also EPA's February 22, 2013 Proposed SSM SIP Calls, a copy of which is included in the docket for this rulemaking, for a more detailed discussion of the affirmative defense for planned activities, such as startup and shutdown.

B. What documents did we use in our evaluation of the July 16, 2010 SIP submittal?

EPA's interpretation of the Act as it applies to SIP provisions that address excess emissions occurring during periods of startup, shutdown, and malfunction is set forth in a series of guidance documents. These guidance documents include: (1) A memorandum dated September 28, 1982, from Kathleen M. Bennett, Assistant Administrator for Air, Noise, and Radiation, entitled ''Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions'' (1982 Policy); (2) a memorandum, dated February 15, 1983, from Kathleen M. Bennett, Assistant Administrator for Air, Noise, and Radiation (1983 Policy); (3) a memorandum dated September 20, 1999, from Steven A. Herman, Assistant Administrator for Enforcement and Compliance Assurance and Robert Perciasepe, Assistant Administrator for Air and Radiation, entitled ''State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown'' (1999 Policy); and (4) a memorandum dated December 5, 2001 from Eric Schaeffer, Director, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance and John S. Seitz, Director, Office of Air Quality Planning and Standards, Office of Air and Radiation (2001 Policy).

EPA's interpretation of the CAA with respect to SIP provisions that address excess emissions during SSM events has been applied in rulemaking, including, but not limited to: (1) EPA's final rule for Utah's sulfur dioxide control strategy (Kennecott Copper), April 27, 1977 (42 FR 21472); (2) EPA's final rule for Idaho's sulfur dioxide control strategy, November 8, 1977 (42 FR 58171); (3) EPA's ''Finding of Substantial Inadequacy of Implementation Plan: Call for Utah State Implementation Plan Revision,'' April 18, 2011 (76 FR 21639).

EPA has recently issued a proposal in response to a petition for rulemaking concerning CAA requirement for SIP provisions that address excess emissions, reiterating EPA's

interpretation of the CAA with respect to such provisions. See EPA's February 22, 2013 Proposed SSM SIP Calls—Docket No. EPA–HQ–OAR–2012–0322; and EPA's February 4, 2013, Statutory, Regulatory, and Policy Context Memorandum for the February 22, 2013 Proposed SSM SIP Calls. In this recent action, EPA has specifically addressed the requirements of the CAA with respect to SIP provisions that provide an affirmative defense for violations of emission limitations due to excess emissions during SSM events.

In addition, EPA evaluation responsibilities associated with the review of the July 16, 2010 SIP submittal draw upon the concepts of ''separability'' as expressed in *Bethlehem Steel Corp.* v. *Gorsuch,* 742 F. 2d 1028 (7th Cir. 1984) and the EPA memorandum, dated July 9, 1992, from John Calcagni, Director, Air Quality Management Division, entitled ''Processing of State Implementation Plan (SIP) Submittals'' (1992 Calcagni Memo). A copy of each relevant document is available in the docket for this rulemaking.

C. What is the background for this proposed rulemaking?

On January 25, 1984 (49 FR 3084), EPA approved Regulation 1.5, Reports Required: Excess Emissions During Startup, Shutdown and Malfunction of Equipment, into the Oklahoma SIP. This revision became effective on February 24, 1984. Later, Regulation 1.5 was recodified and renumbered by ODEQ (as Subchapter 9 Excess Emission and Malfunction Reporting Requirements) and approved by EPA as an administrative revision to the Oklahoma SIP on November 3, 1999 (64 FR 59629) (1994 Subchapter 9 provisions). As of today's proposed action, the 1994 Subchapter 9 provisions remain part of the EPA-approved Oklahoma SIP. See part 1 of the Technical Support Document (TSD) prepared in conjunction with this proposed rulemaking.

On February 14, 2002, ODEQ submitted to EPA a revised version of Subchapter 9 that was not acted upon in the approval action of the Air Quality Implementation Plans; Oklahoma; Recodification of Regulations, published on December 29, 2008 at 73 FR 79400 (also known as the Oklahoma's Big SIP). See part 2 of the TSD. The Subchapter 9 portion of the February 14, 2002 submittal was subsequently withdrawn and replaced by ODEQ with the new Subchapter 9 provisions, as part of the July 16, 2010 SIP submittal which is the subject of today's proposed actions (2010 Subchapter 9 provisions). See part 3 of TSD.

II. Evaluation

A. Introduction

Under the principle of cooperative federalism, both states and EPA have authorities and responsibilities under the CAA with respect to SIPs. Pursuant to section 109 of the CAA, 42 USC § 7409, EPA promulgates National Ambient Air Quality Standards (NAAQS) for criteria pollutants the attainment and maintenance of which are considered requisite to protect the public health and welfare. Under CAA section 107(a), each state has the primary responsibility for assuring that the NAAQS are attained and maintained throughout the state. Under section 110(a)(1) of the CAA, 42 U.S.C. 7410(a)(1), each state is required to develop and submit to EPA for approval a plan which provides for the implementation, maintenance, and enforcement of the NAAQS; such plans are called state implementation plans or SIPs. Section 110(a)(2) of the CAA, 42 U.S.C. 7410(a)(2), requires each SIP to meet the requirements listed in section 110(a)(2)(A) through (M). Under CAA section 110(a)(2)(H)(ii), states have a specific duty to revise their SIPs whenever EPA finds that the SIP is substantially inadequate to comply with requirements established under the Act.

In the development of its SIP, a state has broad authority to develop the mix of emission limitations it deems best suited for its particular situation, but the exercise of this discretion is not unbridled. The states have the primary responsibility to develop SIPs that meet applicable statutory and regulatory requirements for attaining, maintaining, and enforcing the NAAQS. Under section 110(k) of the CAA, however, EPA is required to determine whether or not a SIP submission in fact meets all applicable requirements of the Act. EPA is authorized to approve, disapprove, partially approve and partially disapprove, or conditionally approve a given SIP submission, as appropriate. When a SIP submission does not meet the applicable requirements of the CAA, EPA is obligated to disapprove it, in whole or in part, as appropriate. In addition, when EPA finds a state's existing SIP is substantially inadequate to attain or maintain a NAAQS or otherwise to comply with any other CAA requirement, EPA is authorized under section 110(k)(5) to require the state to revise its SIP as necessary to correct such inadequacies.

Sections 110(l) and 193 of the CAA impose additional requirements upon EPA when reviewing a state's proposed revision to its SIP. Section 110(l) of the CAA, 42 U.S.C. 7410(l), provides that EPA may not approve a SIP revision if ''the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of this chapter.'' In addition, section 193 of the CAA prohibits SIP revisions that would affect control measures in effect prior to the 1990 amendments to the CAA in any area that is designated nonattainment for any NAAQS, unless the modification insures equivalent to greater emission reductions of such air pollutant. A more detailed discussion of the SIP requirements that may be relevant to this rulemaking are included in the docket, including section VIII ''Legal Authority, Process, and Timing for SIP Calls'' of EPA's February 22, 2013 Proposed SSM SIP Calls (78 FR 12483), and the associated legal memorandum in the docket for that rulemaking.

The statutory framework summary presented above underlies EPA's evaluation of SIP submissions as they relate to excess emissions. The EPA has a longstanding interpretation of the CAA with respect to the treatment of excess emissions during periods of startup, shutdown or malfunctions in SIPs. See section I(B) above. Central to EPA's interpretation is the definition of ''emission limitation'' and ''emission standard'' contained in CAA section 302(k), 42 U.S.C. 7602(k), which are defined as limitations that must be met on a continuous basis. Under section 110(a)(2)(A) of the Act, 42 U.S.C. 7410(a)(2)(A), each SIP must include enforceable emission limitations and other control measures as may be necessary or appropriate to meet the applicable requirements of the Act. In addition, under CAA section 110(a)(2)(C), 42 U.S.C. 7410(a)(2)(C), each SIP must include a program to provide for the enforcement of the measures described in CAA section 110(a)(2)(A) and provide for the regulation of sources as necessary to ensure the attainment and maintenance of the NAAQS and protection of Prevention of Significant Deterioration (PSD) increments.

While the CAA requires that emission limitations in a SIP must be met on a ''continuous'' basis, compliance with such limitations 100% of the time may be practically and technologically impossible. Case law holding that technology-based standards should account for the practical realities of technology support EPA's view that an enforcement program under a SIP that incorporates some level of flexibility is

reasonable and consistent with the overall intent of the CAA.[4] While EPA views all excess emissions as violations of emission limitations or emission standards, we recognize that, in certain situations, imposition of a civil penalty for sudden and unavoidable malfunctions caused by circumstances entirely beyond the control of the owner or operator may not be appropriate.

In addressing excess emissions due to sudden and unavoidable malfunctions, the EPA has provided guidance on three approaches states may use: (1) Traditional enforcement discretion; (2) SIP provisions that address the exercise of enforcement discretion by state personnel; and (3) SIP provisions that provide a narrowly tailored affirmative defense to civil penalties. Under the first approach, the State (or another entity, such as EPA, seeking to enforce a violation of the SIP) may consider the facts and circumstances surrounding the event in determining whether to pursue enforcement. Under the second approach, states may elect to create SIP provisions that provide parameters for the exercise of enforcement discretion by state personnel, so long as they do not affect enforcement by EPA or citizens. Under the third approach, states may elect to create SIP provisions that establish an affirmative defense that may be raised by the defendant in the context of an enforcement proceeding for civil penalties (not injunctive relief), and for which the defendant has the burden to prove that certain criteria have been met. See page 2 of the Attachment to the 1999 Policy; see also EPA's February 22, 2013 Proposed SSM SIP Calls, at 78 FR 12478.

Most relevant to this action, EPA interprets the CAA to allow SIP provisions that provide an affirmative defense, so long as they are appropriately drawn. EPA guidance recommends criteria that it considers necessary to assure that the affirmative defense is consistent with CAA requirements for SIP provisions. The EPA believes that narrowly-tailored affirmative defense provisions can supply flexibility both to ensure that emission limitations are ''continuous'' as required by CAA section 302(k) because any violations remain subject to a claim for injunctive relief, and to provide limited relief in actions for penalties for malfunctions that are beyond the control of the owner where the owner has taken necessary steps to minimize the likelihood and extent of any such violation. Several courts have agreed with this approach.[5] Neither the enforcement discretion nor the affirmative defense approaches may waive reporting requirements for the violation. States are not required to employ an affirmative defense approach, but if they choose to do so, EPA will evaluate the state's SIP provisions for consistency with the Act as interpreted by our policy and guidance, including those documents listed in section I.B above. In the 2010 Subchapter 9 provisions of its July 16, 2010 SIP submittal, ODEQ adopted the affirmative defense approach to address excess emissions events.

EPA acknowledges that ODEQ developed these affirmative defenses in the July 16, 2010 SIP submittal, consistent with EPA guidance at that time. However, EPA has reexamined its interpretation of the CAA with respect to affirmative defenses and accordingly believes that such affirmative defenses are only appropriate in the case of unplanned events like malfunctions, not in the case of planned events such as startup and shutdown for which sources should be expected to comply with applicable SIP emission limitations. Under CAA section 110(k) and section 110(l), EPA is obligated to determine whether SIP submissions in fact meet CAA requirements and our interpretation of the Act at the time EPA takes action on the SIP submission.

B. Why are we proposing approval of portions of the July 16, 2010 SIP submittal?

Consistent with provisions of section 110(k) and section 110(l) of the CAA, 42 U.S.C. 7410(k) and 7410(l), EPA believes that there are portions of the 2010 Subchapter 9 provisions which are consistent with the requirements of the CAA for SIPs and would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA. These provisions are identified in Table 1 above and include: (1) Section 252:100–9–1.1 Applicability, which provides that owners and operators of air contaminant sources are subject to the requirements of this subchapter; (2) section 252:100–9–2, which defines terms that are frequently used in the Subchapter 9 provisions; and (3) sections 252:100–9–7(a) through (e) which address the notification, reporting requirements, and certificate of accuracy of the information concerning excess emissions events. Together these provisions require owners and operators to notify and report excess emissions to ODEQ within specified timeframes.

The proper notification and reporting of excess emission events and the relevant information corresponding to those events will enable ODEQ to review, evaluate, and utilize the information submitted as a tool in its air quality planning/management efforts and assist its efforts to provide for attainment and maintenance of the NAAQS and other applicable requirements of the Act. These applicability, definitions, and notification requirements in the 2010 Subchapter 9 provisions are independent from the affirmative defense requirements set forth in section 252:100–9–8 of the 2010 Subchapter 9 provisions. In other words, approval of these provisions (section 252:100–9–1.1, section 252:100–9–2, and sections 252:100–9–7(a) through (e)) into the Oklahoma SIP is consistent with, and will not render other sections of the 2010 Subchapter 9 provisions more stringent than what the State intended or anticipated when ODEQ adopted the 2010 Subchapter 9 provisions. Therefore, EPA believes that the proposed approval of these provisions are separable from the remainder of the 2010 Subchapter 9 provisions submitted as part of the July 16, 2010 SIP submittal. In particular, we believe that EPA's approval of these specific provisions will not result in sections 252:100–9–1.1, 252:100–9–2, and 252:100–9–7(a) through (e), as reflected in the first action, being more stringent than ODEQ anticipated or intended. See *Bethlehem Steel Corp.* v. *Gorsuch,* 742 F.2d 1028, 1036–37 (7th Cir. 1984); see also 1992 Calcagni Memo.

Furthermore, proposed approval of the specific provisions covered by the first action would enhance the ability of the State, EPA, and citizens to address excess emissions-related activities consistent with CAA sections 110, 113, 302(k) and 304, while simultaneously eliminating the discretionary exemptions from compliance with otherwise applicable emission limitations under the Subchapter 9 provisions in the currently EPA-approved Oklahoma SIP. Removal of the existing provisions that allow exemptions for excess emissions during SSM events via the exercise of director's discretion brings the Oklahoma SIP into

[4] *See, e.g., Essex Chemical* v. *Ruckelshaus,* 486 F.2d 427, 433 (D.C. Cir. 1973); and *Portland Cement Association* v. *Ruckelshaus,* 486 F.2d 375 (D.C. Cir. 1973)

[5] *See, Luminant Generation Co.* v. *EPA,* 714 F.3d 841 (5th Cir. 2013), *Cert. pending* (upholding the EPA's approval of an affirmative defense applicable during malfunctions in a SIP submission as a permissible interpretation of the statute under Chevron step 2 analysis); *Mont. Sulphur & Chemical Co.* v. *EPA,* 666 F.3d 1174 (9th Cir. 2012); and *Ariz. Public Service Co.* v. *EPA,* 562 F.3d 1116, 1130 (9th Cir. 2009).

compliance with CAA requirements with respect to this issue.

As explained in more detail in EPA's February 22, 2013 Proposed SSM SIP Calls (78 FR 12460), such director's discretion provisions are inconsistent with fundamental CAA requirements for SIP provisions. Therefore, our proposed approval of those sections of the 2010 Subchapter 9 provisions covered by this first proposed action improves the SIP for Oklahoma and comports with the standards governing SIP revisions as set forth in section 110(k) and section 110(l) of the Act. EPA believes that the specific sections of the 2010 Subchapter 9 provisions, identified in the first action of this document, meet the statutory requirements of the Act for SIP provisions and assist in providing for attainment and maintenance of the NAAQS and protection of PSD increments. We are therefore proposing the approval of sections 252:100–9–1.1, 252:100–9–2, and 252:100–9–7(a) through (e) of the 2010 Subchapter 9 provisions as a revision to the SIP for Oklahoma.

C. Why are we proposing a limited approval and limited disapproval of portions of the July 16, 2010 SIP submittal?

In some cases, a SIP submittal may contain certain provisions that meet the applicable requirements of the Act along with other provisions that do not meet CAA requirements, and the provisions are not separable. Although the submittal may not meet all of the applicable requirements, EPA may consider whether the submittal as a whole has a strengthening effect on the SIP. If that is the case, a limited approval may be used to approve a rule that strengthens the existing SIP, because it constitutes an improvement over what is currently in the SIP and meets some of the applicable requirements of the Act. If the rule does not meet all of the applicable requirements, EPA may elect to use a limited disapproval in conjunction with the limited approval. The Act does not expressly provide for limited approvals and limited disapprovals; rather, EPA is using its ''gap-filling'' authority under section 301(a) of the Act, 42 U.S.C. 7601(a), in conjunction with the authority under CAA section 110(k)(3), to interpret the Act to provide for this type of approval action.

The primary advantage to using the limited approval approach is to make the state's SIP submittal federally enforceable and to increase the SIP's potential to achieve additional emission reductions. The utility of the limited disapproval approach is to identify the specific aspects of the SIP submittal that are not fully consistent with CAA requirements so that the state may then take appropriate action to make necessary SIP revisions. EPA's evaluation of the 2010 Subchapter 9 provisions submitted by Oklahoma indicates that certain portions of the SIP submittal present a situation where a limited approval and limited disapproval is the correct approach.

EPA is proposing limited approval and limited disapproval of the following portions of the 2010 Subchapter 9 provisions submitted as part of the July 16, 2010 SIP submittal: (1) Section 252:100–9–1 Purpose, which sets forth the purpose of the 2010 Subchapter 9 provisions and includes a reference to the affirmative defense provisions; and (2) section 252:100–9–8, Affirmative defenses. As discussed below, these provisions as a whole strengthen the SIP, even though there are portions of these provisions which are inconsistent with CAA requirements for SIP provisions as they relate to affirmative defenses for violations due to excess emissions during certain types of events. Furthermore, EPA finds that those portions which are inconsistent with the requirements of the Act are not separable from the remainder of the provisions that are consistent with the CAA requirements. Therefore, EPA is proposing a limited approval and limited disapproval of these provisions as a whole. The following paragraphs discuss each of these provisions in detail and describe why EPA believes that they do not meet applicable CAA requirements.

Section 252:100–9–1. Purpose of the 2010 Subchapter 9 provision is inconsistent with the requirements of the CAA because it contains an overly broad reference to the affirmative defense provisions for excess emissions. The term ''excess emissions,'' defined in section 252:100–9–2, is not limited to excess emissions occurring during unplanned events such as malfunctions. As explained in detail below, EPA believes that the creation of an affirmative defense for violations due to excess emissions from planned events—such as startup, shutdown, and maintenance—is inconsistent with the requirements of CAA section 110(a) and is inconsistent with the fundamental enforcement structure provided in CAA sections 113 and 304.[6] Should Oklahoma elect to incorporate an affirmative defense provision for excess emissions during unavoidable violations into the Oklahoma SIP, then section 252:100–9–1 should be revised to limit the affirmative defense reference only to those excess emissions during malfunctions, as discussed below.

EPA's evaluation of the affirmative defense provisions established in section 252:100–9–8 of the 2010 Subchapter 9 provisions begins with section 252:100–9–8(a). The first sentence of that section states that all excess emissions regardless of cause are violations; however, the second sentence in that section provides an affirmative defense applicable to violations due to excess emissions during startup, shutdown and malfunction (all three categorical events). Section 252:100–9–8(a) as submitted is an improvement to the current EPA-approved SIP for excess emissions (i.e., the 1994 Subchapter 9 provisions). For example, as discussed in the TSD included in the docket for this rulemaking, section 252:100–9–3 of the current EPA-approved Oklahoma SIP creates an exemption via director discretion, such that excess emissions during startup, shutdown, malfunction, or maintenance are not violations of the applicable emission limitations.

In accordance with CAA sections 110(a)(2)(A) and 302(k), SIPs must contain ''emission limitations'' and those limitations must be continuous. Thus, any excess emissions above the level of the applicable SIP emission limitations must be considered a violation of such limitations. In addition, SIP provisions that operate to create exemptions from SIP requirements through the exercise of director's discretion are also inconsistent with CAA requirements for SIP revisions. For these reasons, as discussed in EPA's February 22, 2013 Proposed SSM SIP Calls (78 FR 12524), EPA has already proposed a finding of substantial inadequacy and proposed a SIP call with respect to OAC 252:110–9–3 of the currently EPA-approved Oklahoma SIP. Section 252:100–9–8(a) of the 2010 Subchapter 9 provisions is an improvement to the current EPA-approved Oklahoma SIP because it eliminates the exemption via director discretion provision, so that all excess emissions regardless of cause are considered violations.

However, section 252:100–9–8(a) is also inconsistent with the requirements provided in CAA sections 110(a)(2) and conflicts with the fundamental enforcement structure provided in CAA sections 113 and 304, because it creates an affirmative defense for violations due

[6] *See Luminant Generation Co.* v. *EPA,* 714 F.3d 841,856 (5th Cir. 2013) *Cert. pending,* acknowledging EPA's belief that ''an effective enforcement program must be able to collect penalties to deter avoidable violations.'' *See also,* EPA's February 22, 2013. Proposed SIP Calls (78 FR 12460, 12480).

to excess emissions during startups and shutdowns. As explained in Section VII(C), ''Affirmative Defense Provisions During Periods of Startup and Shutdown,'' of EPA's February 22, 2013 Proposed SIP Calls, EPA's approval of a SIP provision which provides a limited affirmative defense to a source for excess emissions during periods of malfunction may be permissible, but EPA's approval of such a defense would not be permissible for excess emissions during periods of startup and shutdown. See 78 FR 12480. EPA believes that providing affirmative defenses for avoidable violations, such as those resulting from excess emissions during planned events such as startups and shutdowns, that are within the control of the owner or operator of the source, is inconsistent with the requirements provided in CAA section 110(a) and the fundamental enforcement structure provided in CAA sections 113 and 304, which provide for potential civil penalties for violations of SIP requirements.

SIP provisions providing affirmative defenses can be appropriate for malfunctions because, by definition and unlike planned startups and shutdowns, malfunctions are unforeseen and could not have been avoided by the owner or operator of the source, and the owner or operator of the source will have taken steps to prevent the violation and to minimize the effects of the violation after it occurs. In such circumstances, EPA interprets the Act to allow narrowly drawn affirmative defense provisions that may provide relief from civil penalties (but not injunctive relief) to owners or operators of sources, when their conduct justifies this relief. Such is not the case with planned and predictable events, such as startups and shutdowns, during which the owners or operators of sources should be expected to comply with applicable SIP emission limitations and should not be accorded relief from civil penalties if they fail to do so.[7] Providing an affirmative defense for monetary penalties for violations that result from planned events is inconsistent with the basic premise that the excess emissions were beyond the control of the owner or operator of the source, and thus is diametrically opposed to the intended purpose of such an affirmative defense to encourage better compliance even by sources for which 100 percent compliance is not possible.

As explained above, EPA interprets the CAA to allow a SIP revision which provides a narrowly tailored affirmative defense for excess emissions due to malfunctions; however, it cannot approve such a defense for excess emissions during planned events such as startups and shutdown activities. Separating the words ''startup'' and ''shutdown'' from the remainder of the second sentence in section 252:100–9–8(a) could make the approval of the remainder of that section more stringent than Oklahoma anticipated or intended. For example, had Oklahoma known at the time of the rule adoption it would be impermissible for EPA to approve a SIP revision which creates an affirmative defense for excess emissions due to startups and shutdowns, ODEQ may have elected to establish alternative emission limitations or other control measures or techniques designed to minimize emissions during startup and shutdown activities in lieu of the affirmative defense. Applying the principles established in *Bethlehem Steel* and as expressed in the 1992 Calcagni Memo, we believe that in this particular factual scenario with the wording of these specific provisions, EPA cannot merely excise the words ''startup'' and ''shutdown'' from the second sentence in section 252:100–9–8(a), and approve the remainder of the section into the Oklahoma SIP.[8]

Likewise, in looking at the other provisions of section 252:100–9–8, we believe that they are not separable from section 252:100–9–8(a), which is the general provision that establishes the affirmative defenses for startup, shutdown, and malfunction events in the first instance. That is, the general provisions of section 252:100–9–8(a) which create the affirmative defenses are inextricably intertwined with the remainder of the other provisions in section 252:100–9–8 (that is, sections 252:100–9–8(b) through 252:100–9–8(e)), and those latter provisions cannot stand by themselves. Given that EPA cannot propose a full approval of section 252:100–9–8, it follows that EPA cannot propose full approval of section 252:100–9–1 which states that part of the purpose of the Subchapter 9 provisions is to establish affirmative defenses for excess emissions for all three categories of events, as discussed above.

Although EPA cannot propose full approval of section 252:100–9–8(a), we have evaluated section 252:100–9–8(b) with respect to the affirmative defense for excess emissions during malfunctions for consistency with CAA requirements. This provision requires that in asserting an affirmative defense for excess emissions during malfunctions, the owner or operator of a facility must demonstrate certain criteria by a preponderance of evidence in order to qualify for the affirmative defense in a judicial or administrative proceeding. EPA has guidance making recommendations for criteria appropriate for affirmative defense provisions that would be consistent with the requirements of the CAA. EPA's 1999 Policy and the February 22, 2013 Proposed SSM SIP Calls lay out these criteria. These are guidance recommendations and states do not need to track EPA's recommended wording verbatim, but states should have SIP provisions that are consistent with these recommendations in order to assure that the affirmative defense meets CAA requirements. Our evaluation indicates that the affirmative defense criteria set forth in 252:100–9–8(b) combined with the requisites set forth in sections 252:100–9–8(d) and (e) are sufficiently consistent with these recommended criteria for affirmative defense provisions in SIPs for malfunctions. For a detailed comparison of the affirmative defense criteria for malfunctions in the 2010 Subchapter 9 provisions with those recommended in EPA's guidance, see the TSD.

Therefore, as part of the limited approval, we propose that these sections constitute a sufficiently narrow affirmative defense provision for malfunctions that would not interfere with the CAA requirements discussed above. As such, section 252:100–9–8(b) of the 2010 Subchapter 9 provisions is not itself substantially inadequate and is not the basis for the proposed SIP call that is part of the third action proposed today. However, because the affirmative defense for malfunction events is not separable from the affirmative defense provision applicable to startup and shutdown events, it will nevertheless be included in the proposed finding of substantial inadequacy and proposed SIP call in the third action. Should Oklahoma elect to establish an affirmative defense restricted to malfunctions, then section 252:100–9–8(b) could be resubmitted at ODEQ's discretion.

As part of the limited disapproval, we propose that the affirmative defense provisions applicable to startup and shutdown are not consistent with CAA requirements for SIP provisions. Section 252:100–9–8(c) provides that in

[7] EPA notes that a state can elect to adopt alternative emission limitations that apply to normal modes of source operation, such as startup and shutdown, so long as these provisions are consistent with CAA requirements. EPA's February 22, 2013 Proposed SSM SIP Calls also provides guidance on how such SIP provisions may be developed to meet CAA requirements.

[8] *See Bethlehem Steel Corp.* v. *Gorsuch,* 742 F.2d 1028, 1036–37 (7th Cir. 1984); see also 1992 Calcagni Memo at 2.

asserting an affirmative defense for excess emissions during startup and shutdown, the owner or operator of a facility must demonstrate certain criteria by a preponderance of evidence in a judicial or administrative proceeding. As discussed above, however, an affirmative defense for planned events, such as startup and shutdown, is inconsistent with and would interfere with the requirements of CAA section 110(a) and the fundamental enforcement structure provided in CAA sections 113 and 304 which provide for potential civil penalties for violations of SIP emission limits. Accordingly, these deficiencies in section 252:100–9–8(c) form part of the basis for the proposed finding of substantial inadequacy and proposed SIP call, as discussed in the third action proposed today.

Section 252:100–9–8(d) identifies situations where assertion of the affirmative defense is not allowed and Section 252:100–9–8(e) states that the Director will consider the notification requirements, in addition to other relevant information in the determination process,[9] but such determinations should not be construed as limiting EPA or citizens' authority to enforce the emission limits of the SIP under the Act. Taken together, these sections provide for enforcement and compliance determination of a source during excess emission events. If limited to affirmative defenses for violations due to excess emissions during malfunctions, these two provisions would not interfere with the requirements set forth in CAA sections 110(a) and 302(k), nor would such sections be inconsistent with the fundamental enforcement structure provided in CAA sections 113 and 304. Accordingly, sections 252:100–9–8(d) and 252:00–9–8(e) are not substantially inadequate with CAA requirements and do not form the basis for the proposed finding of substantial inadequacy and proposed SIP call, as discussed in the third action proposed today.

In summary, EPA believes that the affirmative defense provisions of section 252:100–9–8, taken as a whole, when compared against the currently EPA-approved SIP provisions for excess emissions, would strengthen the SIP for Oklahoma, if approved. However, there are specific provisions, namely those that would provide for affirmative defenses for violations due to excess emission during planned events such as startups and shutdowns, which are inconsistent with applicable requirements of the CAA for SIP purposes. Therefore, we are proposing a limited approval and limited disapproval of sections 252:100–9–1 and 252:100–9–8 of the 2010 Subchapter 9 provisions into the SIP for Oklahoma. If EPA finalizes the limited approval and limited disapproval, these sections (sections 252:100–9–1 and 252:100–9–8) will become part of the SIP and federally enforceable until EPA approves a revised submission from Oklahoma that is fully approvable. To ensure Oklahoma addresses the three sections that form the basis of EPA's limited approval and limited disapproval (sections 252:100–9–1, 252:100–9–8(a), and 252:100–9–8(c)) we are simultaneously proposing a finding of substantial inadequacy and SIP call to address these three sections, if EPA finalizes that limited approval and limited disapproval in the final action. The next section discusses the proposed finding of substantial inadequacy and proposed SIP call in more detail.

D. Why are we proposing a finding of substantial inadequacy and a SIP call?

As stated in Section II(C) above, today's action proposes the limited approval and limited disapproval of those portions of the 2010 Subchapter 9 provisions identified in Table 2 above. Should today's second action be finalized as proposed, all of those provisions will become part of the Oklahoma SIP. However, as noted above, we recognize that certain portions of those provisions (pertaining in various ways to the affirmative defense provisions applicable to startup and shutdown events) do not meet all CAA requirements for SIP purposes. In order to ensure that Oklahoma takes action to correct those specific deficiencies, we are also proposing a finding of substantial inadequacy and a SIP call with respect to the provisions for which EPA is proposing the limited approval and limited disapproval, which will be finalized when EPA finalizes the second action as proposed today. The legal basis for the finding of substantial inadequacy and the SIP call and a discussion of the specific provisions subject to the proposed SIP call are discussed below.

The CAA provides a mechanism for the correction of flawed SIPs, under CAA section 110(k)(5), which provides:

(5) Calls for plan revisions

Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standards, to mitigate adequately the interstate pollutant transport described in section [176A] of this title or section [184] of this title, or to otherwise comply with any requirement of [the Act], the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies and may establish reasonable deadlines (not to exceed 18 months after the date of such notice) for the submission of such plan revisions.

By its explicit terms, this provision authorizes the EPA to find that a state's SIP is ''substantially inadequate'' to meet CAA requirements and, based on that finding, to ''require the State to revise the [SIP] as necessary to correct such inadequacies.'' This type of action is commonly referred to as a ''SIP call.'' CAA section 110(k)(5) expressly directs EPA to take action if the SIP provision is substantially inadequate not just for purposes of attainment or maintenance of the NAAQS, but also for purposes of meeting ''any requirement'' of the CAA. In particular, EPA notes that section 110(k)(5) authorizes the agency to make such a finding and issue a SIP call ''whenever'' it determines a state's SIP to be substantially inadequate, and thus EPA has authority to propose such a finding and issue in SIP call prospectively in the event that it finalizes the limited approval and limited disapproval contemplated in this proposal. If our limited approval and limited disapproval is finalized, at that time the state's SIP will be substantially inadequate due to the SIP provisions concerning affirmative defenses for startup and shutdown events.

As stated in Section II(C) above, the EPA interprets the CAA to allow only narrowly drawn affirmative defense provisions that are available for events that are entirely beyond the control of the owner or operator of the source. Thus, an affirmative defense may be appropriate for events like malfunctions, which are sudden and unavoidable events that cannot be foreseen or planned for. The underlying premise for an affirmative defense provision is that the source is properly designed, operated, and maintained, and could not have taken action to prevent the exceedance. Because the qualifying source could not have foreseen or prevented the event, the affirmative defense is available to provide relief from monetary penalties that could result from an event beyond the control of the source.

[9] We note that 252:100–9–8(a) of the 2010 Subchapter 9 provisions provides an affirmative defense to owners and operators for civil or administrative penalty actions for excess emissions during emission events. We interpret the ''determination'' language in 252:100–9–8(e) to mean how the Director determines whether or not to pursue enforcement against an owner and operator for excess emissions violations.

The legal and factual basis supporting the concept of an affirmative defense for malfunctions does not support providing an affirmative defense for normal modes of operation like startup and shutdown. Such events are planned and predictable. The source should be designed, operated, and maintained to comply with applicable emission limitations during normal and predictable source operation. Because startup and shutdown periods are part of a source's normal operations, the same approach to compliance with, and enforcement of, applicable emission limitations during those periods should apply as otherwise applies during a source's normal operations. If justified, the state can develop and submit to EPA for approval as part of the SIP, alternative emission limitations or control measures that apply during startup and shutdown, if the source cannot meet the otherwise applicable emission limitations in the SIP.

Even if a source is a suitable candidate for alternative SIP emission limitations during startup and shutdown, however, that does not justify the creation of an affirmative defense in the case of excess emissions during such events. Because these events are planned, the EPA believes that sources should be able to comply with applicable emission limitations during these periods of time. To provide an affirmative defense for violations that occur during planned and predictable events for which the source should have been expected to comply is tantamount to providing relief from civil penalties for a planned violation.

EPA believes that adoption of affirmative defense provisions that include periods of normal source operation that are within the control of the owner or operator of the source, such as planned startup and shutdown, would be inconsistent with the requirements of CAA section 110(a) and the enforcement structure provided in CAA sections 113 and 304. Therefore, the affirmative defense provision for excess emissions during startup and shutdown created in section 252:100–9–8(a) of the 2010 Subchapter 9 provisions and the associated affirmative defense criteria for excess emissions during startup and shutdown as set forth in section 252:100–9–8(c) of the 2010 Subchapter 9 provisions are substantially inadequate to meet CAA requirements for the reasons stated above. In addition, section 252:100–9–1 of the 2010 Subchapter 9 provisions includes as a purpose of the 2010 Subchapter 9 provisions the establishment of affirmative defense provisions for excess emissions, without limiting the reference to affirmative defenses to excess emissions during malfunctions.

Accordingly, EPA is also proposing to find that section 252:100–9–1 of the 2010 Subchapter 9 provisions is substantially inadequate to meet the CAA requirements for the reasons discussed above. Therefore, all three provisions identified in Table 3 (sections 252:100–9–1, 252:100–9–8(a), and 252:100–9–8(c)) are the basis for the proposed finding of substantial inadequacy and the proposed SIP call. Because those subsections are intertwined with the remainder of the section 252:100–9–8, the proposed limited approval and limited disapproval as well as the proposed finding of substantial inadequacy and proposed SIP call encompass all of 252:100–9–8 and 252:100–9–1, as discussed above.

In addition to providing general authority for a SIP call, CAA section 110(k)(5) sets forth the process and timing for such an action. First, the statute requires the EPA to notify the state of the final finding of substantial inadequacy. Second, the statute requires the EPA to establish ''reasonable deadlines (not to exceed 18 months after the date of such notice)'' for the state to submit a corrective SIP submission to eliminate the inadequacy in response to the SIP call. 42 U.S.C. 7410(k)(5). Third, the statute requires that any finding of substantial inadequacy and notice to the state be made public.

If EPA finalizes the proposed finding of substantial inadequacy and proposed SIP call for the 2010 Subchapter 9 provisions identified in Table 3 above, CAA section 110(k)(5) requires EPA to establish a SIP submission deadline by which Oklahoma must make a SIP submission to rectify the identified deficiencies. EPA is proposing that if it promulgates a final finding of substantial inadequacy and a SIP call for those 2010 Subchapter 9 provisions identified in Table 3 above, then EPA will establish a date no more than 18 months from the date of promulgation of the final finding for Oklahoma to respond to the SIP call. For consistency with EPA's February 22, 2013 Proposed SSM SIP Calls, under which section 252:100–9–3 of the currently EPA-approved Oklahoma SIP is already subject to a proposed SIP call (78 FR 12523), we are here proposing that Oklahoma revise the identified sections of the 2010 Subchapter 9 provisions (section 252:100–9–1 and sections 252:100–9–8(a) and (c)) and submit a revision of those provisions consistent with CAA requirements along with the remainder of section 252:100–9–8, addressing the deficiencies identified in this proposal to EPA. This submittal date will be due no later than the earlier of the statutory maximum of eighteen months, or the due date by which areas subject EPA's February 22, 2013 Proposed SSM SIP Calls are required to revise and submit their SIPs to EPA.[10] Given that affirmative defenses for excess emissions are not required elements under the Act, today's proposed SIP call will not, by itself, trigger a sanction clock for Oklahoma.

If the state fails to submit the corrective SIP revision by the deadline that the EPA finalizes as part of the SIP call proposed in this action, then CAA section 110(k)(1)(B) authorizes EPA to find that the State has failed to make a complete submission, in whole or in part. Once EPA makes such a finding of failure to submit for a required SIP submission, CAA section 110(c)(1) requires EPA to ''promulgate a Federal implementation plan at any time within 2 years after the [finding] . . . unless the State corrects the deficiency, and [the EPA] approves the plan or plan revision, before [the EPA] promulgates such [FIP].'' Thus, if the EPA finalizes the proposed SIP call in this action and then finds that Oklahoma failed to submit a complete SIP revision that responds to the SIP call, or if EPA disapproves such SIP revision, then the EPA will have an obligation under CAA section 110(c)(1) to promulgate a FIP to address the identified SIP deficiency, no later than two years from the date of the finding or the disapproval, if the deficiency has not been corrected before that time.

III. Proposed Action

Today, we are proposing full approval of the following provisions of Title 252, Chapter 100, Subchapter 9, Excess Emission Reporting Requirements as submitted on July 16, 2010, into the Oklahoma SIP:

Section 252:100–9–1.1 Applicability,
Section 252:100–9–2 Definitions,
Section 252:100–9–7(a) Immediate notice,
Section 252:100–9–7(b) Excess emission event report,
Section 252:100–9–7(c) Ongoing events,
Section 252:100–9–7(d) Alternative reporting, and
Section 252:100–9–7(e) Certificate of truth, accuracy and completeness required.

[10] Nothing in today's rulemaking action for Oklahoma should be construed or interpreted as a re-opening of the public comment period for EPA's February 22, 2013 (78 FR 12460) Proposed Findings of Substantial Inadequacy and SIP Calls, or any issues associated with that separate rulemaking action.

We are proposing to delete the following provisions of Title 252, Chapter 100, Subchapter 9 from the currently EPA-approved Oklahoma SIP:

Section 252:100–9–1 Purpose,
Section 252:100–9–2 Definitions,
Section 252:100–9–3 General reporting requirements,
Section 252:100–9–4 Maintenance procedures,
Section 252:100–9–5 Malfunctions and releases, and
Section 252:100–9–6 Excesses resulting from engineering limitations.

We are proposing a concurrent limited approval and limited disapproval of the following provisions of Title 252, Chapter 100, Subchapter 9 Excess Emission Reporting Requirements as submitted on July 16, 2010, into the Oklahoma SIP:

Section 252:100–9–1 Purpose, and
Section 252:100–9–8 Affirmative defenses.

We are also proposing a finding of substantial inadequacy and a SIP call of the provisions listed above for the proposed concurrent limited approval and limited disapproval, and note the following provisions of Title 252, Chapter 100, Subchapter 9, Excess Emission Reporting Requirements as submitted on July 16, 2010, as the basis for the proposed finding of substantial inadequacy and proposed SIP call:

Section 252:100–9–1 Purpose,
Section 252:100–9–8(a) General, and
Section 252:100–9–8(c) Affirmative defenses for excess emissions during startup and shutdown.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to act on state law and ensure that it meets Federal requirements; such review does not impose additional requirements beyond those imposed by state law. Additionally, under the Clean Air Act, a finding of substantial inadequacy and the subsequent obligation for a state to revise its SIP arise out of CAA sections 110(a) and 110(k)(5). The finding and state obligation do not directly impose any new regulatory requirements. In addition, the state obligation is not legally enforceable by a court of law. EPA will review its intended action on any SIP submittal in response to the finding in light of applicable statutory and Executive Order requirements, in any subsequent rulemaking acting on such SIP submittal.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This proposed action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) because this proposed action under section 110 of the CAA will not in-and-of itself create any new information collection burdens but simply approves or disapproves certain State requirements for inclusion into the SIP. The proposal to issue the SIP call only proposes an action that requires the state to revise its SIP to comply with existing requirements of the CAA. Burden is defined at 5 CFR 1320.3(b).

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice-and-comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.[11] This proposed action will not have a significant impact on a substantial number of small entities because SIP approvals and limited approvals/limited disapprovals under section 110 of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. The proposed SIP call is only an action that requires the state to revise its SIP to comply with existing requirements of the CAA. The EPA's action, therefore, would leave to the state the choice of how to revise the SIP provision in question to make it consistent with CAA requirements. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

D. Unfunded Mandates Reform Act

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, for State, local, or tribal governments or the private sector. The EPA has determined that the limited approval/limited disapproval proposal action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This action proposes to approve or disapprove pre-existing requirements under State or local law, and imposes no new requirements. The proposed SIP Call may impose a duty on the state to meet its existing obligations to revise its SIP to comply with CAA requirements. The direct costs of this action, if finalized, would be those associated with preparation and submission of a SIP revision. Examples of such costs could include development of a state rule, conducting notice and public hearing, and other costs incurred in connection with a SIP submission. These aggregate costs would be far less than the $100-million threshold in any one year for the state. Thus, this proposed rule is not subject to the requirements of sections 202 or 205 of UMRA.

In addition since the only regulatory requirements of this proposed action would apply solely to the State of Oklahoma, this action is not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

E. Executive Order 13132—Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires the EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism

[11] Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this notice on small entities, small entity is defined as: (1) A small business that is a small industrial entity as defined in the U.S. Small Business Administration (SBA) size standards (see 13 CFR 121.201); (2) a small governmental jurisdiction that is a government of a city, county, town, school district, or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations 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.'' This proposed action does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves or disapproves certain State requirements for inclusion into the SIP and does not alter the relationship or the distribution of power and responsibilities established in the CAA. The proposed SIP call is required by the CAA because the EPA is proposing to find that the current SIP of the State is substantially inadequate to meet fundamental CAA requirements. In addition, the effects on the State will not be substantial because the SIP call will require the State to submit only those revisions necessary to address the SIP deficiencies and applicable CAA requirements. While this action may impose direct effects on the State, the expenditures would not be substantial because they would be far less than $25 million in the aggregate in any one year. Thus, Executive Order 13132 does not apply to this action.

E. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). In this action, the EPA is not addressing any tribal implementation plans. This action is limited to the State of Oklahoma, and the SIP provisions which are the subject of the proposed actions do not apply to sources of emissions located in Indian country. Thus, Executive Order 13175 does not apply to this action. However, the EPA invites comment on this proposed rule from tribal officials.

G. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This proposed action is not subject to Executive Order 13045 because it is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997). This proposed action under section 110 of the CAA will not in and of itself create any new regulations but simply approves or disapproves certain State requirements for inclusion into the SIP. The proposed SIP Call is not subject to EO 13045 because it would not establish an environmental standard, but instead would require Oklahoma to revise a state rule to address requirements of the CAA. Therefore the proposed action is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997).

H. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. This action merely prescribes the EPA's action for the State regarding its obligations for SIP under the CAA.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The EPA believes that this proposed action is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act. This proposed rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

J. Executive Order 12898—Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 (12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA lacks the discretionary authority to address environmental justice in this proposed action. In reviewing SIP submissions, the EPA's role is to approve or disapprove state choices, based on the criteria of the CAA. Accordingly, this action merely proposes to approve or disapprove certain State requirements for inclusion into the SIP under section 110 of the CAA and will not in and of itself create any new requirements. The proposed action increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. The proposed action is intended to ensure that all communities and populations across the State, including minority, low-income and indigenous populations overburdened by pollution, receive the full human health and environmental protection provided by the CAA. This proposed action concerns the State's obligations regarding the treatment they give, in rules included in its SIP under the CAA, to excess emissions during startup, shutdown, and malfunctions. This proposed action would require Oklahoma to bring its treatment of these emissions into line with CAA requirements, which would lead to sources having greater incentives to control emissions during such events.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, State implementation plan, Volatile organic compounds.

Dated: August 28, 2013.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2013–21777 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2011–0728; FRL–9900–65–Region 8]

Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 1997 and 2006 $PM_{2.5}$ National Ambient Air Quality Standards; Prevention of Significant Deterioration; Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to partially approve and partially disapprove State Implementation Plan (SIP) submissions from the State of Wyoming to demonstrate that the SIP meets the infrastructure requirements of the Clean Air Act (CAA) for the National Ambient Air Quality Standards (NAAQS) promulgated for particulate matter less than or equal to 2.5 micrometers (μm) in diameter ($PM_{2.5}$) on July 18, 1997 and on October 17, 2006. The CAA requires that each state, after a new or revised NAAQS is promulgated, review their SIP to ensure that they meet the requirements of the ''infrastructure elements'' necessary to implement the new or revised NAAQS. Wyoming provided infrastructure submissions for the 1997 and 2006 $PM_{2.5}$ NAAQS on March 26, 2008 and August 19, 2011, respectively. EPA does not propose to act on certain portions of the submissions for the 2006 $PM_{2.5}$ NAAQS that are intended to meet requirements related to interstate transport of air pollution. EPA will act on the remainder of the submissions in a separate action.

DATES: Written comments must be received on or before September 27, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2011–0728, by one of the following methods:

- *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: ayala.kathy@epa.gov*
- *Fax:* (303) 312–6064 (please alert the individual listed in the **FOR FURTHER INFORMATION CONTACT** if you are faxing comments).
- *Mail:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129.
- *Hand Delivery:* Director, Air Program, Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. Such deliveries are only accepted Monday through Friday, 8:00 a.m. to 4:30 p.m., excluding federal holidays. Special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R08–OAR–2011–0728. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA, without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.* For additional instructions on submitting comments, go to section I, General Information, of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado 80202–1129. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Kathy Ayala, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mail Code 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129. 303–312–6142, *ayala.kathy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The initials *CBI* mean or refer to confidential business information.

(iii) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(iv) The initials *FIP* mean or refer to a Federal Implementation Plan.

(v) The initials *GHG* mean or refer to greenhouse gases.

(vi) The initials *NAAQS* mean or refer to national ambient air quality standards.

(vii) The initials NO_X mean or refer to nitrogen oxides.

(viii) The initials *NSR* mean or refer to new source review.

(ix) The initials *PM* mean or refer to particulate matter.

(x) The initials $PM_{2.5}$ mean or refer to particulate matter with an aerodynamic diameter of less than 2.5 micrometers (fine particulate matter).

(xi) The initials *ppm* mean or refer to parts per million.

(xii) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(xiii) The initials *SIP* mean or refer to State Implementation Plan.

(xiv) The initials *SSM* mean or refer to start-up, shutdown, or malfunction.

(xv) The initials *WAQSR* mean or refer to the Wyoming Air Quality Standards and Regulation.

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I. General Information

What should I consider as I prepare my comments for EPA?

1. *Submitting Confidential Business Information (CBI).* Do not submit CBI to EPA through *http://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register**, date, and page number);
- Follow directions and organize your comments;
- Explain why you agree or disagree;
- Suggest alternatives and substitute language for your requested changes;
- Describe any assumptions and provide any technical information and/or data that you used;
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced;
- Provide specific examples to illustrate your concerns, and suggest alternatives;
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats; and,
- Make sure to submit your comments by the comment period deadline identified.

II. Background

On July 18, 1997, EPA promulgated new NAAQS for $PM_{2.5}$. Two new $PM_{2.5}$ standards were added, set at 15 μg/m^3, based on the three-year average of annual arithmetic mean $PM_{2.5}$ concentration from single or multiple community-oriented monitors, and 65 μg/m^3, based on the three-year average of the 98th percentile of 24-hour $PM_{2.5}$ concentrations at each population-oriented monitor within an area (62 FR 38652).

On October 17, 2006, EPA promulgated a revised NAAQS for $PM_{2.5}$, tightening the level of the 24-hour $PM_{2.5}$ standard to 35 μg/m^3 and retaining the level of the annual $PM_{2.5}$ standard at 15 μg/m^3. EPA also retained the 24-hour PM_{10} and revoked the annual PM_{10} standard (71 FR 61144). By statute, SIPs meeting the requirements of CAA sections 110(a)(1) and (2) are to be submitted by states within three years after promulgation of a new or revised standard. Section 110(a)(2) provides basic requirements for SIPs, including emissions inventories, monitoring, and modeling, to assure attainment and maintenance of the standards. These requirements are set out in several ''infrastructure elements,'' listed in section 110(a)(2).

CAA section 110(a) imposes the obligation upon states to make a SIP submission to EPA for a new or revised NAAQS, and the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the SIP for a new or revised NAAQS affects the content of the submission. The contents of such SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 1997 and 2006 $PM_{2.5}$ NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous NAAQS.

III. What is the scope of this rulemaking?

This rulemaking will not cover four substantive issues that are not integral to acting on a state's infrastructure SIP submission: (1) Existing provisions related to excess emissions during periods of start-up, shutdown, or malfunction (SSM) at sources, that may be contrary to the CAA and EPA's policies addressing such excess emissions (''SSM''); (2) existing provisions related to ''director's variance'' or ''director's discretion'' that purport to permit revisions to SIP approved emissions limits with limited public process or without requiring further approval by EPA, that may be contrary to the CAA (''director's discretion''); (3) existing provisions for minor source NSR programs that may be inconsistent with the requirements of the CAA and EPA's regulations that pertain to such programs (''minor source NSR''); and (4) existing provisions for prevention of significant deterioration (PSD) programs that may be inconsistent with current requirements of EPA's ''Final NSR Improvement Rule,'' 67 FR 80186 (December 31, 2002), as amended by 72 FR 32526 (June 13, 2007) (''NSR Reform''). Instead, EPA has indicated that it has other authority to address any such existing SIP defects in other rulemakings, as appropriate. A detailed rationale for why these four substantive issues are not part of the scope of infrastructure SIP rulemakings can be found in EPA's July 13, 2011 final rule entitled, ''Infrastructure SIP Requirements for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' in the section entitled, ''What is the scope of this final rulemaking?'' (*see* 76 FR 41075 at 41076–41079).

IV. What infrastructure elements are required under sections 110(a)(1) and (2)?

Section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. Section 110(a)(2) lists specific elements the SIP must contain or satisfy. These infrastructure elements include requirements such as modeling, monitoring, and emissions inventories, which are designed to assure attainment and maintenance of the NAAQS. The elements that are the subject of this action are listed below.

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.
- 110(a)(2)(E): Adequate resources and authority, conflict of interest, and oversight of local governments and regional agencies.
- 110(a)(2)(F): Stationary source monitoring and reporting.
- 110(a)(2)(G): Emergency powers.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(J): Consultation with government officials; public notification; and PSD and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.
- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

A detailed discussion of each of these elements is contained in the next section.

Element 110(a)(2)(D)(i)(I), Interstate transport of pollutants which contribute significantly to nonattainment in, or interfere with maintenance by, any other state will be acted upon in a

separate action. EPA will also act on the visibility element of section 110(a)(2)(D)(i)(II) in a separate action.

Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) and are therefore not addressed in this action. These elements relate to part D of Title I of the CAA, and submissions to satisfy them are not due within three years after promulgation of a new or revised NAAQS, but rather are due at the same time nonattainment area plan requirements are due under section 172. The two elements are: (1) Section 110(a)(2)(C) to the extent it refers to permit programs (known as ''nonattainment new source review (NSR)'') required under part D, and (2) section 110(a)(2)(I), pertaining to the nonattainment planning requirements of part D. As a result, this action does not address infrastructure elements related to the nonattainment NSR portion of section 110(a)(2)(C) or related to 110(a)(2)(I).

V. How did Wyoming address the infrastructure elements of sections 110(a)(1) and (2)?

1. Emission limits and other control measures: Section 110(a)(2)(A) requires SIPs to include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.

a. *Wyoming's response to this requirement:* The State's March 26, 2008 submission for the 1997 $PM_{2.5}$ infrastructure requirements and August 19, 2011 submission for the 2006 $PM_{2.5}$ infrastructure requirements cite three non-regulatory documents (e.g., Control Strategy, Source Surveillance, and Compliance Schedule) which were approved by EPA on May 31, 1972 (37 FR 10842). The State's submissions also cite regulatory documents included in the Wyoming Air Quality Standards and Regulation (WAQSR) included in Chapters 1, 3, 4, 8, 10 and 13.

b. *EPA analysis:* Wyoming's SIP meets the requirements of CAA section 110(a)(2)(A) for the 1997 and 2006 $PM_{2.5}$ NAAQS, subject to the following clarifications. First, Wyoming has no areas designated as nonattainment for the 1997 and 2006 $PM_{2.5}$ NAAQS and, therefore, is not required to establish enforceable emission limitations or other emission reduction measures to attain the 1997 and 2006 $PM_{2.5}$ NAAQS. The SIP provisions cited by Wyoming include emissions standards for particulate matter (WAQSR Chapter 2, Section 2). Wyoming also regulates emissions of $PM_{2.5}$ and its precursors through the State's approved PSD and minor NSR programs. This is sufficient to meet the requirements of 110(a)(2)(A) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

Second, in this action, EPA is not proposing to approve or disapprove any existing state rules with regard to director's discretion or variance provisions. A number of states have such provisions which are contrary to the CAA and existing EPA guidance (52 FR 45109, November 24, 1987), and the Agency plans to take action in the future to address such state regulations. In the meantime, EPA encourages any state having a director's discretion or variance provision which is contrary to the CAA and EPA guidance to take steps to correct the deficiency as soon as possible.

Finally, in this action, EPA is also not proposing to approve or disapprove any existing state provisions with regard to excess emissions during startup, shutdown, or malfunction (SSM) of operations at a facility. A number of states have SSM provisions which are contrary to the CAA and existing EPA guidance [1] and the Agency is addressing such state regulations separately (78 FR 12460, February 22, 2013).

2. *Ambient air quality monitoring/data system:* Section 110(a)(2)(B) requires SIPs to provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to ''(i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator.''

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite three non-regulatory documents (e.g., Air Quality Surveillance, Air Quality Surveillance Network, and Implementation Plan for Lead). The State's submissions also cite regulatory documents included in Chapters 1 and 2 of the WAQSR.

b. *EPA analysis:* Wyoming's air monitoring program and data systems meet the requirements of CAA section 110(a)(2)(B) for the 1997 and 2006 $PM_{2.5}$ NAAQS. The Wyoming Ambient Air Monitoring Annual Network Plan for 2011 was approved by EPA Region 8 on February 29, 2012.

3. *Program for enforcement of control measures:* Section 110(a)(2)(C) requires SIPs to include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that NAAQS are achieved, including a permit program as required in parts C and D of the Act.

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite four non-regulatory documents (e.g., Legal Authority, Source Surveillance, Review of New Sources and Modifications, and March 3, 2008 memorandum from Cynthia Cody [EPA Region 8, Air Quality Planning Unit Chief]). The State's submissions also cite regulatory documents included in the WAQSR Chapter 6.

b. *EPA analysis:* To generally meet the requirements of section 110(a)(2)(C), the State is required to have SIP-approved PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 1997 and 2006 $PM_{2.5}$ NAAQS. As explained above, in this action EPA is not evaluating nonattainment related provisions, such as the nonattainment NSR program required by part D of the Act. EPA is evaluating the State's PSD program as required by part C of the Act, and the State's minor NSR program as required by 110(a)(2)(C).

PSD Requirements

Wyoming has a SIP-approved PSD program that meets the general requirements of part C of the Act (44 FR 51977, September 6, 1979). To satisfy the particular requirements of section 110(a)(2)(C), states should have a PSD program that applies to all regulated NSR pollutants, including greenhouse gases (GHGs). See 40 CFR 51.166(b)(48) and (b)(49). The PSD program should reflect current requirements for these pollutants. In particular, for three pollutants—ozone, $PM_{2.5}$ and GHGs—there are additional regulatory requirements (set out in portions of 40 CFR 51.166) that we consider in evaluating Wyoming's PSD program.

On July 25, 2011 (76 FR 44265), we approved a revision to the Wyoming PSD program that addressed the PSD requirements of the Phase 2 Ozone Implementation Rule promulgated on November 29, 2005 (70 FR 71612). As a result, the approved Wyoming PSD program meets the current requirements for ozone.

[1] Steven Herman, Assistant Administrator for Enforcement and Compliance Assurance, and Robert Perciasepe, Assistant Administrator for Air and Radiation, Memorandum to EPA Air Division Directors, ''State Implementation Plans (SIPs): Policy Regarding Emissions During Malfunctions, Startup, and Shutdown.'' (September 20, 1999).

With respect to GHGs, on June 24, 2013 (78 FR 37752) EPA proposed to approve a submittal that revises Wyoming's PSD program to regulate GHGs and to adopt the thresholds set out in EPA's June 3, 2010 ''PSD and Title V Greenhouse Gas Tailoring Final Rule'' (75 FR 31514). In that proposal, EPA accordingly also proposed to rescind the Federal Implementation Plan (FIP) for GHG permitting in Wyoming that EPA had promulgated on December 30, 2010 (75 FR 82246). With EPA's proposed approval of the relevant portions of the revisions to Wyoming's PSD program and rescission of the FIP, Wyoming's PSD program will meet current requirements for GHGs.

Finally, we evaluate the PSD program with respect to current requirements for $PM_{2.5}$. In particular, on May 16, 2008, EPA promulgated the rule, ''Implementation of the New Source Review Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$) and on October 20, 2010 EPA promulgated the rule, ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)'' (75 FR 64864). EPA regards adoption of these $PM_{2.5}$ rules as a necessary requirement when assessing a PSD program for the purposes of element (C).

On January 4, 2013, the U.S. Court of Appeals, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir.), issued a judgment that remanded EPA's 2007 and 2008 rules implementing the 1997 $PM_{2.5}$ NAAQS. The Court ordered EPA to ''repromulgate these rules pursuant to Subpart 4 consistent with this opinion.'' *Id.* at 437. Subpart 4 of part D, Title 1 of the CAA establishes additional provisions for particulate matter nonattainment areas.

The 2008 implementation rule addressed by the court decision, ''Implementation of New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$),'' (73 FR 28321, May 16, 2008), promulgated New Source Review (NSR) requirements for implementation of $PM_{2.5}$ in nonattainment areas (nonattainment NSR) and attainment/unclassifiable areas (PSD). As the requirements of subpart 4 only pertain to nonattainment areas, EPA does not consider the portions of the 2008 Implementation rule that address requirements for $PM_{2.5}$ attainment and unclassifiable areas to be affected by the Court's opinion. Moreover, EPA does not anticipate the need to revise any PSD requirements promulgated in the 2008 Implementation rule in order to comply with the Court's decision. Accordingly, EPA's approval of Wyoming's infrastructure SIP as to elements (C) or (J) with respect to the PSD requirements promulgated by the 2008 Implementation rule does not conflict with the Court's opinion.

The Court's decision with respect to the nonattainment NSR requirements promulgated by the 2008 Implementation rule also does not affect EPA's action on the present infrastructure action. EPA interprets the Act to exclude nonattainment area requirements, including requirements associated with a nonattainment NSR program, from infrastructure SIP submissions due 3 years after adoption or revision of a NAAQS. Instead, these elements are typically referred to as nonattainment SIP or attainment plan elements, which would be due by the dates statutorily prescribed under subpart 2 through 5 under part D, extending as far as 10 years following designations for some elements.

The second PSD requirement for $PM_{2.5}$ is contained in EPA's October 20, 2010 rule, ''Prevention of Significant Deterioration (PSD) for Particulate Matter Less Than 2.5 Micrometers ($PM_{2.5}$)—Increments, Significant Impact Levels (SILs) and Significant Monitoring Concentration (SMC)'' (75 FR 64864). EPA regards adoption of the $PM_{2.5}$ increments as a necessary requirement when assessing a PSD program for the purposes of element (C).

On May 10, 2011, the State submitted revisions to Chapter 6, section 4 of the WAQSR that adopted all elements of the 2008 Implementation Rule and on May 24, 2012, the State submitted revisions to Chapter 6, Section 4 of the WAQSR that adopted all elements of the 2010 Increment Rule. These submitted revisions make Wyoming's PSD program up to date with respect to current requirements for $PM_{2.5}$. The May 10, 2011 submittal, which incorporated the 2008 Implementation Rule, was approved in a previous action (see 76 FR 44265). We propose to approve the necessary portions of Wyoming's May 24, 2012 submission to reflect the 2010 $PM_{2.5}$ Increment Rule; specifically 40 CFR part 166, paragraphs (b)(14)(i), (ii), (b)(15)(i), and paragraph (c)(1). EPA is proposing to approve the following revisions to Chapter 6, Section 4: Chapter 6, Section 4(a) Definitions of ''Baseline area'', ''Major source baseline date'', and ''Minor source baseline date''; Chapter 6, Section 4(b)(i)(A)(I) Table 1 and Table 1 (1), Chapter 6, Section 4(b)(J)(v)(viii), and Section 14, as submitted on May 24, 2012. We are not proposing to act on any other portions of the May 24, 2012 submittal, including the adoption of significant impact levels (SILs) and significant monitoring concentrations (SMCs) for $PM_{2.5}$.

With these revisions, Wyoming's SIP-approved PSD program will meet current requirements for $PM_{2.5}$. As a result, EPA is proposing to approve Wyoming's infrastructure SIP for the 1997 and 2006 $PM_{2.5}$ NAAQS with respect to the requirement in section 110(a)(2)(C) to include a permit program in the SIP as required by part C of the Act.

Minor NSR

With regard to minor NSR, in this action EPA is proposing to approve Wyoming's infrastructure SIP for the 1997 and 2006 $PM_{2.5}$ NAAQS with respect to the general requirement in section 110(a)(2)(C) to include a program in the SIP that regulates the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. Wyoming's approved minor NSR program is found in Chapter 6, section 2 of the WAQSR. EPA previously approved Wyoming's minor NSR program into the SIP (at that time as Chapter 1, section 21), and has subsequently approved revisions to the program, and at those times there were no objections to the provisions of this program. (See, for example, 47 FR 5892, February 9, 1982.) Since then, the State and EPA have relied on the State's existing minor NSR program to assure that new and modified sources not captured by the major NSR permitting programs do not interfere with attainment and maintenance of the NAAQS. EPA is not proposing to approve or disapprove the State's existing minor NSR program itself to the extent that it is inconsistent with EPA's regulations governing this program. A number of states may have minor NSR provisions that are contrary to the existing EPA regulations for this program. EPA intends to work with states to reconcile state minor NSR programs with EPA's regulatory provisions for the program. The statutory requirements of section 110(a)(2)(C) provide for considerable flexibility in designing minor NSR programs, and it may be time to revisit the regulatory requirements for this program to give the states an appropriate level of flexibility to design a program that meets their particular air quality concerns, while assuring reasonable consistency across the country in protecting the NAAQS with respect to new and modified minor sources.

4. *Interstate Transport:* Section 110(a)(2)(D)(i) is subdivided into four ''prongs,'' two under 110(a)(2)(D)(i)(I) and two under 110(a)(2)(D)(i)(II). The two prongs under 110(a)(2)(D)(i)(I) require SIPs to contain adequate provisions to prohibit emissions that (prong 1) contribute significantly to nonattainment in any other state with respect to any such national primary or secondary NAAQS, and (prong 2) interfere with maintenance by any other state with respect to the same NAAQS. The two prongs under 110(a)(2)(D)(i)(II) require SIPs to contain adequate provisions to prohibit emissions that interfere with measure required to be included in the applicable implantation plan for any other state under part C (prong 3) to prevent significant deterioration of air quality or (prong 4) to protect visibility. As noted, we are not proposing to act on Wyoming's submission to meet the requirements of section 110(a)(2)(D)(i) for the 2006 $PM_{2.5}$ NAAQS. On May 28, 2008 (73 FR 26019), we approved Wyoming's submission to meet the requirements of section 110(a)(2)(D)(i) for the 1997 $PM_{2.5}$ NAAQS.

5. *Interstate and International transport provisions:* Section 110(a)(2)(D)(ii) requires that each SIP shall contain adequate provisions insuring compliance with applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement).

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cited regulatory requirements included in the WAQSR Chapter 6, Section 2, *Permit requirements for construction modification and operation.*

b. *EPA Analysis:* Section 126(a) of the CAA requires notification to affected, nearby states of major proposed new (or modified) sources. Sections 126(b) and (c) pertain to petitions by affected states to the Administrator regarding sources violating the ''interstate transport'' provisions of section 110(a)(2)(D)(i). Section 115 of the CAA similarly pertains to international transport of air pollution.

WAQSR Chapter 6, Section 2, specifically paragraph (m) meets the requirements of CAA section 126(a) for the 1997 and 2006 $PM_{2.5}$ NAAQS. Final approval of this language became effective January 30, 1995 (59 FR 60902, Nov. 29, 1994). Final approval of the renumbering of this language became effective August 27, 2004 (See 69 FR 44965, July 28, 2004).

Wyoming has no pending obligations under sections 126(c) or 115(b); therefore, its SIP currently meets the requirements of those sections. The SIP therefore meets the requirements of 110(a)(2)(D)(ii) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

6. *Adequate resources and authority:* Section 110(a)(2)(E)(i) requires states to provide necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of federal or state law from carrying out the SIP or portion thereof). Section 110(a)(2)(E)(iii) requires states to ''provide necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any [SIP] provision, the State has responsibility for ensuring adequate implementation of such [SIP] provision.''

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite two non-regulatory documents (e.g., Resources and Legal Authority), approved by EPA on May 31, 1972 (37 FR 10842). The State's submissions for 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite regulatory requirements included in the WAQSR Chapter 1, Section 2, Authority and the Wyoming Environmental Quality Act Articles 1 and 2 (Chapter 11, Title 35 of the Wyoming Statutes).

b. *EPA Analysis:* The provisions in Articles 1 and 2 of the Wyoming Environmental Quality Act (Chapter 11, Title 35 of the Wyoming Statutes) give the State adequate authority to carry out the SIP. The State receives sections 103 and 105 grant funds through its Performance Partnership Grant along with required state matching funds to provide funding necessary to carry out Wyoming's SIP requirements. The State does not rely upon any other local or regional government, agency or instrumentality for implementation of the SIP.

7. *State boards:* Section 110(a)(2)(E)(ii) requires that the state comply with the requirements respecting state boards under section 128.

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite two non-regulatory documents (e.g., Resources and Legal Authority), approved by EPA on May 31, 1972 (37 FR 10842). The State's submissions for 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite regulatory requirements included in the WAQSR Chapter 1, Section 2, Authority and the Wyoming Environmental Quality Act Articles 1 and 2 (Chapter 11, Title 35 of the Wyoming Statutes).

b. *EPA Analysis:* Section 110(a)(2)(E)(ii) of the CAA requires that the State comply with section 128 of the CAA. Section 128 was added in the 1977 amendments to the CAA as the result of a conference agreement. Titled ''State boards,'' it provides in relevant part:

(a) Not later than the date one year after August 7, 1977, each applicable implementation plan shall contain requirements that—

(1) Any board or body which approves permits or enforcement orders under [this Act] shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under [this Act], and,

(2) Any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

In 1978, EPA issued a guidance memorandum recommending ways states could meet the requirements of section 128, including suggested interpretations of certain key terms in section 128.[2] In this notice, we additionally discuss various relevant aspects of section 128. We first note that, in the conference report on the 1977 amendments to the CAA, the conference committee stated, ''It is the responsibility of each state to determine the specific requirements to meet the general requirements of [section 128].''[3] We find that this legislative history indicates that Congress intended states to have some latitude in the specifics of implementing section 128, so long as the implementation is consistent with the plain text of the section. We also note that Congress explicitly provided in section 128 that states could elect to adopt more stringent requirements, as long as the minimum requirements of section 128 are met. As a result, we note three considerations for implementing section 128.

First, section 128 must be implemented through provisions that EPA approves into the SIP and are made federally enforceable. Section 128 explicitly mandates that each SIP ''shall contain requirements'' that satisfy subsections 128(a)(1) and 128(a)(2). A

[2] Memorandum from David O. Bickart, Deputy General Counsel, to Regional Air Directors, Guidance to States for Meeting Conflict of Interest Requirements of Section 128 (Mar. 2, 1978).

[3] H.R. Rep. 95–564 (1977), reprinted in 3 *Legislative History of the Clean Air Act Amendments of 1977,* 526–27 (1978).

mere narrative description of state statutes or rules, or of a state's current or past practice in constituting a board or body and in disclosing potential conflicts of interest, is not a requirement contained in the SIP and does not satisfy the plain text of section 128.

Second, subsection 128(a)(1) applies only to states that have a board or body that is composed of multiple individuals and that, among its duties, approves permits or enforcement orders under the CAA. It does not apply in states that have no such multi-member board or body that performs these functions, and where instead a single head of an agency or other similar official approves permits or enforcement orders under the CAA. This flows from the text of section 128, for two reasons. First, as subsection 128(a)(1) refers to a majority of members in the plural, we think it reasonable to read subsection 128(a)(1) as not creating any requirements for an individual with sole authority for approving permits or enforcement orders under the CAA. Second, subsection 128(a)(2) explicitly applies to the head of an executive agency with ''similar powers'' to a board or body that approves permits or enforcement orders under the CAA, while subsection 128(a)(1) omits any reference to heads of executive agencies. We infer that subsection 128(a)(1) should not apply to heads of executive agencies who approve permits or enforcement orders.

Third, subsection 128(a)(2) applies to all states, regardless of whether the state has a multi-member board or body that approves permits or enforcement orders under the CAA. Although the title of section 128 is ''State boards,'' the language of subsection 128(a)(2) explicitly applies where the head of an executive agency, rather than a board or body, approves permits or enforcement orders. In instances where the head of an executive agency delegates his or her power to approve permits or enforcement orders, or where statutory authority to approve permits or enforcement orders is nominally vested in another state official, the requirement to adequately disclose potential conflicts of interest still applies. In other words, EPA thinks that SIPs for all states, regardless of whether a state board or body approves permits or enforcement orders under the CAA, must contain adequate provisions for disclosure of potential conflicts of interest in order to meet the requirements of subsection 128(a)(2).

Wyoming's Environmental Quality Act establishes the Environmental Quality Council, a separate government body. See Wyoming Statutes 35–11–111(a). The members of the Council are appointed by the Governor and serve at the Governor's pleasure. Among the duties of the Council are conducting hearings in any case contesting the administration or enforcement of any law, rule, regulation, standard or order issued or administered by DEQ or by any division of DEQ. *Id.* 35–11–111(a)(iii). In particular, a person subject to a DEQ order may request a hearing before the Council. *Id.* 35–11–702(c)(ii)–(iv). The Council must also conduct hearings in any case contesting the grant, denial, suspension, revocation or renewal of any permit authorized or required by the Environmental Quality Act. *Id.* 35–11–111(a)(iv). Under Article 2, Air Quality, and Article 8, Permits, of the Environmental Quality Act, any applicant for an air permit may petition the Council for a hearing to contest DEQ's decision on the permit. See *id.* 35–11–208, –802. Although Article 2 does not explicitly provide for it, third parties may contest DEQ's decision on an air permit under Wyoming Statutes section 35–11–111(a)(iv), mentioned above. *E.g,. In the Matter of: Medicine Bow Fuel & Power, LLC,* No. 09–2801, at 2–3 (Wyo. Envtl. Quality Council, Feb. 5, 2010).

Given the duties and authorities of the Council, the Council appears to be a ''board or body which approves permits or enforcement orders'' under the CAA.[4] However, Wyoming's approved SIP does not contain any enforceable provisions to satisfy the requirements of subsection 128(a)(1) as applied to the Council.[5] In addition, Wyoming's SIP does not contain any enforceable provisions to satisfy the requirements of subsection 128(a)(2), which applies in all states. As a result, Wyoming's SIP does not satisfy the requirements of sections 128 and 110(a)(2)(E)(ii), and EPA proposes to disapprove Wyoming's submissions for element (E)(ii) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

8. *Stationary source monitoring system:* Section 110(a)(2)(F) requires:

(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the Act, which reports shall be available at reasonable times for public inspection.

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite regulatory requirements included in the 1979 WAQSR Chapter 6, Section 2, *Permit requirements for construction, modification, and operation,* and Chapter 7, Sections 2, and Section 23, *Continuous monitoring requirements for existing sources.*

b. *EPA Analysis:* In addition to the specific monitoring provisions cited by Wyoming, the SIP provides for monitoring, recordkeeping, and reporting requirements for sources subject to minor and major source permitting. (See WAQSR Chapter 6, section 2.) Wyoming's SIP therefore meets the requirements of section 110(a)(2)(F) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

9. *Emergency powers:* Section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including contingency plans to implement the emergency episode provisions in their SIPs.

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite three non-regulatory documents (e.g., Emergency Episode Plan, Emergency Episode Contingency Plan, and a March 3, 2008 memorandum from Cynthia Cody, [EPA Region 8, Air Quality Planning Unit Chief]). The State's submissions for 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite regulatory requirements included in the WAQSR Chapter 12, Section 2, Air pollution emergency episodes and the Wyoming Environmental Quality Act, Article 1, Power of the director to issue emergency orders, (Section 35–11–115 of the Wyoming Statues).

b. *EPA analysis:* Section 35–11–115 of the Wyoming Statutes gives the Director of the Wyoming Department of Environmental Quality (DEQ) comparable emergency powers to those in section 303 of the Act. In our 2009 guidance for infrastructure requirements for the 2006 $PM_{2.5}$ NAAQS, we

[4] See, for example, 78 FR 32613 (May 31, 2013), for a discussion of the phrase ''board or body which approves permits or enforcement orders.''

[5] Wyoming Statutes section 35–11–111(a) does require a member of the Council that receives more than ten percent of the member's income from any permit applicant to not act on a permit application from that applicant. However, this provision is not in Wyoming's SIP and does not address income from persons subject to enforcement orders or persons who already hold (are ''subject to'') a permit. Even if the provision were in Wyoming's SIP, EPA does not interpret the requirement in section 128(a)(1) regarding significant income to be satisfied solely by this sort of recusal provision. See 77 FR 66398 (Nov. 5, 2012).

suggested that states that had monitored and recorded 24-hour $PM_{2.5}$ levels greater than 140.4 μg/m³, using the most recent three years of data, should develop emergency episode plans for the areas with the monitored values. We also suggested that, if these levels had not been exceeded, states could certify that they had adequate general emergency authority to address $PM_{2.5}$ episodes. In this rulemaking, we view these suggestions as still appropriate in assessing Wyoming's SIP for this element. Wyoming has not monitored any values above the 140.4 μg/m³ level for $PM_{2.5}$ for the past three years. Since this level was not exceeded in any area of the state and the State has demonstrated that it has appropriate general emergency powers to address $PM_{2.5}$ related episodes, the State is not required at this point to have a specific contingency plan for $PM_{2.5}$. The SIP therefore meets the requirements of 110(a)(2)(G) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

10. *Future SIP revisions:* Section 110(a)(2)(H) requires that SIPs provide for revision of such plan:

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii), except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under this [Act].

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite a non-regulatory document, Implementation Plan Reviews, approved by EPA on April 19, 1983 (48 FR 16682).

b. *EPA analysis:* The general provisions in Article 1 of the Wyoming Environmental Quality Act (Article 1, Chapter 11, Title 35 of the Wyoming Statutes) and the particular provision in Article 2 at section 35–11–202 of the Wyoming Statutes give the State sufficient authority to revise the SIP as required by section 110(a)(2)(H).

11. *Consultation with government officials, public notification, PSD and visibility protection:* Section 110(a)(2)(J) requires that each SIP ''meet the applicable requirements of section 121 of this title (relating to consultation), section 127 of this title (relating to public notification), and part C of this subchapter (relating to PSD of air quality and visibility protection).''

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite one non-regulatory document relative to consultation with government officials (e.g., Consultation, approved by EPA July 2, 1979 (44 FR 38473)), one regulatory document relative to public notification (e.g., Public Notification of Air Quality, approved by EPA July 2, 1979 (44 FR 38473)) and two non-regulatory documents relative to PSD and visibility protection (Wyoming State Implementation Plan for Class I Visibility Protection and a March 3, 2008 memorandum from Cynthia Cody, [EPA Region 8, Air Quality Planning Unit Chief]). The State's submissions for 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite regulatory requirements relative to PSD and visibility protection included in the WAQSR, Chapter 6, Prevention of significant deterioration.

b. *EPA Analysis:* The State has demonstrated that it has the authority and rules in place to provide a process of consultation with general purpose local governments, designated organizations of elected officials of local governments and any Federal Land Manager having authority over federal land to which the SIP applies, consistent with the requirements of CAA section 121. Furthermore, EPA previously approved portions of the Wyoming SIP meeting the requirements of CAA section 127. (44 FR 38473, July 2, 1979.)

Wyoming's SIP regulations for its PSD program were first federally-approved and made part of the SIP on September 6, 1979 (4 FR 51977). EPA has further evaluated the State's SIP-approved PSD program in section V.3, element 110(a)(2)(C) of this proposed action. As explained in that section, we propose to approve Wyoming's infrastructure SIPs for the 1997 and 2006 $PM_{2.5}$ NAAQS with respect to the requirement in element (C) to have a permit program as required by Part C of the Act, concurrently with our proposed approval of Wyoming's submittals to adopt the $PM_{2.5}$ increments and to regulate GHGs under the PSD program. We correspondingly propose to approve the infrastructure SIPs for the 1997 and 2006 $PM_{2.5}$ NAAQS with respect to the requirement in element (J) that the SIP meet the applicable requirements of Part C with respect to PSD.

Finally, with regard to the applicable requirements for visibility protection, EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the act. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new visibility obligation ''triggered'' under section 110(a)(2)(J) when a new NAAQS becomes effective.

12. *Air quality and modeling/data:* Section 110(a)(2)(K) requires that each SIP provide for: (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a NAAQS, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite regulatory requirements included in the WAQSR Chapter 6, Sections 2, 4, 21 and 24.

b. *EPA Analysis:* Wyoming's SIP meets the requirements of CAA section 110(a)(2)(K) for the 1997 and 2006 $PM_{2.5}$ NAAQS. In particular, Wyoming's PSD program requires that estimates of ambient air concentrations be based on applicable air quality models specified in Appendix W of 40 CFR part 51, and that modification or substitution of a model specified in Appendix W must be approved by the Administrator. (See WAQSR Chapter 6, section 4(b)(iv).) As a result, the SIP provides for such air quality modeling as the Administrator has prescribed.

13. *Permitting fees:* Section 110(a)(2)(L) requires SIPs to: require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this act, a fee sufficient to cover (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under [title] V.

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite regulatory requirements included in the WAQSR Chapter 6, Permit requirements

for construction, modification, and operation.

b. *EPA Analysis:* Final approval of Wyoming's title V operating permit program became effective April 23, 1999 (64 FR 8523, Feb. 22, 1990). Interim approval of the program became effective February 21, 1995 (60 FR 4563, January 19, 1995). As discussed in a previous direct final rule (which received comments) for interim approval of the title V program (59 FR 48802, September 23, 1994), the State demonstrated that the fees collected were sufficient to administer the program. In addition, WAQSR chapter 6, section 2, paragraph (o) requires applicants for construction permits to pay the costs for DEQ to review and act on the permit applications. Wyoming's submission meets the requirements of section 110(a)(2)(L) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

14. *Consultation/participation by affected local entities:* Section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

a. *Wyoming's response to this requirement:* The State's submissions for the 1997 and 2006 $PM_{2.5}$ infrastructure requirements cite a non-regulatory document (e.g., Intergovernmental Cooperation), approved by EPA on May 3, 1972 (37 FR 10842).

b. *EPA Analysis:* Wyoming's submittal meets the requirements of CAA Section 110(a)(2)(M) for the 1997 and 2006 $PM_{2.5}$ NAAQS.

VI. What action is EPA proposing?

In this action, EPA is proposing to approve the following infrastructure elements for the 1997 and 2006 $PM_{2.5}$ NAAQS: (A), (B), (C) with respect to minor NSR and PSD requirements, (D)(ii), (E)(i), (E)(iii), (F), (G), (H), (J), (K), (L), and (M). EPA is also proposing to approve revisions to Chapter 6, Section 4, as submitted on May 24, 2012, which incorporate the requirements of the 2010 $PM_{2.5}$ Increment Rule; specifically, revisions to: Chapter 6, Section 4 (a) Definitions of ''Baseline area'', ''Major source baseline date'', and ''Minor source baseline date''; Chapter 6, Section 4 (b)(i)(A)(I) Table 1 and Table 1 (1), Chapter 6, Section 4 (b)(J)(v)(viii), and Section 14. EPA proposes to disapprove the section 110(a)(2)(E)(ii) infrastructure element, related to CAA 128, state boards, for the 1997 and 2006 $PM_{2.5}$ NAAQS. Finally, in this action, EPA is taking no action on infrastructure elements (D)(i) for the 2006 $PM_{2.5}$ NAAQS.

VII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations (42 U.S.C. 7410(k), 40 CFR 52.02(a)). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves some state law as meeting federal requirements and disapproves other state law because it does not meet federal requirements; this proposed action does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated August 28, 2013.

Shaun L. McGrath,

Regional Administrator, Region 8.

[FR Doc. 2013–21613 Filed 9–5–13; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2013–0173; FRL–9900–62–Region 4]

Air Quality Implementation Plan; Alabama; Attainment Plan for the Troy Area 2008 Lead Nonattainment Area

AGENCY: Environmental Protection Agency (EPA or Agency).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a state implementation plan (SIP) revision, submitted by the State of Alabama through the Alabama Department of Environmental Management (ADEM), to EPA on November 9, 2012, for the purpose of providing for attainment of the 2008 Lead National Ambient Air Quality Standards (NAAQS) in the Troy 2008 Lead nonattainment area (hereafter referred to as the ''Troy Area'' or ''Area''). The Troy Area is comprised of a portion of Pike County in Alabama surrounding the Sanders Lead Company (hereafter referred to as ''Sanders Lead''). EPA is proposing to approve Alabama's November 9, 2012 SIP submittal regarding the attainment plan based on Alabama's attainment demonstration for the Troy Area. The attainment plan includes the base year emissions inventory requirements, an analysis of the reasonably available control technology (RACT) and reasonably available control measures (RACM) requirements, reasonable further progress (RFP) plan, modeling demonstration of lead attainment and contingency measures for the Troy Area. This action is being taken in accordance with Clean Air Act (CAA or Act) and EPA's guidance related to lead attainment planning.

DATES: Written comments must be received on or before October 7, 2013.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R04–OAR–2013–0173 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: R4–RDS@epa.gov.*
3. *Fax:* (404) 562–9019.
4. *Mail:* EPA–R04–OAR–2013–0173, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Ms. Lynorae Benjamin, Chief, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R04–OAR–2013–0173. 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 through *www.regulations.gov* or email, information that you consider to be CBI or otherwise protected. 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 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 at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Zuri Farngalo of the Regulatory Development Section, in the Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Mr. Farngalo may be reached by phone at (404) 562–9152, or via electronic mail at *farngalo.zuri@epa.gov.*

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I. What action is EPA proposing to take?

EPA is proposing to approve Alabama's SIP submittal for the Troy Area, as submitted through ADEM to EPA on November 9, 2012, for the purpose of demonstrating attainment of the 2008 Lead NAAQS. Alabama's lead attainment plan for the Troy Area includes a base year emissions inventory, a modeling demonstration of lead attainment, an analysis of RACM/RACT, a RFP plan, and contingency measures.

EPA has preliminarily determined that Alabama's attainment plan for the 2008 Lead NAAQS for the Troy Area meets the applicable requirements of the CAA and the ''SIP Toolkit—Attainment Demonstrations and Air Quality Modeling,'' hereafter referred to as the ''SIP Toolkit,'' dated April 12, 2012, located at *http://www.epa.gov/air/lead/kitmodel.html.* Thus, EPA is proposing to approve Alabama's attainment plan for the Troy Area. EPA's analysis for this proposed action is discussed in Section IV of this proposed rulemaking.

II. What is the background for EPA's proposed action?

On November 12, 2008 (73 FR 66964), EPA revised the Lead NAAQS, lowering the level from 1.5 micrograms per cubic meter (μg/m^3) to 0.15 μg/m^3 calculated over a three-month rolling average. EPA established the NAAQS based on significant evidence and numerous health studies demonstrating that serious health effects are associated with exposures to lead emissions.

Following promulgation of a new or revised NAAQS, EPA is required by the CAA to designate areas throughout the United States as attaining or not attaining the NAAQS; this designation process is described in section 107(d)(1) of the CAA. On November 22, 2010 (75 FR 71033), EPA promulgated initial air quality designations for the 2008 Lead NAAQS, which became effective on December 31, 2010, based on air quality monitoring data for calendar years 2007–2009, where there was sufficient data to support a nonattainment designation. Designations for all remaining areas were completed on November 22, 2011 (76 FR 72097), which became effective on December 31, 2011, based on air quality monitoring data for calendar years 2008–2010.

Effective December 31, 2010, the Troy Area was designated as nonattainment for the 2008 Lead NAAQS. This designation triggered a requirement for Alabama to submit a SIP revision with a plan for how the Area would attain the 2008 Lead NAAQS, as expeditiously as practicable but no later than December 31, 2015. ADEM submitted its SIP submittal for the Troy Area on November 9, 2012, which included the base year emissions inventory and the

attainment demonstration. EPA's analysis of the submitted attainment demonstration includes a review of the pollutant addressed, emissions inventory requirements, modeling, RACT and RACM requirements, RFP plan, and contingency measures for the Troy Area.

III. What is included in Alabama's attainment plan submittal for the Troy area?

In accordance with section 172(c) of the CAA and the SIP Toolkit, the Alabama attainment plan for the Troy Area includes: (1) An emissions inventory for the plan's base year (2010); and (2) an attainment demonstration. The attainment demonstration includes: technical analyses that locate, identify, and quantify sources of emissions contributing to violations of the 2008 Lead NAAQS; analyses of future-year emissions reductions and air quality improvements expected to result from national and local programs; adopted emission reduction measures with schedules for implementation; and contingency measures required under section 172(c)(9) of the CAA. *See* 73 FR 67035.

IV. What is EPA's analysis of Alabama's attainment plan submittal for the Troy area?

A. Attainment Demonstration

Consistent with CAA requirements (*see, e.g.,* section 172), and 40 CFR 51.117, an attainment demonstration for a lead nonattainment area must include a showing that the area will attain the 2008 Lead NAAQS as expeditiously as practicable. The demonstration must also meet the requirements of 40 CFR 51.112 and Part 51, Appendix W, and include inventory data, modeling results, and emissions reduction analyses on which the state has based its projected attainment. In the case of the Troy Area, EPA is proposing that the attainment plan submitted by Alabama is sufficient, and EPA is proposing to approve individual components of the plan.

1. Pollutants Addressed

Alabama's lead attainment plan evaluates lead emissions in the Troy Area within Pike County. There are no significant precursors to consider for the lead attainment plan.

2. Emissions Inventory Requirements

States are required under section 172(c)(3) of the CAA to develop comprehensive, accurate and current emissions inventories of all sources of the relevant pollutant or pollutants in the area. These inventories provide a detailed accounting of all emissions and emission sources by precursor or pollutant. In the November 12, 2008 Lead Standard (PDF) (99pp, 665k) rulemaking, EPA finalized the guidance related to the emissions inventories requirements. The current regulations are located at 40 CFR 51.117(e), and include, but are not limited to, the following requirements:

- States must develop and periodically update a comprehensive, accurate, current inventory of actual emissions from all source affecting ambient lead concentrations;
- The SIP inventory must be approved by EPA as a SIP element and is subject to public hearing requirements; and
- The point source inventory upon which the summary of the baseline for lead emissions inventory is based must contain allsources that emit 0.5 or more tons of lead per year.

For the base-year inventory of actual emissions, EPA recommends using either 2010 or 2011 as the base year for the contingency measure calculations, but does provide flexibility for using other inventory years if states can show another year is more appropriate.[1] For lead SIPs, the CAA requires that all sources of lead emissions in the nonattainment area must be submitted with the base-year inventory. In today's action, EPA is proposing to approve the base year emissions inventory portion of the SIP revision submitted by Alabama on November 9, 2012, as required by section 172(c)(3).

The State of Alabama followed EPA's recommendation by using the year of designation (2010) as the base year in the November 9, 2012 Lead SIP. Actual emissions from all sources of lead were reviewed and compiled, as applicable and available, for the base year emissions inventory requirement. All applicable sources of lead emissions contained in the Troy nonattainment area were estimated and included in the inventory.

The only source of lead emissions above 0.5 tons per year within the Troy Area is Sanders Lead, a secondary lead smelting and refining facility which processes scrap metal and lead bearing by-products into refined lead alloys. Pursuant to 40 CFR 51.117(e), the facility is the only point source evaluated as part of this emissions inventory requirement and is therefore, the only source that is required to be evaluated as part of this attainment demonstration. In addition to complying with the 2008 Lead NAAQS, the facility is also subject to the revised Secondary Lead MACT (40 CFR Part 63, Subpart X). The facility's emissions were calculated using data collected from stack tests with the application of AP–42 emissions factors for each source, and quality assured by ADEM. ADEM used the EPA 2008 National Emissions Inventory (NEI)[2] to obtain estimates of the stationary area and nonroad and onroad mobile emissions for the Troy Area.

Stationary area source emissions, shown below in Table 1, were obtained from the Emissions Inventory System maintained by EPA which has the most current information. The nonroad emissions are negligible and therefore assumed to be zero for the purpose of this SIP, and are consistent with the nonroad 2008 model. The emissions data for the nonroad category which includes aircraft (airports), rail and commercial marine vessels was obtained from the 2008 NEI version 2. Onroad lead emissions are negligible and therefore assumed to be zero, consistent with MOVES 2010b model and the 2008 NEI. A more detailed discussion of the emissions inventory development can be found in Alabama's November 9, 2012 submittal.

Table 1 below shows the level of emissions calculated in pounds per year (lbs/year) in the Area for the 2010 base year, and by emissions source categories, as provided in Alabama's November 9, 2012 attainment plan.

[1] See EPA document titled ''Addendum to the 2008 Lead NAAQS Implementation Questions and Answers'' dated August 10, 2012, included in EPA's SIP Toolkit located at *http://www.epa.gov/air/lead/kitmodel.html.*

[2] Area sources are only required to be submitted for the NEI every three years, in accordance with the Air Emissions Reporting Rule and the most recent release is in the 2008 NEI version 2.

TABLE 1—2010 AND PROJECTED 2015 LEAD EMISSIONS FOR THE TROY AREA

[Pounds per year]

Year	Onroad	Nonroad	Area	Point
2010	0	205.94	0.56	7,162
2015	0	205.94	0.56	946
Total Reduction	0	0	0	6,216

EPA evaluated Alabama's 2010 base year emissions inventory for the Troy Area, and made the preliminary determination that this inventory was developed consistent with EPA's guidance for emissions inventory. Therefore, pursuant to section 172(c)(3), EPA is proposing to approve Alabama's 2010 base year emissions inventory for the Troy Area. The projected emissions for 2015 represent an 87 percent reduction from the base year lead emissions, and, as discussed in the modeling section below, provide sufficient emissions reductions for the Troy Area to attain the 2008 Lead NAAQS.

3. Modeling

The lead attainment demonstration must include air quality dispersion modeling developed in accordance with EPA's Modeling Guidance.[3] The Alabama modeling analysis was prepared using EPA's preferred dispersion modeling system, the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) consisting of the AERMOD (version 12060) model and two data input preprocessors AERMET (version 11059) and AERMAP (version 11103). The non-regulatory AERMINUTE (version 11325) meteorological preprocessor and AERSURFACE (version 08009) were also used to develop inputs to AERMET. The Building Profile Input Program for Plume Rise Model Enhancements was also used in the downwash-modeling and incorporated good engineering practice, and technical procedures. More detailed information on the AERMOD Modeling system and other modeling tools and documents can be found on the EPA Technology Transfer Network Support Center for Regulatory Atmospheric Modeling (SCRAM) (*http://www.epa.gov/ttn/scram/*) and in Alabama's November 9, 2012 SIP submittal in the docket for this proposed action (EPA–R04–OAR–2013–0173) on the *www.regulations.gov* Web site. A brief description of the modeling used to support Alabama's attainment demonstration follows.

a. Modeling Approach

The following is an overview of the Sanders Lead modeling approach used in Alabama's November 9, 2012 SIP submittal. This approach was developed by the URS Corporation, on behalf of Sanders Lead, and revised based on comments received from ADEM and EPA. The basic procedures are outlined as follows:

- Start with the most recent 2010 emissions estimates for point, area, volume and mobile sources at Sanders Lead;
- Develop model inputs using the AERMOD modeling system including the:
  - AERMOD pre-processors AERMET and AERMINUTE to process five years' (i.e., 2006–2010) 1-minute meteorological data from the National Weather Service (NWS) Montgomery, Alabama, surface level site (identified as KMGM) (the closest weather station to Sanders Lead), based on ADEM's land use classifications, in combination with upper-air meteorological data from the Birmingham, Alabama, NWS upper-air sounding site (KBMX);
  - AERMOD pre-processor AERMAP to generate terrain inputs for the receptors, based on a digital elevation mapping database from the National Elevation Dataset developed by the U.S. Geological Survey;
  - AERMOD pre-processor AERSURFACE to generate direction specific land use based surface characteristics for the modeling;
  - Define a Cartesian receptor grid across the nonattainment boundary (approximately 0.8 miles around the Sanders Lead facility), with 100 meter spacing in ambient air to ensure maximum concentrations are captured; and
  - Develop all other input options commensurate with the Regulatory Modeling Guidance.
- Perform current and post control dispersion modeling using the EPA approved AERMOD modeling system;
- Process AERMOD output through EPA's LEADPOST post processor (version 12114) deriving the maximum 3 month average rolling design value across the 5 year meteorological data period; and
- Document the results in a report suitable for inclusion as an appendix for the Troy Area Lead SIP.

b. Modeling Results

The Lead NAAQS compliance results of the attainment modeling are summarized in Table 2 below. Table 2 presents the results from the two sets of AERMOD modeling runs that were performed. The two modeling runs were the result of using two different five-year (2006–2010) meteorological datasets based on AERSURFACE-developed surface characteristics representative of the NWS site in Montgomery, Alabama (NWS MET Data). The first and second rows of Table 2 present the surface characteristics representative of the Sanders Lead facility site (Facility MET Data). This procedure was used since on-site meteorological data was not available. Modeling with the two sets of data was also used since on-site meteorological data are not available at the Sanders Lead facility.

A background ambient air quality concentration is required to be added to the modeled concentrations for the purpose of developing a lead design value, such that attainment of the control strategy is demonstrated. The background concentration for the SIP was based on speciated air quality data from the Montgomery, Alabama airport monitor (site number 01–101–1002) from the last two months of 2005 and the years 2006–2010. The data is recorded and collected once every 6th day. Monthly averages of the data from this period were obtained and used to develop the 3-month rolling averaged concentrations. The highest of the 3-month averaged concentrations (i.e., 0.009 $\mu g/m^3$) was used in the modeled compliance test (see column 3 of Table 2).

As can be seen in Table 2, the maximum 3-month rolling average across all five years of meteorological data (2006–2010) is less than or equal to the 2008 Lead NAAQS of 0.15 $\mu g/m^3$ for both sets of AERMOD modeling runs.

[3] 40 CFR Part 51 Appendix W (EPA's *Guideline on Air Quality Models*) (November 2005) located at *http://www.epa.gov/ttn/scram/guidance/guide/appw_05.pdf*.

Output from the LEADPOST processor which details all of the concentrations can be found in Appendix G of Alabama's November 9, 2012 SIP submittal.

TABLE 2—POST-CONTROL MODELING RESULTS [4]

Sanders lead facility impacts	Max 3-mth rolling average	Background concentration	Total concentration	NAAQS	Year maximum occurred
Post-Construction ([NWS] MET Data)	0.144 μg/m³	0.009 μg/m³	0.15 μg/m³	0.15 μg/m³	2010
Post-Construction (Facility MET Data)	0.139 μg/m³	0.009 μg/m³	0.15 μg/m³	0.15 μg/m³	2010

The pre-control analysis resulted in a predicted impact of 5.30 μg/m³ (NWS MET data) and 3.64 μg/m³ (Facility MET data). The post-control analysis resulted in a predicted impact of 0.15 μg/m³ (NWS MET data) and 0.15 μg/m³ (Facility MET data). This data indicates significant reductions in air quality impact with the future implementation of the post-construction control plan for the Sanders Lead facility. This data also supports that the controls represent RACM and RACT for the SIP. The control strategy for the facility as reflected in its Air Permit No. 210–0005 includes enclosure of the furnace building and installation of canopy hoods over each blast furnace and compliance with the Secondary Lead MACT (40 CFR Part 63, Subpart X). More details on the pre- and post-construction operations at the facility are included in the Alabama SIP. Therefore, on this basis, ADEM asserted that the proposed controls are RACM/RACT and should be sufficient to attain 2008 Lead NAAQS.

EPA has reviewed the modeling that Alabama submitted to support the attainment demonstration for the Troy Area and has preliminarily determined that this modeling is consistent with CAA requirements, Appendix W and EPA guidance for lead attainment demonstration modeling.

4. RACM/RACT

a. Requirements for RACM/RACT

CAA section 172(c)(1) requires that each attainment plan provides for the implementation of all reasonably available control measures as expeditiously as practicable and attainment of the NAAQS. EPA interprets RACM, including RACT, under section 172, as measures that a state determines to be both reasonably available and contribute to attainment as expeditiously as practicable in the nonattainment area. A comprehensive discussion of the RACM/RACT requirement for lead attainment plans and EPA's guidance can be found in the SIP Toolkit.

b. Alabama's Analysis of Pollutants and Sources for the Troy Area

Alabama's analysis is found in Chapter 6 of the November 9, 2012 SIP submittal. The State determined that controls for lead emissions at Sanders Lead are appropriate in the Troy Area for purposes of attaining the 2008 Lead NAAQS. EPA preliminarily agrees that Alabama's determination is supported by its analysis.

c. Alabama's Evaluation of RACM/RACT Control Measures for the Troy Area

On November 9, 2012, Air Permit No. 210–0005 was issued to Sanders Lead for additional proposed control measures to reduce lead emissions. The Title V permit reflecting RACT controls is included in Appendix F of the November 9, 2012 SIP submittal. In accordance with the schedule in the Title V permit, Sanders Lead was required to implement the controls on or before July 1, 2013. ADEM represented to EPA that Sanders Lead has completed implementation of the RACT controls listed in the permit and summarized in Table 3 below:

TABLE 3—SUMMARY OF RACT CONTROLS [5]

Description of measure	*Explanation*
Control and Enclose Furnace Operations	Sanders Lead is proposing to install canopy hoods over each blast furnace with supply air to reduce worker lead exposures. Additionally, the furnace building will be enclosed. A new 318,000 cubic feet per minute (CFM) baghouse followed by high-efficiency particulate air (HEPA) filters will be installed to control emissions captured by the new hoods and building enclosure (including the kettle basement ventilation).
Control and Enclose Refining Operations	Sanders Lead is proposing to enclose the refining building, including the elimination of sidewall fans. Area ventilation will be provided by the new 318,000 CFM baghouse discussed above.
Combustion gases and Refining Kettle Hoods	Sanders Lead is proposing to control the combustion gases and kettle hoods with a new 60,000 actual cubic feet per minute (ACFM) baghouse (with HEPAs).
Relocate Industrial Battery Decasing and Enclose Raw Material Handling Operations.	Sanders Lead is proposing to relocate the industrial battery decasing operations to the inside of the existing raw material storage building. A new 60,000 ACFM collector with HEPA filters will be installed to control industrial battery decasing and raw material storage area.
Battery Breaker/Shredder Operations	Sanders Lead is proposing to enclose the Shredder Building and install a new 12,000 ACFM wet scrubber to control acid emissions from specific point locations within the Shredder Building. The exhaust from this scrubber along with building exhaust will be exhausted through a new 60,000 ACFM bag collector (with HEPAs).
Enclose Baghouse Hoppers and Transport of Dust.	Sanders Lead is proposing to enclose the base of baghouses #1 and #5, including the access doors and removable panels on the units. Ventilation will be provided by ducting to existing baghouses.

[4] Final results listed in Table 2 are rounded according to 40 CFR part 50, Appendix R; specifically subsection 4(a) which addresses comparison with the Lead NAAQS, as well as 5(a), (b), and (c) which addresses rounding conventions.

TABLE 3—SUMMARY OF RACT CONTROLS [5]—Continued

Description of measure	Explanation
Improve Process Material Transport to Eliminate Leaded Outdoor Traffic.	In order to eliminate leaded outdoor traffic, Sanders Lead is proposing to install building connection tunnel for the transport of material from shredder to the raw material storage building.
Relocate and Contain Leaded Vehicle Maintenance.	Sanders Lead is proposing to install transfer points at the refining, smelting and raw material storage vehicle exits to maintain ''leaded'' vehicles inside the building. Sanders Lead is proposing to relocate leaded vehicle maintenance to a newly enclosed constructed area.
Improved Watering	Sanders Lead is proposing to develop an updated watering plan based on the new vehicle patterns and facility layout. The watering plan will include an improved floor wetting system inside and outside the building, as well as purchasing new wet sweepers for the outside buildings.

d. Proposed Action on RACM/RACT Demonstration and Control Strategy

EPA is proposing to approve Alabama's determination that the proposed controls for lead emissions at Sanders Lead constitute RACM/RACT for that source in the Troy Area based on our analysis described above. Further, as summarized above, EPA proposes that no further controls would be required at Sanders Lead and that the proposed controls are sufficient for RACM/RACT purposes for the Troy Area, at this time.

Since the Troy Area is projected to attain the 2008 Lead NAAQS by the 2015 attainment date, and at this time, no additional measures could be adopted to attain one year sooner, EPA proposes to approve Alabama's November 9, 2012 SIP submission as meeting the RACM/RACT requirements of the SIP Toolkit and that the level of control in the State's submission constitutes RACM/RACT for purposes of the 2008 Lead NAAQS. By approving these control measures as RACM/RACT for Sanders Lead for purposes of Alabama's attainment planning, these control measures will become permanent and enforceable SIP measures to meet the requirements of the CAA and 2008 Lead NAAQS.

5. RFP Plan

Section 172(c)(2) of the CAA requires that an attainment plan includes a demonstration that shows reasonable further progress for meeting air quality standards will be achieved through generally linear incremental improvement in air quality. As stated in the final Lead Rule (73 FR 67039), EPA concluded that it was appropriate that RFP requirements be satisfied by the strict adherence to an ambitious compliance schedule, which is expected to periodically yield significant emission reductions. The control measures for attainment of the 2008 Lead NAAQS included in Chapter 6 of the State's submittal have been modeled to achieve attainment of the 2008 Lead NAAQS. The stipulations require these control measures and resulting emissions reductions to be achieved as expeditiously as practicable. As a result of an ambitious compliance schedule, yielding a significant reduction in lead emissions from the Sanders Lead facility and resulting in modeled attainment of the NAAQS, EPA has preliminarily determined that ADEM's lead attainment plan for the 2008 Lead NAAQS fulfills the RFP requirements for the Troy Area. EPA, therefore, proposes to approve the State's attainment plan with respect to the RFP requirements.

6. Contingency Measures

In accordance with section 172(c)(9) of the CAA, contingency measures are required as additional measures to be implemented in the event that an area fails to meet the RFP requirements or fails to attain a standard by its attainment date. These measures must be fully adopted rules or control measures that can be implemented quickly and without additional EPA or state action if the area fails to meet RFP requirements or fails to meet its attainment date and should contain trigger mechanisms and an implementation schedule. In addition, they should be measures not already included in the SIP control strategy for attaining the standard and should provide for emission reductions equivalent to one year of RFP.

Based on all the improvements that are planned for Sanders Lead, ADEM believes that the 2008 Lead NAAQS can be achieved on a consistent basis. However, if an exceedance of the NAAQS occurs during any three month period after July 2013 (the deadline for full implementation of the control strategy), within 180 days, Sanders Lead will submit an investigative study identifying the source(s) of excessive emissions contributing to the exceedance and will develop and prepare a strategy to eliminate the likelihood of another exceedance. This strategy will contain a plan identifying which stack or stacks will be raised and to what extent. Within 18 months of the NAAQS violation(s), these measures will be fully implemented. Potential controls which may provide some additional reductions include:

(1) Adding a second gate on the south end of the property in order to direct significant traffic flow to an area further away from the maximum lead impact areas;

(2) planting vegetation in specific areas to help control dust flow patterns and scavenge fugitive lead emissions;

(3) re-evaluating material handling procedures, patterns, etc., to determine if improvements can be made;

(4) re-evaluating housekeeping procedures, including dust sweeping and collection equipment; and

(5) implementing other improvements that may become evident based on potential source(s) of lead emissions identified during investigation.

EPA proposes that the contingency measures submitted by Alabama meet the section 172(c)(9) requirements for the 2008 Lead NAAQS.

7. Attainment Date

Alabama provided a demonstration attainment of the 2008 Lead NAAQS for the Troy Area by no later than five years after the Area was designated nonattainment. The modeling indicates that the Troy Area will attain the 2008 Lead NAAQS by December 31, 2015, and therefore, EPA is proposing to approve the State's attainment date.

V. Proposed Action

EPA is proposing to approve Alabama's lead attainment plan for the Troy Area. EPA has preliminarily determined that the SIP meets the applicable requirements of the CAA. Specifically, EPA is proposing to approve Alabama's November 9, 2012 SIP submission, which includes the attainment demonstration, base year emissions inventory, RACM/RACT

[5] Table found in the Title V permit.

analysis, contingency measures and RFP plan. The requirement for a RFP plan is satisfied because Alabama demonstrated that the Area will attain the 2008 Lead NAAQS by the proposed attainment date of December 31, 2015.

VI. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submittal that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: August 22, 2013.

Beverly H. Banister,

Acting Regional Administrator, Region 4.

[FR Doc. 2013–21781 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 152

[EPA–HQ–OPP–2009–0456; FRL–9396–2]

RIN 2070–AJ58

Notification of Submission to the Secretary of Agriculture; Pesticides; Satisfaction of Data Requirements; Procedures To Ensure Protection of Data Submitters' Rights

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of submission to the Secretary of Agriculture.

SUMMARY: This document notifies the public as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that the EPA Administrator has forwarded to the Secretary of the United States Department of Agriculture (USDA) a draft final rule titled: ''Pesticides; Satisfaction of Data Requirements; Procedures to Ensure Protection of Data Submitters' Rights.'' The draft regulatory document is not available to the public until after it has been signed and made available by EPA.

DATES: See Unit I. under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–0456, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Scott Drewes, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington DC 20460–0001; telephone number: (703) 347–0107; email address: *drewes.scott@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

Section 25(a)(2)(B) of FIFRA requires the EPA Administrator to provide the Secretary of USDA with a copy of any draft final rule at least 30 days before signing it in final form for publication in the **Federal Register**. The draft final rule is not available to the public until after it has been signed by EPA. If the Secretary of USDA comments in writing regarding the draft final rule within 15 days after receiving it, the EPA Administrator shall include the comments of the Secretary of USDA, if requested by the Secretary of USDA, and the EPA Administrator's response to those comments with the final rule that publishes in the **Federal Register**. If the Secretary of USDA does not comment in writing within 15 days after receiving the draft final rule, the EPA Administrator may sign the final rule for publication in the **Federal Register** any time after the 15-day period.

II. Do any statutory and Executive Order reviews apply to this notification?

No. This document is merely a notification of submission to the Secretary of USDA. As such, none of the regulatory assessment requirements apply to this document.

List of Subjects in 40 CFR Part 152

Environmental protection, Administrative practice and procedure, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 20, 2013.

Steve Bradbury,

Director, Office of Pesticide Programs.

[FR Doc. 2013–21602 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 405, 410, 412, 416, 419, 475, 476, 486, and 495

[CMS–1601–CN]

RIN 0938–AR54

Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Hospital Value-Based Purchasing Program; Organ Procurement Organizations; Quality Improvement Organizations; Electronic Health Records (EHR) Incentive Program; Provider Reimbursement Determinations and Appeals; Correction and Limited Extension of Comment Period

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Correction and limited extension of comment period for proposed rule.

SUMMARY: This document corrects technical errors that appeared in the proposed rule published in the **Federal Register** on July 19, 2013, entitled ''Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Hospital Value-Based Purchasing Program; Organ Procurement Organizations; Quality Improvement Organizations; Electronic Health Records (EHR) Incentive Program; Provider Reimbursement Determinations and Appeals.''

This document extends the comment period for 10 days for the technical corrections set forth in this correcting document.

DATES: *Comment Period:* The comment period, for the technical corrections set forth in this correcting document, is extended to 5 p.m. E.S.T. on September 16, 2013.

FOR FURTHER INFORMATION CONTACT: Erick Chuang, (410) 786–1816.

SUPPLEMENTARY INFORMATION:

I. Background

In FR. Doc. 2013–16555 of July 19, 2013 (78 FR 43534), (hereinafter referred to as the CY 2014 OPPS/ASC proposed rule), there were a number of technical errors that are discussed in the Summary of Errors, and further identified and corrected in the Correction of Errors sections. The CY 2014 OPPS/ASC proposed rule proposes to revise the Medicare hospital outpatient prospective payment system (OPPS) and the Medicare ambulatory surgical center (ASC) payment system for calendar year (CY) 2014 to implement applicable statutory requirements and policy changes. In the CY 2014 OPPS/ASC proposed rule, we described proposed changes to the amounts and factors used to determine the payment rates for Medicare services paid under the OPPS and ASC payment system.

Since the publication of the CY 2014 OPPS/ASC proposed rule, we have reviewed the data on which the CY 2014 proposed OPPS and ASC payment rates were developed, and discovered that in the process of applying our established and proposed methodologies to develop the CY 2014 proposed OPPS and ASC payment rates, specific cost estimation errors occurred in the OPPS modeling process. The errors resulting from the cost modeling used to develop the CY 2014 proposed OPPS payment rates are isolated to a few specific ambulatory payment classifications (APCs). However, because the OPPS is a budget neutral payment system, there is a resulting impact on other proposed OPPS payment rates. The technical errors corrected in this document do not implicate any of the proposed methodologies or other proposed policies described in the CY 2014 OPPS/ASC proposed rule.

In the CY 2014 OPPS/ASC proposed rule, we proposed to continue our policy of basing the ASC relative payment weights and rates on APC groups and the OPPS relative payment weights, and because this document corrects technical errors related to cost modeling conducted in developing the proposed OPPS relative payment weights, the proposed CY 2014 ASC relative payment weights are being corrected. As we noted previously, the technical errors corrected in this document do not implicate any of the proposed methodologies or other proposed policies described in the CY 2014 OPPS/ASC proposed rule.

II. Limited Extension of Comment Period

We are extending the comment period, for the limited purpose of providing the public an opportunity to comment on the technical corrections noted in this correcting document, for an additional 10 days, to September 16, 2013.

III. Summary of Errors and Corrections Posted on the CMS Web Site

A. Outpatient Prospective Payment System Payment System Corrections

In the CY 2014 OPPS/ASC proposed rule, we announced a number of proposals that would affect the CY 2014 OPPS. One of the policy changes we proposed was a reconfiguration of how the visit APCs would be coded and paid in the CY 2014 OPPS (78 FR 43614). Separately, for the CY 2014 OPPS, we proposed to package certain clinical diagnostic laboratory tests that were previously paid to hospitals at the Clinical Lab Fee Schedule payment rates (78 FR 43572). Following the standard methodology we use to develop OPPS payment rates described in the proposed rule, we modeled the relevant data to develop the proposed new visit APCs (78 FR 43615 through 43616). Subsequently, in reviewing how the cost modeling occurred in developing the proposed new visit APCs contained in the CY 2014 OPPS/ASC proposed rule, we discovered that a programming error caused the packaged costs associated with the CY 2014 clinical diagnostic laboratory test packaging proposal to be excluded. To accurately reflect the interaction of these two CY 2014 OPPS proposed policies, in this correcting document, we have fixed this programming issue and developed proposed APC relative payment weights for the following proposed new visit APCs: 0634 (Hospital Clinic Visits), 0635 (Type A Emergency Visits), and 0636 (Type B Emergency Visits).

As a result of the proposed coding and payment changes to the visit APCs, we proposed a new composite APC 8009 (Extended Assessment and Management Composite) for the CY 2014 OPPS (78 FR 43562 through 43563). Additionally, we proposed to expand the line item trim to also include clinical diagnostic laboratory tests that did not receive payment in the claims year in our cost modeling process for the CY 2014 OPPS (78 FR 43551). Upon reviewing the cost data used to develop this proposed APC, we discovered that the line item trim was not correctly applied to the proposed new composite APC 8009 in our cost modeling process. In this correcting document, we are correctly applying the proposed line item trim for clinical diagnostic laboratory tests that did not receive payment in the claims year in estimating the costs associated with proposed new composite APC 8009.

For the CY 2014 OPPS, we proposed to recognize the CPT codes for stereotactic radiosurgery (77371, 77372,

and 77373) while no longer recognizing the G-codes that had previously been used to identify certain stereotactic radiosurgery services (G0173, G0251, G0339, and G0340) (78 FR 43593 through 43594). However, following our established and proposed methodologies, in developing the estimated costs on which the proposed CY 2014 OPPS payment rates were based, we neglected to include the data from those G-codes in calculating the proposed geometric mean costs of the stereotactic radiosurgery APCs. In this correcting document, we have included the claims data from those G-codes in calculating the proposed APC relative payment weights for the proposed stereotactic radiosurgery APCs 0066 (Level I Stereotactic Radiosurgery) and 0067 (Level II Stereotactic Radiosurgery).

In our review, we also discovered an error with the calculation of the proposed CY 2014 budget neutrality adjustment factor used to calculate the proposed CY 2014 cancer hospital payment adjustment. As noted in the CY 2014 OPPS/ASC proposed rule, the proposed CY 2014 budget neutrality adjustment factor is calculated by comparing the estimated total CY 2014 OPPS payments including the proposed CY 2014 cancer hospital payment adjustment to the estimated total CY 2014 OPPS payments using the CY 2013 cancer hospital payment adjustment. We miscalculated the proposed CY 2014 cancer hospital adjustment payment weights for purposes of this comparison when converting estimated CY 2014 cancer hospital adjustment payments into payment weights. Correctly developing this proposed CY 2014 cancer hospital adjustment payment weight for this comparison requires a corresponding correction to the proposed budget neutrality adjustment associated with the proposed CY 2014 cancer hospital payment adjustment from the 1.0001 published in the CY 2014 OPPS/ASC proposed rule (78 FR 43577) to 1.0003. As a result of the correction to the proposed CY 2014 cancer hospital payment adjustment for budget neutrality, the proposed CY 2014 OPPS conversion factor is also corrected in this correcting document from the $72.728 published in the CY 2014 OPPS/ASC proposed rule (78 FR 43578) to $72.743.

While the technical corrections described previously are generally isolated to specific APCs, because the OPPS is a budget neutral payment system, we recalculated the proposed CY 2014 budget neutral weight scaler. As discussed in the CY 2014 OPPS/ASC proposed rule, the budget neutral weight scaler is calculated by comparing aggregate CY 2013 OPPS payment weight to unscaled aggregate CY 2014 OPPS payment weight. As a result of the technical corrections previously described, several of the estimated costs on which the proposed unscaled CY 2014 payment weights are developed require correlating corrections. Those corrections to the proposed payment weights then affect the proposed aggregate unscaled CY 2014 OPPS payment weights which are then used to determine the appropriate proposed budget neutrality adjustment. Using the corrected proposed unscaled relative payment weights, the proposed CY 2014 budget neutrality weight scaler changes from 1.2143 as originally proposed (see 78 FR 43576) to 1.3315.

As previously stated, the technical corrections discussed previously result in corrections to the proposed OPPS relative payment weights and the proposed CY 2014 OPPS conversion factor, both of which are used to calculate the proposed CY 2014 OPPS payment rates. Outlier payments are made based on the relationship between APC payments and estimated cost, so corrections to the proposed APC payment rates would affect the appropriate fixed-dollar outlier threshold applied to achieve the estimated OPPS outlier spending target of 1.0 percent (78 FR 43583 through 43584). Using the corrected proposed CY 2014 OPPS relative payment weights and conversion factor, the proposed CY 2014 OPPS/ASC fixed-dollar outlier threshold changes from $2,775, as originally proposed (see 78 FR 43583 through 43584), to $2,900.

We are also making technical corrections to Table 39—Estimated Impact of the Proposed CY 2014 Changes for the Hospital Outpatient Prospective Payments System (78 FR 43692) and the correlating preamble language (78 FR 43689). As noted previously, because the OPPS is a budget neutral system, and while the impact of the technical corrections discussed previously on APC payment is generally concentrated within specific APCs that were modified for significant proposals in CY 2014, there are resulting technical corrections necessary with respect to all other proposed CY 2014 OPPS payment weights and rates within the system. The corrections to this impact table (78 FR 43692) relative to the impact table originally published in the CY 2014 OPPS/ASC proposed rule correspond to the case mix of services furnished by providers and how they are affected by the technical corrections in this document.

B. Ambulatory Surgical Center Payment System Corrections

ASC payment rates are based on the OPPS relative payment weights for the majority of items and services that are provided at ASCs. Therefore, corrections to the proposed CY 2014 OPPS relative payment weights also have an impact on the proposed CY 2014 ASC relative payment weights and ASC payment rates. Due to the corrections made to the proposed CY 2014 OPPS relative payment weights, we recalculated the proposed CY 2014 budget neutral ASC weight scaler (see 78 FR 43640 and 43641). Using the proposed corrected scaled CY 2014 OPPS relative weights, the proposed CY 2014 budget neutrality ASC weight scaler changes from 0.8961, as originally proposed (78 FR 43641), to 0.9102. The corrected proposed CY 2014 ASC relative payment weights and the proposed CY 2014 budget neutral ASC weight scaler have no impact on the proposed CY 2014 ASC conversion factor.

C. Summary of Errors in and Corrections to Addenda Posted on the CMS Web Site

1. Outpatient Prospective Payment System Payment System Addenda

We are making several minor technical corrections to the OPPS addenda. We are correcting the OPPS status indicators for CPT codes 93619, 93620 and 93650 to ''J1'' to accurately reflect our CY 2014 proposal to establish APC 0085 as a comprehensive APC. We are also correcting the displayed assignment of CPT code 33233 to APC 0106 to fix a discrepancy between our addenda and the cost statistics files we make available to the public. As a result of these corrections, Addendum A, B, C, and M will also be corrected.

To view the corrected proposed CY 2014 OPPS payment rates that result from the corrected geometric mean costs and other technical corrections, we refer readers to the Addenda and supporting files that are posted on the CMS Web site at: *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/HospitalOutpatientPPS/index.html.* Select ''CMS–1601–CN'' from the list of regulations. All corrected Addenda for this correcting document are contained in the zipped folder entitled, ''2014 OPPS NPRM Addenda'' at the bottom of the page for CMS–1601–CN. The corrected CY 2014 OPPS file of geometric mean costs is found under supporting documentation for CMS–1601–CN.

2. Ambulatory Surgical Center Payment System Addenda

To view the corrected proposed CY 2014 ASC payment rates that result from the corrected proposed CY 2014 ASC relative payment weights, see the ASC addenda that are posted on the CMS Web site at: *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/ASCPayment/ASC-Regulations-and-Notices.html.* Select ''CMS–1601–CN'' from the list of regulations. All corrected ASC addenda for this correcting document are contained in the zipped folder entitled ''Addendum AA, BB, DD1, DD2, and EE'' at the bottom of the page for CMS–1601–CN.

IV. Waiver of 60-Day Comment Period

We ordinarily permit a 60-day comment period on notices of proposed rulemaking in the **Federal Register**, as provided in section 1871(b)(1) of the Act. However, this period may be shortened, as provided under section 1871(b)(2)(C) of the Act, when the Secretary finds good cause that a 60-day comment period would be impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. Because the corrections in this document do not make any changes to the substantive policies proposed in the CY 2014 OPPS/ASC proposed rule, but merely correct underlying data errors that impact certain components of the payment systems to conform to the proposed policies clearly intended in the preamble of the proposed rule, this correcting document does not constitute agency rulemaking, and therefore the 60-day comment period does not apply. In addition, we believe it is important for the public to have the corrected information as soon as possible and find no reason to delay dissemination of it.

For the reasons stated previously, we find it both unnecessary and contrary to the public interest to undertake further notice and comment procedures with respect to this correcting document.

V. Correction of Errors

In FR Doc. 2013–16555 of July 19, 2013 (78 FR 43534), make the following corrections:

■ 1. On page 43562, third column, first full paragraph, in line 4, the figure ''$1,357'' is corrected to read ''$1,348''.

■ 2. On page 43571,

■ a. Table 8—CY 2013 Separate Payment Versus CY 2014 Proposed Packaged Payment For MPI, the table is corrected to read as follows:

TABLE 8—CY 2013 SEPARATE PAYMENT VERSUS CY 2014 PROPOSED PACKAGED PAYMENT FOR MPI

Service or supply	CY 2013 Separate payment for MPI components	CY 2013 Separate payment for MPI components	CY 2013 Separate payment for MPI components	CY 2013 Separate payment for MPI components	CY 2014 Proposed packaged payment for MPI
78452	$680	$680	$680	$680	$1,216
93017	$177	$177	$177	$177	P €
Exercise or Stress Agent ¥	Exercise—$0	J1245–P	J2785–$215	J0152–$219*	P
Radiopharmaceutical	P	P	P	P	P
Total	$857	$857	$1,072	$1,076	$1,216

P = Packaged.
€ The stress test described by CPT code 93017 is proposed to be conditionally packaged as a result of the proposal described below to conditionally package ancillary services.
¥ April 2013 ASP Drug Pricing File.
* 70 kg patient.

■ b. First column, first paragraph, in line 4, the figure ''14'' is corrected to read ''12''.

■ 3. On page 43576, third column, second full paragraph, in line 17, the figure ''1.2143'' is corrected to read ''1.3315''.

■ 4. On page 43577, third column, third full paragraph, in line 27, the figure ''1.0001'' is corrected to read ''1.0003''.

■ 5. On page 43578,

■ a. First column,

■ (1) First full paragraph,

■ (a) In line 13, the figure ''1.0001'' is corrected to read ''1.0003''.

■ (b) In line 18, the figure ''$72.728'' is corrected to read ''$72.743''.

■ (2) Second full paragraph, in line 34, the figure ''$71.273'' is corrected to read ''$71.288''.

■ b. Second column, first paragraph,

■ (1) In line 3, the figure ''$72.728'' is corrected to read ''$72.743''.

■ (2) In line 16, the figure ''$71.273'' is corrected to read ''$71.288''.

■ 6. On page 43584,

■ a. First column, under the heading ''2. Proposed Outlier Calculation'', second paragraph, in line 11, the figure ''$2,775'' is corrected to read ''$2,900''.

■ b. Third column, first partial paragraph,

■ (1) In line 8, the figure ''$2,775'' is corrected to read ''$2,900''.

■ (2) In line 21, the figure ''$2,775'' is corrected to read ''$2,900''.

■ 7. On page 43586,

■ a. First column, in the fourth full paragraph,

■ (1) In line 17, the figure ''$345.75'' is corrected to read ''$340.56''.

■ (2) In line 21, the figure ''$338.84'' is corrected to read ''$333.75''.

■ (3) In line 30, the figure ''$272.96'' is corrected to read ''$268.87'' and the figure ''$345.75'' is corrected to read ''$340.56''.

■ (4) In line 33, the figure ''$267.51'' is corrected to read ''$263.49''.

■ (5) In line 34, the figure ''$338.84'' is corrected to read ''$333.75''.

■ (6) In line 37, the figure ''$138.30'' is corrected to read ''$133.50'' and ''$345.75'' is corrected to read ''$340.56''.

■ b. Second column, first partial paragraph,

■ (1) In line 2, the figure ''$135.54'' is corrected to read ''$133.50''.

■ (2) In line 3, the figure ''$338.84'' is corrected to read ''$333.75''.

■ (3) In line 6, the figure ''$411.26'' is corrected to read ''$405.09'' and ''$272.96'' is corrected to read ''$268.87''.

■ (4) In line 7, the figure ''$138.30'' is corrected to read ''$136.22''.

■ (5) In line 9, the figure ''$403.05'' is corrected to read ''$396.99'' and ''$267.51'' is corrected to read ''$263.49''.

■ (6) In line 10, the figure ''$135.54'' is corrected to read ''$133.50''.

■ c. Third column, under the heading ''3. Proposed Calculation of an Adjusted Copayment Amount for an APC Group'', second full paragraph,

■ (1) In line 6, the figure ''$69.15'' is corrected to read ''$68.12''.

■ (2) In line 8, the figure ''$345.75'' is corrected to read ''$340.56''.

■ 8. On page 43590, Table 14—New Category III CPT Codes Implemented In

July 2013, the fifth column titled, ''Proposed CY 2014 Payment Rate'' is corrected to read as follows:

TABLE 14—NEW CATEGORY III CPT CODES IMPLEMENTED IN JULY 2013

CY 2013 CPT Code	CY 2013 Long descriptor	Proposed CY 2014 status indicator	Proposed CY 2014 APC	Proposed CY 2014 payment rate
0329T	Monitoring of intraocular pressure for 24 hours or longer, unilateral or bilateral, with interpretation and report.	E	N/A	N/A
0330T	Tear film imaging, unilateral or bilateral, with interpretation and report	S	0230	$51.05
0331T	Myocardial sympathetic innervation imaging, planar qualitative and quantitative assessment.	S	0398	391.36
0332T	Myocardial sympathetic innervation imaging, planar qualitative and quantitative assessment; with tomographic SPECT.	S	0398	391.36
0333T	Visual evoked potential, screening of visual acuity, automated	E	N/A	N/A
0334T	Sacroiliac joint stabilization for arthrodesis, percutaneous or minimally invasive (indirect visualization), includes obtaining and applying autograft or allograft (structural or morselized), when performed, includes image guidance when performed (that is, CT or fluoroscopic).	T	0208	4,108.96

■ 9. On page 43630, Table 34–New Level II HCPCS Codes for Covered Surgical Procedures or Covered Ancillary Services Implemented in July 2013, the table is corrected to read as follows:

TABLE 34—NEW LEVEL II HCPCS CODES FOR COVERED SURGICAL PROCEDURES OR COVERED ANCILLARY SERVICES IMPLEMENTED IN JULY 2013

CY 2013 HCPCS Code	CY 2013 Long descriptor	Proposed CY 2014 payment indicator	Proposed CY 2014 payment rate
C9131	Injection, ado-trastuzumab emtansine, 1 mg	K2	$29.40
C9736	Laparoscopy, surgical, radiofrequency ablation of uterine fibroid(s), including intraoperative guidance and monitoring, when performed.	G2	2,010.57
Q2033	Influenza Vaccine, Recombinant Himagglutinin Antigens, for Intramuscular Use (Flublok)	L1	N/A
Q2050 *	Injection, Doxorubicin Hydrochloride, Liposomal, Not Otherwise Specified, 10 mg	K2	545.44
Q2051 *	Injection, Zoledronic Acid, Not Otherwise Specified, 1 mg	K2	196.42

* Note: HCPCS code Q2050 replaced code J9002 and HCPCS code Q2051 replaced HCPCS codes J3487 and J3488 beginning July 1, 2013.

■ 10. On page 43631, Table 35–New Category III CPT Codes Implemented in July 2013 as ASC Covered Ancillary Services, the table is corrected to read as follows:

TABLE 35—NEW CATEGORY III CPT CODES IMPLEMENTED IN JULY 2013 AS ASC COVERED ANCILLARY SERVICES

CY 2013 CPT Code	CY 2013 Long descriptor	Proposed CY 2014 payment indicator	Proposed CY 2014 payment rate
0331T	Myocardial sympathetic innervation imaging, planar qualitative and quantitative assessment	Z2	$212.14
0332T	Myocardial sympathetic innervation imaging, planar qualitative and quantitative assessment; with tomographic SPECT.	Z2	$212.14

■ 11. On page 43641, first column, first partial paragraph, in line 12, the figure ''0.8961'' is corrected to read ''0.9102''.

■ 12. On page 43652, third column, first partial paragraph,

■ a. In line 6, the figure ''$71.273'' is corrected to read ''$71.288''.

■ b. In line 7, the figure ''$72.728'' is corrected to read ''$72.743''.

■ 13. On pages 43692 through 43693, Table 39—Estimated Impact of the Proposed CY 2014 Changes for the Hospital Outpatient Prospective Payment System, the table is corrected to read as follows:

TABLE 39—ESTIMATED IMPACT OF THE PROPOSED CY 2014 CHANGES FOR THE HOSPITAL OUTPATIENT PROSPECTIVE PAYMENT SYSTEM

	Number of hospitals	APC recalibration (all changes) (%)	New wage index and provider adjustments (%)	Combined cols 2,3 with market basket update	Column 4 with frontier wage index adjustment (%)	All proposed changes (%)
	(1)	(2)	(3)	(4)	(5)	(6)
ALL FACILITIES*	3,953	0.0	0.0	1.8	1.9	1.8
ALL HOSPITALS (excludes hospitals permanently held harmless and CMHCs)	3,791	0.0	0.0	1.8	1.9	1.8
URBAN HOSPITALS	2,859	0.0	0.0	1.9	2.0	1.9
LARGE URBAN (GT 1 MILL.)	1,566	0.3	0.2	2.3	2.3	2.3
OTHER URBAN (LE 1 MILL.)	1,293	−0.3	−0.1	1.4	1.7	1.5
RURAL HOSPITALS	932	−0.3	−0.3	1.3	1.5	1.4
SOLE COMMUNITY	389	0.3	−0.3	1.9	2.3	1.9
OTHER RURAL	543	−0.8	−0.2	0.8	0.9	0.8
BEDS (URBAN)						
0–99 BEDS	959	0.1	0.1	1.9	2.1	2.0
100–199 BEDS	831	−0.2	−0.1	1.5	1.6	1.6
200–299 BEDS	454	−0.4	0.0	1.4	1.6	1.5
300–499 BEDS	407	0.1	0.0	1.9	2.1	2.0
500 + BEDS	208	0.4	0.2	2.4	2.4	2.4
BEDS (RURAL)						
0–49 BEDS	352	−0.7	−0.6	0.6	0.8	0.6
50–100 BEDS	342	0.4	−0.1	2.1	2.4	2.2
101–149 BEDS	133	−0.6	−0.5	0.8	1.0	0.9
150–199 BEDS	61	−1.0	−0.1	0.7	1.1	0.7
200 + BEDS	44	−0.3	−0.2	1.3	1.3	1.5
VOLUME (URBAN)						
LT 5,000 Lines	485	−0.5	0.2	1.5	1.7	1.6
5,000–10,999 Lines	109	0.3	–0.1	1.9	2.4	1.4
11,000–20,999 Lines	132	0.1	0.0	1.9	2.1	1.9
21,000–42,999 Lines	262	−0.1	−0.2	1.5	1.6	1.6
42,999–89,999 Lines	517	0.2	0.1	2.1	2.1	2.1
GT 89,999 Lines	1,354	0.0	0.0	1.9	2.0	1.9
VOLUME (RURAL)						
LT 5,000 Lines	31	0.1	−0.4	1.5	6.1	1.6
5,000–10,999 Lines	34	2.1	−0.5	3.3	3.4	3.4
11,000–20,999 Lines	67	1.8	−0.7	2.8	3.0	2.7
21,000–42,999 Lines	182	0.8	−0.3	2.3	2.9	2.2
GT 42,999 Lines	618	−0.4	−0.2	1.2	1.4	1.3
REGION (URBAN)						
NEW ENGLAND	150	1.1	0.6	3.5	3.5	3.4
MIDDLE ATLANTIC	342	0.2	0.7	2.7	2.7	2.7
SOUTH ATLANTIC	432	−0.5	−0.3	1.0	1.0	1.1
EAST NORTH CENT.	459	−0.1	−0.2	1.5	1.5	1.5
EAST SOUTH CENT.	172	−0.5	−0.3	1.0	1.0	1.1
WEST NORTH CENT.	193	1.7	−0.3	3.1	4.3	3.3
WEST SOUTH CENT.	487	−1.1	−0.2	0.6	0.6	0.7
MOUNTAIN	194	0.5	−0.3	2.0	2.3	2.0
PACIFIC	385	0.3	0.6	2.7	2.7	2.6
PUERTO RICO	45	4.2	0.6	6.6	6.6	7.0
REGION (RURAL)						
NEW ENGLAND	25	2.7	0.6	5.1	5.1	5.0
MIDDLE ATLANTIC	68	−1.3	−0.3	0.3	0.3	0.3
SOUTH ATLANTIC	158	−1.0	−0.4	0.4	0.4	0.5
EAST NORTH CENT.	124	−0.9	−0.4	0.5	0.5	0.6
EAST SOUTH CENT.	170	−0.9	−0.6	0.3	0.3	0.5
WEST NORTH CENT.	99	1.0	−0.1	2.7	3.9	2.8
WEST SOUTH CENT.	196	−0.7	−0.4	0.7	0.8	0.9
MOUNTAIN	63	0.4	0.2	2.5	4.0	2.0
PACIFIC	29	2.4	0.7	4.9	5.0	5.0
TEACHING STATUS						
NON–TEACHING	2,792	−0.5	−0.1	1.2	1.3	1.3
MINOR	686	−0.2	0.0	1.6	1.9	1.7

TABLE 39—ESTIMATED IMPACT OF THE PROPOSED CY 2014 CHANGES FOR THE HOSPITAL OUTPATIENT PROSPECTIVE PAYMENT SYSTEM—Continued

	Number of hospitals	APC recalibration (all changes) (%)	New wage index and provider adjustments (%)	Combined cols 2,3 with market basket update	Column 4 with frontier wage index adjustment (%)	All proposed changes (%)
	(1)	(2)	(3)	(4)	(5)	(6)
MAJOR	313	1.2	0.2	3.2	3.2	3.1
DSH PATIENT PERCENT						
0	12	−1.3	−0.1	0.4	0.4	0.2
GT 0–0.10	349	0.1	0.1	2.0	2.1	2.0
0.10–0.16	334	0.0	0.1	1.9	2.1	2.0
0.16–0.23	680	0.0	0.0	1.8	2.0	1.9
0.23–0.35	1,045	0.0	0.0	1.8	1.9	1.8
GE 0.35	831	−0.1	0.0	1.7	1.7	1.7
DSH NOT AVAILABLE **	540	1.7	0.0	3.5	3.5	3.2
URBAN TEACHING/DSH						
TEACHING & DSH	909	0.4	0.1	2.3	2.5	2.3
NO TEACHING/DSH	1,429	−0.6	0.0	1.2	1.3	1.3
NO TEACHING/NO DSH	12	−1.3	−0.1	0.4	0.4	0.2
DSH NOT AVAILABLE **	509	1.6	0.1	3.5	3.6	3.2
TYPE OF OWNERSHIP						
VOLUNTARY	2,004	0.1	0.1	2.0	2.2	2.1
PROPRIETARY	1,250	−0.5	−0.1	1.2	1.3	1.2
GOVERNMENT	537	−0.3	−0.2	1.3	1.3	1.4
CMHCs	100	−7.1	−0.2	−5.6	−5.5	−5.2

Column (1) shows total hospitals and/or CMHCs.

Column (2) includes all CY 2014 OPPS proposals and compares those to the CY 2013 OPPS (which includes outpatient lab services previously paid at CLFS rates).

Column (3) shows the budget neutral impact of updating the wage index by applying the FY 2014 hospital inpatient wage index. The proposed rural adjustment continues our current policy of 7.1 percent so the budget neutrality factor is 1. Similarly, the differential in estimated cancer hospital payments for the proposed adjustment is minimal and thus results in a budget neutrality factor of 1.0003.

Column (4) shows the impact of all budget neutrality adjustments and the proposed addition of the 1.8 percent OPD fee schedule update factor (2.5 percent reduced by 0.4 percentage points for the proposed productivity adjustment and further reduced by 0.3 percentage point in order to satisfy statutory requirements set forth in the Affordable Care Act).

Column (5) shows the non-budget neutral impact of applying the frontier State wage adjustment.

Column (6) shows the additional adjustments to the conversion factor resulting from a change in the pass-through estimate, adding estimated outlier payments, and applying payment wage indexes.

* These 3,953 providers include children and cancer hospitals, which are held harmless to pre-BBA amounts, and CMHCs. Payments for lab services at CLFS rates, which we are proposing to package in the CY 2014 OPPS, are included in the columns where appropriate.

** Complete DSH numbers are not available for providers that are not paid under IPPS, including rehabilitation, psychiatric, and long-term care hospitals.

■ 14. On page 43696,

■ a. First column, first full paragraph, in line 9, the figure ''0.8961'' is corrected to read ''0.9102''.

■ b. Third column,

(1) Fourth paragraph, in line 8, the phrase ''a 1 percent increase'' is corrected to read ''no change''.

■ (2) Fifth paragraph, in line 13, the phrase ''7 percent'' is corrected to read ''8 percent''.

■ 15. On page 43697, Table 40—Estimated Impact of the Proposed CY 2014 Update to the ASC Payment System on Aggregate CY 2014 Medicare Program Payments by Surgical Specialty or Ancillary Items and Services Group, the table is corrected to read as follows:

TABLE 40—ESTIMATED IMPACT OF THE PROPOSED CY 2014 UPDATE TO THE ASC PAYMENT SYSTEM ON AGGREGATE CY 2014 MEDICARE PROGRAM PAYMENTS BY SURGICAL SPECIALTY OR ANCILLARY ITEMS AND SERVICES GROUP

Surgical specialty group (1)	Estimated CY 2013 ASC payments (in millions) (2)	Estimated CY 2014 percent change (3)
Total	$3,625	1%
Eye and ocular adnexa	1,496	−3
Digestive system	743	8
Nervous system	540	0
Musculoskeletal system	441	−1
Genitourinary system	159	5
Integumentary system	130	8
Respiratory system	46	7
Cardiovascular system	32	−3
Ancillary items and services	20	−12

TABLE 40—ESTIMATED IMPACT OF THE PROPOSED CY 2014 UPDATE TO THE ASC PAYMENT SYSTEM ON AGGREGATE CY 2014 MEDICARE PROGRAM PAYMENTS BY SURGICAL SPECIALTY OR ANCILLARY ITEMS AND SERVICES GROUP—Continued

Surgical specialty group (1)	Estimated CY 2013 ASC payments (in millions) (2)	Estimated CY 2014 percent change (3)
Auditory system	12	4
Hematologic & lymphatic systems	5	17

■ 16. On pages 43697 through 43698, Table 41—Estimated Impact of the Proposed CY 2014 Update to the ASC Payment System on Aggregate Payments for Selected Procedures, the table is corrected to read as follows:

TABLE 41—ESTIMATED IMPACT OF THE PROPOSED CY 2014 UPDATE TO THE ASC PAYMENT SYSTEM ON AGGREGATE PAYMENTS FOR SELECTED PROCEDURES

CPT/HCPCS code * (1)	Short descriptor (2)	Estimated CY 2013 ASC payments (in millions) (3)	Estimated CY 2014 percent change (4)
66984	Cataract surg w/iol, 1 stage	$1,107	−3%
43239	Upper GI endoscopy, biopsy	163	13
45380	Colonoscopy and biopsy	154	7
45385	Lesion removal colonoscopy	98	7
66982	Cataract surgery, complex	89	−3
45378	Diagnostic colonoscopy	80	7
64483	Inj foramen epidural l/s	79	14
62311	Inject spine l/s (cd)	71	14
66821	After cataract laser surgery	59	−1
G0105	Colorectal scrn; hi risk ind	42	1
15823	Revision of upper eyelid	40	2
64493	Inj paravert f jnt l/s 1 lev	40	14
63650	Implant neuroelectrodes	39	3
G0121	Colon ca scrn not hi rsk ind	36	1
29827	Arthroscop rotator cuff repr	34	5
64590	Insrt/redo pn/gastr stimul	33	4
64721	Carpal tunnel surgery	31	−1
63685	Insrt/redo spine n generator	31	4
64636 **	Destroy l/s facet jnt addl	31	−100
29881	Knee arthroscopy/surgery	30	−3
64635	Destroy lumb/sac facet jnt	26	73
29880	Knee arthroscopy/surgery	25	−3
43235	Uppr gi endoscopy diagnosis	23	13
45384	Lesion remove colonoscopy	22	7
52000	Cystoscopy	21	5
62310	Inject spine c/t	20	14
29823	Shoulder arthroscopy/surgery	19	5
67042	Vit for macular hole	19	0
28285	Repair of hammertoe	18	5
50590	Fragmenting of kidney stone	18	2

* Note that HCPCS codes we are proposing to delete for CY 2014 are not displayed in this table.
** The 100 decrease in estimated payment reflects our CY 2014 proposal to package the payment for CPT code 64636.

(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program); (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 4, 2013.

Jennifer M. Cannistra,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2013–21849 Filed 9–5–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Parts 173, 174, 178, 179, and 180

[Docket No. PHMSA–2012–0082 (HM–251)]

RIN 2137–AE91

Hazardous Materials: Rail Petitions and Recommendations To Improve the Safety of Railroad Tank Car Transportation (RRR)

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Advance Notice of Proposed Rulemaking (ANPRM).

SUMMARY: PHMSA is considering revisions to the Hazardous Materials Regulations (HMR) to improve the regulations applicable to the transportation of hazardous materials by rail. The revisions are based on eight petitions received from the regulated community and four National Transportation Safety Board (NTSB) Recommendations which are referenced by a petition. In this ANPRM, we outline the petitions and NTSB recommendations, identify a preliminary estimate of costs and benefits from the petitions, pose several questions, and solicit comments and data from the public. Under Executive Order 13563, Federal agencies were asked to periodically review existing regulations. The questions posed in this ANPRM and responses by commenters will be used in conjunction with a retrospective review of existing requirements aimed to modify, streamline, expand, or repeal existing rules that are outmoded, ineffective, insufficient, or excessively burdensome.

DATES: Comments must be received by November 5, 2013.

ADDRESSES: You may submit comments identified by the docket number PHMSA–2012–0082 (HM–251) and the relevant petition number by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- Fax: 1–202–493–2251.
- Mail: Docket Management System; U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* To the Docket Management System; Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the agency name and docket number for this notice at the beginning of the comment. To avoid duplication, please use only one of these four methods. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you provide. All comments received will be posted without change to the Federal Docket Management System (FDMS), including any personal information.

Docket: For access to the dockets to read background documents or comments received, go to *http://www.regulations.gov* or DOT's Docket Operations Office located at U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, Routing Symbol M–30, 1200 New Jersey Avenue SE., Washington, DC 20590.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comments (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) which may be viewed at: *http://www.gpo.gov/fdsys/pkg/FR-2000-04-11/pdf/00-8505.pdf.*

FOR FURTHER INFORMATION CONTACT: Karl Alexy, (202) 493–6245, Office of Safety Assurance and Compliance, Federal Railroad Administration or Ben Supko, (202) 366–8553, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590–0001.

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I. Executive Summary

PHMSA has received eight petitions for rulemaking and four NTSB recommendations proposing amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) applicable to the transportation of hazardous materials in commerce by rail. PHMSA is seeking public comments on whether the proposed amendments would enhance safety, revise, and clarify the HMR with regard to rail transport. Specifically, these amendments propose to: (1) Relax regulatory requirements to afford the Federal Railroad Administration (FRA) greater discretion to authorize the movement of non-conforming tank cars; (2) impose additional requirements that would correct an unsafe condition associated with pressure relief valves (PRV) on rail cars transporting carbon dioxide, refrigerated liquid; (3) relax regulatory requirements applicable to the repair and maintenance of DOT Specification 110, DOT Specification 106, and ICC 27 tank car tanks (ton tanks); (4) relax regulatory requirement for the removal of rupture discs for inspection if the removal process would damage, change, or alter the intended operation of the device; and (5) impose additional requirements that would enhance the standards for DOT Specification 111 tank cars used to transport Packing Group (PG) I and II hazardous materials. The NTSB recommendations directly relate to the enhancement of DOT Specification 111 tank cars. PHMSA looks forward to reviewing the public's comments pertaining to the potential economic,

environmental, and safety implications of the petitions discussed in this ANPRM. Comments received will be used in our evaluation and development of possible future regulatory actions on issues relating to the transportation of hazardous materials by rail.

Access to the petitions, NTSB Recommendations, and background documents referenced in this ANPRM can be found at *http://www.regulations.gov* under Docket No. PHMSA–2012–0082 or at DOT's Docket Operations Office (see **ADDRESSES**). PHMSA requests that commenters note the applicable petition number when submitting comments.

II. Background

Federal hazmat law authorizes the Secretary of DOT (Secretary) to ''prescribe regulations for the safe transportation, including security, of hazardous material in intrastate, interstate, and foreign commerce.'' The Secretary has delegated this authority to PHMSA. 49 CFR § 1.97(b). The HMR, promulgated by PHMSA under the authority provided in Federal hazmat law, are designed to achieve three goals: (1) To ensure that hazardous materials are packaged and handled safely and securely during transportation; (2) to provide effective communication to transportation workers and emergency responders of the hazards of the materials being transported; and (3) to minimize the consequences of an incident should one occur. The hazardous material regulatory system is a risk management system that is prevention-oriented and focused on identifying a safety or security hazard and reducing the probability and quantity of a hazardous material release.

Under the HMR, hazardous materials are categorized by analysis and experience into hazard classes and packing groups based upon the risks that they present during transportation. The HMR specify appropriate packaging and handling requirements for hazardous materials based on this classification, and require a shipper to communicate the material's hazards through the use of shipping papers, package marking and labeling, and vehicle placarding. The HMR also require shippers to provide emergency response information applicable to the specific hazard or hazards of the material being transported. Finally, the HMR mandate training requirements for persons who prepare hazardous materials for shipment or who transport hazardous materials in commerce.

The HMR also include operational requirements applicable to each mode of transportation. The Secretary has authority over all areas of railroad transportation safety (Federal railroad safety laws, 49 U.S.C. 20101 et seq.), and has delegated this authority to FRA. 49 CFR 1.89. Pursuant to its statutory authority, FRA promulgates and enforces a comprehensive regulatory program (49 CFR parts 200–244) to address railroad track; signal systems; railroad communications; rolling stock; rear-end marking devices; safety glazing; railroad accident/incident reporting; locational requirements for the dispatch of U.S. rail operations; safety integration plans governing railroad consolidations; merger and acquisitions of control; operating practices; passenger train emergency preparedness; alcohol and drug testing; locomotive engineer certification; and workplace safety. FRA inspects railroads and shippers for compliance with both FRA and PHMSA regulations. FRA also conducts research and development to enhance railroad safety.

As a result of the shared role in the safe and secure transportation of hazardous materials by rail, PHMSA and FRA work very closely when considering regulatory changes. The issues being considered under this ANPRM are derived from petitions submitted to PHMSA by its stakeholders. The Administrative Procedure Act (APA) requires Federal agencies to give interested persons the right to petition an agency to issue, amend, or repeal a rule. (5 U.S.C. 553(e)). In accordance with PHMSA's rulemaking procedure regulations, interested persons may ask PHMSA to add, amend, or repeal a regulation by filing a petition for rulemaking along with information and arguments that support the requested action. (49 CFR Part 106). On average, thirty petitions for rulemaking are submitted to PHMSA annually by the regulated community, in accordance with § 106.95. The eight petitions included in this ANPRM are applicable to the transportation of hazardous materials by rail and have been reviewed by PHMSA and FRA representatives.

In this ANPRM, PHMSA is seeking public comment to obtain the views of those who are likely to be impacted in any way by the changes proposed in the petitions, including those who are likely to benefit from, be adversely affected by, or potentially be subject to additional regulation. Additionally, we seek comments on the four NTSB recommendations that are specifically referenced by Petition P–1587. This ANPRM will provide an opportunity for public participation in the development of regulatory amendments, and promote greater exchange of information and perspectives among the various stakeholders. This additional step is intended to lead to more focused and well-developed proposals that reflect the views of all relevant parties.

In addition to this ANPRM, FRA published a notice on July 18, 2013 (78 FR 42998) announcing a PHMSA and FRA public meeting scheduled for August 27–28, 2013, from 8:30 a.m. until 5:00 p.m., in the DOT Conference Center, 1200 New Jersey Avenue SE., Washington, DC 20590. The meeting was focused on operational factors that affect the safe transportation of hazardous materials by rail. During the meeting, we asked for input from stakeholders and interested parties. The meeting agenda was included in the public docket for this rulemaking. PHMSA requested comments on the relationship between the items identified in the agenda and the petitions, recommendations, and standards addressed in this rulemaking.

III. Review of Amendments Considered

This ANPRM is based on Petitions P–1507, P–1519, P–1547, P–1548, P–1577, P–1587, P–1595, and P–1612 and NTSB Recommendations R–12–5, R–12–6, R–12–7, and R–07–4. Petition P–1587 directly references NTSB Recommendations R–12–5, R–12–6, R–12–7, and R–07–4. Additionally, NTSB Recommendations R–12–5 and R–12–6 directly relate to and reference petition P–1577. The following table provides a brief summary of the petitions and NTSB Recommendations addressed in this ANPRM:

Petition/ recommendation	Party submitting petition	Summary
P–1507	Eastman Chemical Co.	Revise the wording of § 174.50 to afford FRA greater discretion in authorizing car movement.
P–1519	The Compressed Gas Association (CGA).	Revise § 173.314 Note 5 to clearly indicate that the liquid portion of the gas must not completely fill the tank prior to reaching the pressure setting of the regulating valves or the safety relief valve, whichever is lower.

Petition/ recommendation	Party submitting petition	Summary
P–1547	Carroll Welding Supply	Revise the ton tank repair, maintenance, and marking regulations for consistency with existing regulations for DOT 3-series cylinders since ton tanks share more in common with these cylinders than tank cars.
P–1548	American Chemistry Council (ACC)	Proposes a change to the wording in § 173.31(d)(1)(vi) intended to prevent damage or loss of effectiveness of rupture discs removed from their initial placement in the relief device by adding language that would except them from removal if the inspection itself would damage, change, or alter the intended operation of the device.
P–1577	Association of American Railroads (AAR).	Proposes a new standard for newly-constructed DOT Specification 111 tank cars used to transport PG I and II materials.
P–1587	Village of Barrington, Illinois and The Regional Answer to Canadian Nation.	Stresses the importance of adopting P–1577 for newly-constructed and existing DOT Specification 111 tank cars in accordance with NTSB Recommendations R–12–5 and R–12–6. In addition, the petition urges PHMSA to adopt NTSB Recommendation R–07–4.
P–1595	ACC, American Petroleum Institute (API) and The Chlorine Institute, Inc. (CI).	Proposes that PHMSA apply requirements related to top fittings protection, reclosing pressure relief devices, and head and shell thickness requirements as suggested in P–1577 and P–1587 for DOT Specification 111 tank cars used to transport ethanol and crude oil in PG I and II.
P–1612	API, ACC, CI, and The Renewable Fuels Association (RFA).	The Petitioners request that PHMSA separate new tank car regulatory requirements from any potential retrofits for the timely adoption of revised regulatory requirements for the construction of new DOT Specification 111 tank cars used for the transportation of ethanol and crude oil.
R–07–4	NTSB	With the assistance of the FRA, require that railroads immediately provide to emergency responders accurate, real-time information regarding the identity and location of all hazardous materials on a train.
R–12–5	NTSB	Require that all newly-manufactured and existing general service tank cars authorized for transportation of denatured fuel ethanol and crude oil in PGs I and II have enhanced tank head and shell puncture resistance systems and top fittings protection that exceed existing design requirements for DOT Specification 111 tank cars.
R–12–6	NTSB	Require that all bottom outlet valves used on newly-manufactured and existing non-pressure tank cars are designed to remain closed during accidents in which the valve and operating handle are subjected to impact forces.
R–12–7	NTSB	Require that all newly-manufactured and existing tank cars authorized for transportation of hazardous materials have center sill or draft sill attachment designs that conform to the revised Association of American Railroads' design requirements adopted as a result of Safety Recommendation R–12–9.

Each petition is discussed in detail below. Each description includes a summary of the petition, including the regulatory solution proposed by the petition; based on the petition, costs and benefits associated with the granting the action requested by the petitioner; and a request for comments including specific questions regarding each petition. Additionally, the discussion of P–1587 includes a brief summary of the NTSB accident report which resulted in the issuance of Recommendations R–12–5 through R–12–8 to PHMSA and reiterates the reasons for the issuance of Recommendation R–07–4. The petitions and NTSB accident report are included in the public docket for this rulemaking.

A. Petition P–1507

Summary

In Petition P–1507, the Law Offices of McCarthy, Sweeney & Harkaway, P.C., on behalf of Eastman Chemical Co., propose that the wording of § 174.50 be changed to afford FRA greater discretion in authorizing car movement. Eastman Chemical Co. asserts that adherence to the regulation impedes the flow of commerce because all non-conforming bulk packagings, regardless of the safety risk, require a movement approval. Non-conforming conditions that are a relatively minor risk require the same approval application and evaluation process as a non-conforming condition that poses a clear and significant risk. For example, many low risk movement approvals are provided for tank cars that have a defective bottom outlet valve, but have been cleaned and purged to remove any potential hazard in transportation. Other common low-risk examples are jacketed tank cars with damage solely to the jacket causing a violation of the requirement for the jacket to be weather tight. An example of a high-risk approval is one that is issued for a hole or crack in the tank car shell or head.

The petitioner suggests revising § 174.50 to provide FRA greater discretion in authorizing car movement.

Currently, § 174.50 provides that:

> A leaking non-bulk package may not be forwarded until repaired, reconditioned, or overpacked in accordance with § 173.3 of this subchapter. Except as otherwise provided in this section, a bulk packaging that no longer conforms to [the HMR] may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration.

Eastman Chemical Co. petitions PHMSA to add language that enables FRA to publish guidance on specific elements of non-conformity that would not require a movement approval by the Associate Administrator for Railroad Safety.

Costs and Benefits

PHMSA considers the action requested by this petition to be deregulatory in nature. The petition did not identify specific costs and benefits. However, FRA has recently modified its movement approval process to minimize burdens without decreasing safety. On February 22, 2011, FRA hosted a public meeting and solicited comments on the one-time movement approval (OTMA [1]) process to address the increasing number of requests for OTMAs, which slowed processing

[1] Detailed information regarding FRA's OTMA program is available at the following URL: *http://www.fra.dot.gov/eLib/Details/L04692*.

time.[2] The basis for the meeting was the increasing volume of approvals issued annually. FRA issued 380 movement approvals in calendar year (CY) 2007, 444 in CY 2008, 645 in CY 2009, and 906 in CY 2010. These approvals covered a broad range of non-conformity, such as service equipment, tank shell, or lining failures; overloaded packagings; jacket, tank car shell, or head damage; stub sill weld cracks; failures of heater coils or thermal protection systems; tank cars overdue for required tests; etc.

Following FRA's public meeting, PHMSA and FRA conducted a peer review panel, which audited FRA's OTMA program. The audit highlighted the range and frequencies of various defective conditions and identified those defects that pose a lesser safety risk. The panel and comments received during the public meeting recommended that FRA focus its resources on serious safety concerns while allowing for more efficient handling of OTMAs.

FRA subsequently revised its OTMA program with the goal of making the system more efficient and allowing better monitoring of non-conformance. Specifically, on January 31, 2012, FRA published Hazardous Materials Guidance (HMG)—127 (77 FR 10799), which provides a standardized procedure developed by FRA to make the OTMA process more consistent and efficient. While an applicant isn't ''required'' to follow the procedure and provide the needed information to perform a proper safety analysis, failure to do so could cause significant delays in processing time, or may result in a denial of the application. Applicants are highly encouraged to use the procedure to expedite the FRA review and approval process.

Comments and Questions

PHMSA requests comments on P–1507. Please provide comments and data on the costs and benefits, as well as environmental and small businesses impacts, of granting the action requested by the petitioner. PHMSA specifically requests comments on the following questions:

- In what ways has the January 31, 2012, publication of HMG–127 by FRA satisfactorily addressed the petitioner's proposed revisions; and, in what ways is the issuance of HMG–127 inconsistent with regard to the petitioner's proposed revision?
- What evidence would help FRA quantify the benefits and costs of the current approval process? For example, what is the average time an applicant typically waits to obtain a final determination from FRA on a request for approval? What are the economic effects of this waiting period?
- How could FRA increase the benefits of HMG–127 and of the OTMA program in general?
- Has the petitioner's proposed revision been studied to determine reasonably foreseeable environmental and human health effects?
- Are there economic benefits or costs of including certain commonly issued Approvals into the regulations? If so, is there evidence to help FRA quantify those benefits and costs?
- What are some potential alternatives to the current approval process and HMG–127 that could further maximize benefits and minimize costs? What data is available to help quantify the benefits and costs of these alternatives?

Please note the applicable petition number in your submission. A copy of the petition is available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

B. Petition P–1519

Summary

In Petition P–1519, the CGA asserts the current wording of § 173.314 Note 5 permits the operation of tank cars designed and constructed for the transportation of carbon dioxide, refrigerated liquid, in an unsafe condition. This is the second petition submitted by the CGA on this topic. PHMSA rejected the previous petition because of a lack of information supporting the assertion. The focus of the petition is that, if loaded in accordance with § 173.314 Note 5, a tank car transporting carbon dioxide, refrigerated liquid, could become shell full prior to the internal pressure exceeding the actuation pressure of the PRV and/or the regulating valves. This condition may result in clogging of the PRV, leading to lowering of the flow capacity of the valve and possibly extreme hydraulic pressure. CGA petitions PHMSA to revise § 173.314 Note 5 to clearly indicate that the liquid portion of the gas must not completely fill the tank prior to reaching the pressure setting of the regulating valves or the safety relief valve, whichever is lower.

Costs and Benefits

PHMSA believes that the action requested by this petition might have safety benefits, but add additional regulatory burden. However, PHMSA has not conducted an analysis of the possible actions that could result from this petition. The intent of this ANPRM is to gather relevant safety and economic data from the public regarding changes proposed in the petition. PHMSA notes that the petition did not provide data demonstrating manifestation of this potential problem. However, in analyzing the petition from a technical perspective, PHMSA and FRA engineers agree, theoretically, CGA's assertion that a shell full condition may result in clogging of the PRV, leading to lowering of the flow capacity of the valve and possibly extreme hydraulic pressure, is correct. The valve capacity remains the same. However, the capacity is based on the flow of vapor. In the case of carbon dioxide, refrigerated liquid, three phase flow is possible and the valve does not have the capacity to vent vapor, liquid, and solid. This is a result of adiabatic flash evaporation or auto-refrigeration. Assume a compressed gas that is under pressure and at a temperature above its boiling point. When the pressure is released (returning to atmospheric pressure), the temperature of the compressed gas will drop to its boiling point, in the case of carbon dioxide this is $-109\,°F$ (sublimation point), which is below the freezing point of water. The water in the atmosphere freezes and clogs the valve. There is also a phase change in which the vapor changes to solid or liquid (depending on the pressure along the flow path). This is a fairly common concern during the unloading process for carbon dioxide, refrigerated liquid.

The cost of incorporating the proposed change will be a slightly lower payload to the affected entities, which include shippers of carbon dioxide. Initial FRA calculations suggest a 1–2 percent decrease in payload, which in turn will require 1–2 additional trips per 100 shipments.[3] The anticipated benefit may be additional safety in the transportation of carbon dioxide, refrigerated liquid.

Comments and Questions

PHMSA requests comments on P–1519. Please provide comments and data on the costs and benefits, as well as environmental and small businesses

[2] To view the meeting notice and transcript go to *http://www.regulations.gov* and search for ''FRA–2011–0004.''

[3] Assume 20,000 gallon payload. Decrease payload by 2% = 19,600 gallons. Loss of 400 gallons per trip. After 50 trips the total loss in payload is 20,000 (an extra trip will be needed).

impacts, of granting the action requested by the petitioner. PHMSA specifically requests comments on the following questions:

- Can you provide data on incidents that were a direct result of a clogged PRV that resulted in a lower flow of the PRV and extreme hydraulic pressure involving the transportation of carbon dioxide, refrigerated liquid, or any other refrigerated liquid?
- Is this problem unique to the transportation of carbon dioxide, refrigerated liquid? If not, what are the additional safety benefits of expanding the scope of the petitioner's recommended revision to transportation of other refrigerated liquids?
- Please comment on the accuracy of the initial calculations listed above, and provide any other potential costs and benefits of the proposed change.
- Is there an estimate of the number of shipments (trips) of carbon dioxide, refrigerated liquid, in rail tank cars, and the number of vehicle-miles and ton-miles transported annually? If so, what is the basis for this estimate? Is there an estimate of the cost per rail car per vehicle mile, per ton-mile for carbon dioxide, refrigerated liquid, via rail annually?
- How many of the rail tank cars identified above are shell full prior to the internal pressure exceeding the actuation pressure of the PRV and/or the regulating valves? What would the annual decrease in payload be if we adopt the petition? How many more trips would be required annually? What is the overall impact?
- Are there existing consensus standards or operating practices that adequately address this potential safety issue? If so, what are they?
- Are any other options available that could provide a similar safety benefit? If so, what are they?

Please note the applicable petition number in your submission. A copy of the petition is available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

C. Petition P–1547

Summary

In petition P–1547, Carroll Welding Supply identifies an area of confusion regarding the current requirements for the repair and maintenance of ton tanks. Carroll Welding Supply asserts that these tanks are exclusively transported by highway, yet the regulations require them to be repaired and marked in accordance with AAR standards for tank cars. More specifically, Carroll Welding Supply asserts that the regulations in § 180.212 applicable to re-threading damaged tapped holes with oversized threads are different for DOT 3-series cylinders than for ton tanks. The petition indicates that ton tanks are increasingly being requalified and repaired by cylinder requalifiers, and not by railroad tank car repair facilities. Often the cylinder requalifiers are not aware of § 180.513 and Appendix R of the AAR Manual of Standards and Recommended Practices, Section C-Part III, Specifications for Tank Cars, Specification M–1002.[4] A common practice in the chlorine industry is the use of oversize valves in tapped holes of DOT 3-series cylinders and oversized valves or fusible plugs in ton tanks. Currently, the regulations clearly do not allow any oversized holes in ton tanks. Carroll Welding Supply recommends amending the regulations by revising ton tank repair, maintenance, and marking regulations for consistency with existing regulations for DOT 3-series cylinders since ton tanks share more in common with these cylinders than tank cars.

Costs and Benefits

PHMSA considers the action requested by this petition to be deregulatory in nature. The petition did not identify specific costs and benefits. Affected entities include persons who manufacture, repair, and/or maintain ton tanks. As stated in the petition, these tanks share more in common with DOT 3-series cylinders than tank cars. Therefore, allowing these tanks to be repaired in accordance with the requirements for DOT 3-series cylinders would simplify the regulations. The intent of this petition is to consolidate, clarify, and update existing regulations to promote the consistent application of long-standing ton tank regulations and guidance while eliminating unnecessary, outdated, or ambiguous regulatory language or references. Affected entities and the general public may see incremental safety benefits through improved regulatory awareness, understanding, and compliance.

Comments and Questions

PHMSA requests comments on P–1547. Please provide comments and data on the costs and benefits, as well as environmental and small businesses impacts, of granting the action requested by the petitioner. PHMSA specifically requests comments on the following questions:

- Would the relocation of the requirements for ton tanks from Part 179 to Part 178 and aligning the requirements accordingly address the concern of the petition?
- Will it be more or less costly to mark and repair ton tanks in accordance with existing regulations for DOT 3-series cylinders as compared to the current requirements?
- Is the use of oversized valves or fusible plugs in ton tanks common practice within the industry?
- How many ton tanks will be impacted by this change?

Please note the applicable petition number in your submission. A copy of the petition is available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

D. Petition P–1548

Summary

In Petition P–1548, ACC asserts that repeated removal of the rupture disc from the housing for inspection, as required by § 173.31(d)(1)(vi), can result in damage and a reduction in the effectiveness of the rupture disc. ACC contends that PHMSA has acknowledged this concern by issuing Special Permit DOT SP–13219, which allows for the shipment of certain peroxides in tank cars that have been inspected under a modified inspection program prior to transportation. The modified inspection program does not require the shipper to remove the rupture disc for inspection and requires the shipper to subject the tank to a pressure test at 10 psig for 10 minutes to verify the rupture disc shows no sign of leakage. Currently, two companies are parties to this special permit.

The ACC is proposing that PHMSA incorporate Special Permit DOT SP–13219 into the HMR by adding language to § 173.31(d)(1)(vi) that would except rupture discs from removal if the inspection itself would damage, change, or alter the intended operation of the device. While the special permit requires an alternative inspection program and is limited to shipments of only certain peroxides, the ACC petition would broaden the scope of the special permit to include additional materials. The ACC petition does not address the operational controls of the special permit; specifically the requirement for the tank car to be subjected to a pressure test of 10 psi for a minimum of 10

[4] AAR's Specifications for Tank Cars, Specification M–1002 is incorporated by reference in § 171.1 of the HMR. Appendix R paragraph 24.1 allows damaged tapped holes to be repaired with thread inserts, and paragraph 24.1.4 specifies that the nominal thread size of the insert is to match the existing tapped hole. Further 24.1.4 does not permit oversize holes.

minutes to verify that the rupture disc shows no sign of leakage. PHMSA does not currently mandate a service interval at which rupture discs are required to be changed, but expects that inspections or testing that identifies wear or leaks will lead to rupture disc replacement.

PHMSA has already partially modified the rupture disc inspection requirements in § 173.31(d)(1)(vi), since this petition was filed. That modification addressed related safety implications of not removing rupture discs prior to visual inspections and created a more limited exception than P–1548 requests. PHMSA adopted the provision as proposed in a May 14, 2010 final rule issued under Docket No. PHMSA–2009–0289 (HM–233A; 75 FR 27205). Access to the HM–233A rulemaking documents and comments can be found at *http://www.regulations.gov* under Docket No. PHMSA–2009–0289 or at DOT's Docket Operations Office (see **ADDRESSES**).

Costs and Benefits

PHMSA considers the action requested by this petition to be deregulatory in nature. The petition did not identify specific costs, but did indicate that the proposed change would reduce the need for periodic renewal of the special permit and expand its use to others, which decreases time and expense for tank car owners, shippers, and PHMSA. Another potential benefit of the proposal is that it would eliminate the requirement to remove a rupture disc from the safety vent for inspection prior to transportation, thereby saving the time the loading rack operator needed to disassemble the device as well as the cost of new discs.

Based on the petition, inspection of the rupture disc as specified in § 173.31(d)(1)(vi) may cause or contribute to the rupture disc failing. For that reason, incorporating into the HMR an alternate method of inspecting the rupture disc that mirrors the requirements in Special Permit DOT SP–13219 may reduce releases and provide a safety benefit. A preliminary review of hazardous materials incident reports involving all pressure-related releases for the five-year period from January 2007 to January 2011 found that 40 of the 85 recorded incidents related to pressure relief devices involved a failed rupture disc. In addition, available data does not provide a credible estimate of how many incidents were prevented because of the inspections. However, the incident report forms do provide the approximate cost associated with these the incidents, mainly attributable to clean-up, response, and damages. For the 40 incidents identified above, the reported cost is $300,000.

Comments and Questions

PHMSA requests comments on P–1548. Please provide comments and data on the costs and benefits, as well as environmental and small businesses impacts, of granting the action requested by the petitioner. PHMSA specifically requests comments on the following questions:

- Can commenters provide data indicating the percentage of rupture discs that were found to be defective during the currently required inspection?
- What percentage of the 40 recorded incidents that involved a failed rupture disc would have been prevented had the rupture disc not been removed and inspected in accordance with § 173.31(d)(1)(vi)? What is the basis for this conclusion if the commenter believes any would have been prevented?
- Is there an inspection program with an established history of safety that could be followed in lieu of removal and visual examination of the underside of the rupture disc, such as the procedures in Special Permit DOT SP–13219? If so, what?
- Can commenters provide an explanation of how the rupture disc is damaged or its effectiveness is lost as a result of the required inspection?
- How much time is required to inspect rupture discs in accordance with the existing regulation?
- What are the comparative costs and benefits of Special Permit DOT SP–13219 and ACC's proposal, which expands Special Permit DOT SP–13219 beyond limited shipments of certain peroxides and without the alternative inspection program?
- Under the action requested by the petitioner, what criteria should shippers use to determine if an inspection would damage, change, or alter the operation of the device?

Please note the applicable petition number in your submission. A copy of the petition is available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

E. Petition P–1577

Summary

In petition P–1577, AAR provides new standards for DOT Specification 111 tank cars based on findings and recommendations created by AAR's Tank Car Committee. The committee reviewed tank car performance under the current standards and investigated the benefits of potential improvements. The new standards AAR proposes are intended to enhance the safety of the existing specification. According to AAR, these new tank car standards would improve the ability of tank cars to survive an accident without the release of hazardous materials. AAR requests that the new standards only be required for newly constructed DOT Specification 111 tank cars that transport PG I and II hazardous materials. Key tank car requirements in the AAR petition include:

- PG I and II material tank cars to be constructed to 286,000 lb. Gross Rail Load (GRL) standards;
- Head and shell thickness must be ½ inch for TC–128B non jacketed cars and 7/16 inch for jacketed cars;
- Shells of non-jacketed tank cars constructed of A5l6–70 must be 9/16 inch thick;
- Shells of jacketed tank cars constructed of A5l6–70 must be ½ inch thick;
- New cars must be equipped with at least a ½ inch half-head shields;
- Heads and the shells must be constructed of normalized steel;
- Top fittings must be protected by a protective structure as tall as the tallest fitting; and
- A reclosing pressure relief valve must be installed.

PHMSA notes that in addition to the tank car requirements outlined above, AAR created the T87.6 Task Force to consider several other enhancements to tank car design and rail carrier operations that would further enhance rail transportation safety. On July 20, 2011, at the summer AAR Tank Car Committee meeting, docket T87.6 was created with a dual charge to develop an industry standard for tank cars used to transport crude oil, denatured alcohol and ethanol/gasoline mixtures as well as consider operating requirements to reduce the risk of derailment of tank cars carrying crude oil classified as PG I and II, and ethanol. The task force recommendations were finalized on March 1, 2012. PHMSA and FRA believe it is important to identify the additional safety enhancements, which may include both rail car design and rail carrier operational changes that were considered by the task force and provide the public an opportunity to comment. Below, we highlight the key considerations of the task force from both a tank car design and operations standpoint.

Tank car design:

• Thermal protection to address breaches attributable to exposure to fire conditions;

• Roll-over protection to prevent damage to top and bottom fittings and limit stresses transferred from the protection device to the tank shell;

• Hinged and bolted manways to address a common cause of leakage during accidents and Non-Accident Releases (NARS);

• Bottom outlet valve elimination; and

• Increasing outage from 1% to 2% to improve puncture resistance.

Rail Carrier Operations:

• Rail integrity (e.g., broken rails or welds, misaligned track, obstructions, track geometry, etc.) to reduce the number and severity of derailments;

• Alternative brake signal propagation systems (electronic controlled pneumatic brakes (ECP), distributed power (DP), two-way end of train device (EOT) to reduce the number of cars and energy associated with derailments;

• Speed restrictions for key trains containing 20 or more loaded tank cars (On August 5, 2013, AAR issued Circular No. OT–55–N addressing this issue); [5] and

• Emergency response to mitigate the risks faced by response and salvage personnel, the impact on the environment, and delays to traffic on the line.

For more detailed information, the T87.6 Task Force Summary Report has been provided in its entirety in the public docket for this ANPRM which is accessible at *http://www.regulations.gov* under Docket No. PHMSA–2012–0082 or at DOT's Docket Operations Office (see **ADDRESSES**).

Costs and Benefits

PHMSA believes that the action requested by this petition might have safety benefits, but add additional regulatory burden. However, PHMSA has not conducted an analysis of the possible actions that could result from this petition. The intent of this ANPRM is to gather relevant safety and economic data from the public regarding changes proposed in the petition. The petition does provide some associated costs and benefits. In the petition, AAR cites a member survey as the source for information on the consequences of derailments involving PG I and II hazardous materials from 2004 to 2008. The petition indicates that the derailment incidents resulted in 1 fatality, 11 injuries, and the release of approximately 925,000 gallons of materials with associated cleanup costs of approximately $64 million.

The AAR petition does not provide a retrofit solution for the existing fleet of about 77,000 DOT Specification 111 tank cars used to transport PG I or II hazardous materials because of technical difficulties and comparative costs. In the petition, AAR notes that the Railway Supply Institute (RSI) ''conservatively estimates the cost of retrofitting existing cars with head shield and jackets [to be more than] $1 billion over the life of a retrofit program, not including cleaning and out-of-service costs.'' By comparison, AAR states that the cost of derailments over the past 5 years was approximately $64 million.

Additionally, PHMSA has received an estimate of the increased costs associated with the proposed revisions. In 2011, the AAR issued Casualty Prevention Circular (CPC) 1232, which outlines the new requirements for tanks constructed after October 1, 2011, for use in ethanol and crude oil service. The requirements of CPC 1232 are the same as those in this petition. RSI estimates that a new DOT Specification 111 tank car built to CPC 1232 will cost approximately $18,000 more than a car built to the standard currently required by the HMR. Only 7,000 to 10,000 pounds of the 23,000 pound increase in weight (263,000 pound car to a 286,000 pound car) results from the head shield and added thickness to the head and shell. Therefore, for $18,000 initial cost, a shipper will be able to transport an additional 13,000 to 16,000 pounds of product. The added weight of the car would also likely result in additional fees established by the rail carrier. We request comments on these costs, and benefits, as well as any fees associated with the action proposed in the petition. PHMSA recognizes that the petition may not have accounted for all economic impacts associated with revising the DOT Specification 111 tank car.

Comments and Questions

PHMSA requests comments on P–1577 and the remaining rail safety enhancements that were considered by the task force for both tank car design and rail carrier. Please provide comments and data on the costs and benefits, as well as environmental and small businesses impacts, of granting the action requested by the petitioner. PHMSA specifically requests comments on the following questions:

• Would the proposed revisions under P–1577 decrease the release of hazardous materials during derailment? If so, what is the basis for this conclusion?

• Should PHMSA segment the petition and first address requirements for tank cars carrying Class 3 materials (because there is an abundance of work to inform the rulemaking), then the remaining hazard classes within PGs I and II? If so, why?

• The proposed tank car requirements do not include thermal protection and therefore do not address thermal damage specifically. Given that ethanol and crude oil are often shipped in unit trains or large blocks within a train and a pool fire is likely in the event of certain large incidents, should thermal protection requirements, such as those considered by the T87.6 Task Force,[6] be a consideration? If so, why or why not?

• Under the Docket HM–233A, PHMSA modified § 179.13 to permit the operation of tank cars at a GRL of 286,000 pounds if the tank car owners obtain approval from the FRA. On January 25, 2011, FRA published a notice outlining the specification requirements for tank cars operating at 286,000 pounds GRL (76 FR 4250). As established by the January 25, 2011 notice, the approval requirements for minimum thickness and materials of construction for newly-constructed tank cars must be based on an analysis that considers puncture velocity. Under an ongoing research project conducted in conjunction with both the T87.6 Task Force and the Advance Tank Car Collaborative Research Project, data suggest that the puncture protection benefits of a 1/16 increase in shell thickness, as proposed in P–1577, are marginal. Further, the enhancements proposed by P–1577 may not be of value when considered relative to the risk associated with the increased weight of the tank cars. Will the changes proposed in the petition adequately improve the safety (puncture resistance) of tank cars? What is the overall impact on rail transportation safety and risk associated with the enhancements proposed for DOT Specification 111 tank cars under P–1577?

• The petition addresses some of the tank car design issues raised by T87.6 Task Force. In the P–1577 summary provided above, PHMSA highlights the

[5] On August 5, 2013, AAR published Circular No. OT–55–N. This document supersedes OT–55–M, issued October 1, 2012. The definition of a ''key train'' was revised to include ''20 car loads or portable tank loads of any combination of hazardous material.'' Therefore, the maximum speed of these trains is limited to 50 MPH. The document is available in the public docket for this proceeding and at the following URL: *http://www.aar.com/CPC-1258%20OT-55-N%208-5-13.pdf.*

[6] A copy of the report is available in the public docket for this ANPRM. To view, go to *http://www.regulations.gov.*

remaining rail safety enhancements that were considered by the task force for both tank car design and rail carrier. What, if any, design and operations enhancements should PHMSA and FRA consider beyond those identified in P–1577 to improve the safe transportation of PG I and II materials?

• Does AAR Circular No. OT–55–N adequately address speed restrictions for key trains? Should PHMSA incorporate the language contained in AAR Circular No. OT–55–N into the HMR to account for the train speed considerations of the task force? Should PHMSA expand upon AAR Circular No. OT–55–N to include requirements for fewer than 20 cars?

• Are shippers ordering CPC 1232-compliant tank cars voluntarily to address safety concerns and the immediate need for new cars or because compliance with CPC 1232 is required? If so, please provide any relevant data about this.

• How many CPC 1232-compliant tank cars are currently in service?

• PHMSA and FRA estimate that for an $18,000 initial cost, a shipper will be able to transport an additional 13,000 to 16,000 pounds of product. This would result in fewer cars required to transport the same amount of product. What are the safety and economic benefits of increasing the product capacity of the tank car?

• Positive train control (PTC) is a system of functional requirements for monitoring and controlling train movements to provide increased safety. PTC is designed to automatically stop or slow to prevent accidents. Specifically, PTC is designed to prevent train-to-train collisions, derailments caused by excessive speed, unauthorized incursions by trains onto sections of track where repairs are being made and movement of a train through a track switch left in the wrong position. Are technologies available, such as PTC, that would prevent derailments? If so, please provide any relevant data—including any projected improvements in safety performance that would reduce current rail transportation risks.

• What, if any, are the additional implementation and operating costs associated with CPC 1232 compliant tank cars (e.g., higher fees charged by rail carriers)? Are there any additional benefits, if so, what are they?

• Would the increased cost of CPC 1232-compliant cars slow the replacement of older cars? How does this impact the current backlog of cars?

• What are the costs associated with re-tooling tank car construction facilities to manufacture CPC 1231-compliant tank cars? How would the costs impact small businesses that build these cars?

• Please comment on the accuracy of the estimated costs indicated by AAR and RSI, and include any additional anticipated costs of complying with the proposed revisions. Are there any additional anticipated benefits if the proposed revisions are adopted?

• If the PHMSA were to adopt the action requested by the petitioner, what is the appropriate timeframe for complying with the new requirements?

Please note the applicable petition number in your submission. A copy of the petition is available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

F. Petition P–1587

Summary

In petition P–1587, the Village of Barrington, Illinois and The Regional Answer to Canadian National request modifications to the HMR. First, they request that PHMSA correct flaws with the DOT Specification 111 tank car by adopting the AAR standards identified in P–1577 for the tank cars. However, in addition to applying these standards to newly-manufactured cars, the petitioners stress the importance of promulgating enhanced standards for existing tank cars used to transport PG I and II materials in accordance with the NTSB Railroad Accident Report—*Derailment of CN Freight Train U70691–18 With Subsequent Hazardous Materials Release and Fire,* Cherry Valley, Illinois, June 19, 2009 (RAR–12–01).

Second, the petitioners request that PHMSA adopt NTSB Recommendation R–07–04 and ''require that railroads immediately provide to emergency responders accurate, real-time information regarding the identity and location of all hazardous materials on a train.'' While the petitioners recognize that PHMSA has made progress with its hazardous materials automated cargo communications for efficient and safe shipments (HM–ACCESS; a study to identify and eliminate barriers to using electronic hazardous materials (e-HM) shipping documents) initiative, they request that PHMSA move from the fact-finding phase of this initiative to the regulatory action phase. The petition asks that any regulations stemming from the HM–ACCESS initiative be enforceable with a system of random audits to promote compliance. The petitioner urges PHMSA to act expeditiously.

FRA and PHMSA continue to make progress toward electronic communications. FRA and PHMSA have met with AAR and the American Short Line and Regional Railroad Association (ASLRRA) to discuss the available systems and to identify the systemic gaps and measures to close those gaps. In addition, on June 25, 2012 PHMSA, working closely with FRA, published a final rule incorporating a several widely used rail special permits into the HMR (77 FR 37961). In the rule, requirements for electronic shipping papers, electronic data interchange (EDI) standards, and electronic certification for hazardous material rail shipments were codified in the HMR.

NTSB Recommendations Addressed

In published findings from the June 19, 2009, incident in Cherry Valley, Illinois, NTSB indicated that the DOT Specification 111 tank car can almost always be expected to breach in the event of a derailment resulting in car-to-car impacts or pileups (68% failure rate for the Cherry Valley incident). Furthermore, NTSB's findings show that whether or not the bottom outlet valves on DOT Specification 111 tank cars are protected, they are still susceptible to failure. The findings are described in detail below.

As described in detail in NTSB Railroad Accident Report RAR–12–01, available for review in the public docket for this rulemaking, NTSB determined that one of the probable causes of the June 19, 2009 incident in Cherry Valley, Illinois, in which several derailed cars released hazardous materials, was the washout of the track structure at the grade crossing and failure to notify the train crew of the known washout. It also determined that inadequate design features of a DOT Specification 111 rail tank car made it susceptible to damage and catastrophic loss of hazardous material during the derailment, and thus, contributed to the severity of the incident.

The Cherry Valley incident involved the derailment of 19 cars, all of which were tank cars carrying denatured fuel ethanol, a flammable liquid. Thirteen of the derailed tank cars were breached or lost product and caught fire. NTSB's investigation revealed that several motor vehicles were stopped on either side of the grade crossing waiting for the train to pass as the derailment occurred. As a result of the fire that erupted, a passenger in one of the stopped cars was fatally injured, two passengers in the same car received serious injuries, and five occupants of other cars waiting at the highway-rail crossing were injured. Two firefighters also sustained minor

injuries. The release of ethanol and fire prompted a mandatory evacuation of about 600 residences within a ½-mile radius of the accident site. Damages were estimated to total $7.9 million.

On March 2, 2012, the NTSB issued Safety Recommendations R–12–5 thru R–12–8, which recommend that PHMSA:

- Require that all newly manufactured and existing general service tank cars authorized for transportation of denatured fuel ethanol and crude oil in PGs I and II have enhanced tank head and shell puncture resistance systems and top fittings protection that exceeds existing design requirements for DOT Specification 111 tank cars. (R–12–5)
- Require that all bottom outlet valves used on newly manufactured and existing non-pressure tank cars are designed to remain closed during accidents in which the valve and operating handle are subjected to impact forces. (R–12–6).
- Require that all newly manufactured and existing tank cars authorized for transportation of hazardous materials have center sill or draft sill attachment designs that conform to the revised Association of American Railroads' design requirements adopted as a result of Safety Recommendation R–12–9. (R–12–7).
- Inform pipeline operators about the circumstances of the accident and advise them of the need to inspect pipeline facilities after notification of accidents occurring in railroad rights-of-way. (R–12–8).[7]

In addition, based on its findings in this accident investigation, NTSB reiterated the following previously issued Safety Recommendation to PHMSA:

- With the assistance of the Federal Railroad Administration, require that railroads immediately provide to emergency responders accurate, real-time information regarding the identity and location of all hazardous materials on a train. (R–07–4).

Costs and Benefits

PHMSA believes that the action requested by this petition might have safety benefits, but add additional regulatory burden. However, PHMSA has not conducted an analysis of the possible actions that could result from this petition. The intent of this ANPRM is to gather relevant safety and economic data from the public regarding changes proposed in the petition. The key difference is between P–1577 and the combination of P–1587 and the NTSB recommendations R–12–5 and R–12–6 is that the latter would require retrofitting of existing DOT Specification 111 tank cars. NTSB Recommendations R–12–7 and R–07–4 are currently being addressed by separate initiatives that have been undertaken by PHMSA and FRA. Petition P–1587 references the cost and benefit information contained in petition P–1577 and the NTSB accident report and Recommendations outlined above. However, the petition provides clarifying information regarding the cost of retrofitting existing tank cars with jackets and head shields. Petition P–1577 states that the cost of retrofitting existing cars (77,000 with a 40 year life cycle) with head shields and jackets alone would be over $1 billion. This petition notes that the AAR's Tank Car Committee T87.5 ''estimated that the cost of modifying existing tank cars with jackets and head shields alone would be at least $15,000 per tank car.'' The petition further states:

> While the AAR claims that the retrofit costs cannot be justified because the cost of derailments was only $64 million over five years, Petitioners suggest that AAR's reasoning is grossly misleading. In order to determine the impact of the cost of retrofitting the existing fleet, PHMSA should note that the existing fleet has a future life expectancy of at least 32 years. Even if the estimated cost of the recommended retrofit is $15,000 per car, when amortized over thirty-two (32) years, the cost is less than $500 per year per tank car . . .
>
> In reviewing the derailment cost chart at Attachment B of AAR's petition, PHMSA should note that there is no apparent accounting for costs associated with civil litigation in the wake of derailments. However, in the Cherry Valley/Rockford derailment, [Canadian National Railway (CN)] paid over $36 million in October of 2011 to settle a lawsuit brought by the family of only one victim. AAR's chart, however, reflects costs of only $8 million for that incident.

The petition indicates that based on this information, there is ''no rational reason to not require the retrofitting of the existing fleet consistent with NTSB's recommendation.''

Comments and Questions

PHMSA requests comments on P–1587. Please provide comments and data on the costs and benefits, as well as, environmental and small businesses impacts of granting the action requested by the petitioner. PHMSA specifically requests comments on the following questions:

- Petition P–1587 indicates that the new standards should apply to both new construction and retrofitting the existing fleet. Can you provide the safety benefits and costs associated with each retrofit option outlined below:
  - Meets NTSB Recommendation R–12–5 (enhanced tank head and shell puncture resistance and top fitting protection);
  - Meets NTSB Recommendation R–12–6 (alternative designs to ensure the bottom outlet valves on the enhanced DOT Specification 111 tank cars will remain closed during accidents.);
  - Provides thermal protection to address breaches attributable to exposure to fire conditions;
  - Provides roll-over protection to prevent damage to top and bottom fittings and limit stresses transferred from the protection device to the tank shell;
  - Requires hinged and bolted manways to address a common cause of leakage during accidents and Non-Accident Releases (NARS);
  - Requires bottom outlet valve elimination; and
  - Increases outage from 1% to 2% to improve puncture resistance.
- RSI estimates the cost of retrofitting existing cars with head shield and jackets to be more than $1 billion over the life of a retrofit program, not including cleaning and out-of-service costs. Would retrofitting with head shields and jackets sufficiently address the concerns of the petitioner? Please explain.
- Are commenters aware of any systems currently in use that railroads could use to immediately provide emergency responders accurate, real-time information regarding the identity and location of all hazardous materials on a train? If so, what does the system cost? Are there any additional costs associated with the system? If so, what are they? What are the specific benefits of providing real-time information regarding the identity and location of all hazardous materials on a train to emergency responders?
- What is the failure rate for DOT Specification 111 tank cars? Is the 68% failure rate for DOT Specification 111 tank cars that occurred during the June 19, 2009, incident in Cherry Valley, Illinois typical? Please provide relevant data regarding the failure rate for DOT Specification 111 tank cars.

[7] On July 31, 2012, PHMSA published in the **Federal Register** (77 FR 45417) an advisory bulletin to all pipeline operators alerting them to the circumstances of the Cherry Valley derailment and reminding them of the importance of assuring that pipeline facilities have not been damaged either during a railroad accident or other event occurring in the right-of-way. This recommendation was Closed by NTSB on September 20, 2012. This action is accessible at the following URL: *http://phmsa.dot.gov/pipeline/regs/ntsb/closed*

Please note the applicable petition number in your submission. The petition and NTSB Recommendations are available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

G. Petition P–1595

Summary

In petition P–1595, ACC, API, and CI indicate that they are aware of petitions P–1577 and P–1587. According to the ACC, API, and CI petition, many PG I and II materials, with very different hazards and rail transportation risks, have been lumped together in petitions P–1577 and P–1587. In petition P–1595, ACC, API, and CI request that PHMSA institute a separate rulemaking to specifically address new tank car construction standards for ethanol and crude oil in PG I and II. The petition suggests that PHMSA not include the other PG I and II materials because further analysis is required that could delay the rulemaking process. Key tank car requirements identified in the ACC, API, and CI petition include:

- Top fittings must be protected by a protective structure as tall as the tallest fitting;
- A reclosing pressure relief valve must be installed;
- Head and shell thickness must be ½ inch for TC–128B non-jacketed cars and 7⁄16 inch for jacketed cars;
- Shells of non-jacketed tank cars constructed of A5l6–70 must be 9⁄16 inch thick; and
- Shells of jacketed tank cars constructed of A5l6–70 must be ½ inch thick.

Costs and Benefits

PHMSA believes that the action requested by this petition would address a safety concern, but add additional regulatory burden. The petition did not identify specific costs and benefits. In the petition ACC, API, and CI indicate that focusing on an expedited rulemaking to address ethanol and crude oil would better address the risks involved. Further, ACC, API and CI indicate that separating the ethanol and crude oil in PG I and II from other PG I and II materials would provide for a tank car design that is tailored to the requirements of the materials being transported. The petitioners acknowledge that ''[m]uch more research and analysis would be necessary to justify any significant change in the construction standards for tank cars carrying other PG I and II materials, such as corrosive materials.''

Comments and Questions

PHMSA requests comments on P–1595. Please provide comments and data on the costs and benefits, as well as environmental and small businesses impacts, of granting the action requested by the petitioner. PHMSA specifically requests comments on the following questions:

- Petition P–1595 indicates that new standards should apply to newly constructed DOT Specification 111 tank cars used for ethanol and crude oil in PG I and II. Can you provide the safety benefits and costs associated with each new construction option outlined in the petition and identified below:
  - Requiring top fittings to be protected by a protective structure as tall as the tallest fitting;
  - Requiring that a reclosing pressure relief valve be installed;
  - Requiring head and shell thickness to be ½ inch for TC–128B non-jacketed cars and 7⁄16 inch for jacketed cars;
  - Requiring shells of non-jacketed tank cars constructed of A5l6–70 to be 9⁄16 inch thick; and
  - Requiring shells of jacketed tank cars constructed of A5l6–70 must be ½ inch thick.
- What are the costs and benefits of requiring the use of CPC 1232-compliant tank cars for the transportation of ethanol and crude oil in PG I and II? How many cars are currently in this service? What are the implications on public safety of PHMSA considering standards for tank cars used to transport ethanol and crude oil in PG I and II, before considering standards for other PG I and II materials? What are the specific safety risks/vulnerabilities associated with the remaining hazard classes within PG I and II? Please explain how those vulnerabilities are best addressed.
- What will be the price difference between the DOT Specification 111 tank cars for PG I and II ethanol and crude oil vs. DOT Specification 111 tank cars used for other hazardous materials in PG I and II? Please explain the differences.
- Would the increased cost of PG I and II ethanol and crude oil cars slow the replacement of older cars? How does this impact the current backlog of cars?
- What are the costs associated with re-tooling tank car construction facilities to manufacture different DOT Specification 111 tank cars for PG I and II ethanol and crude oil vs. other PG I and II materials? How would the costs impact small businesses that build these cars?

Please note the applicable petition number in your submission. A copy of the petition is available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

H. Petition P–1612

Summary

In petition P–1612, ACC, API, CI, and RFA indicate they stand ready and willing to work with PHMSA and other stakeholders to ensure that the recently increased volumes of crude oil and ethanol that move by rail are transported safely. The petitioners indicate that they support the tank car changes proposed in petition P–1577 and the T87.6 Task Force Summary Report. Further, the petitioners indicate that PHMSA has the authority and responsibility to institute these new requirements for these tank cars to ensure certainty for stakeholders. The petitioners clearly indicate that expediting regulatory requirements for new tank cars transporting crude oil and ethanol will increase rail transportation safety, remove economic uncertainty, and eliminate increasing risks of future economic harm. As such, petition P–1612 requests that PHMSA act expeditiously by issuing a direct final rule to implement the changes P–1577 and the T87.6 Task Force Summary Report for ethanol and crude oil.

Costs and Benefits

PHMSA believes that the action requested by this petition might have safety benefits, but add additional regulatory burden. However, PHMSA has not conducted an analysis of the possible actions that could result from this petition. The intent of this ANPRM is to gather relevant safety and economic data from the public regarding changes proposed in the petition. The petition did not identify specific costs and benefits. In the petition ACC, API, CI, and RFA indicate that focusing on an expedited rulemaking to adopt the changes proposed in petition P–1577 and the T87.6 Task Force Summary Report for new tank cars transporting crude oil and ethanol is appropriate for a number of reasons. First, the petitioners indicate that there has been a significant increase in rail shipment of crude oil, while most other PG I and II materials shipping patterns have been relatively consistent. The petitioners indicate that the increase in shipments of both ethanol and crude oil and abundance of available information provides an opportunity to significantly increase the safety of these shipments immediately. The petitioners indicate that delaying further, to allow more time

to formulate a rule for unrelated tank car retrofits, would unnecessarily increase the risk of a release in the unlikely event that an incident occur.

Second, the petitioners indicate that tank cars for crude oil and ethanol service are currently being manufactured. The petitioners indicate that delays in establishing a new construction standard for these tank cars may result in many tank cars being manufactured that do not meet future requirements. The petitioners indicate that this is impractical and would increase compliance costs significantly. The petitioners indicate that many tank cars may be required to go back to the shop for retrofits which will increase demand for shop space and delay tank cars from being placed back into service.

Finally, petition P–1612 states that ''many builders and shippers have made significant capital investments in tank cars built to P–1577 and T87.6 construction standards in good faith, expecting PHMSA's approval of that standard.'' The petitioners indicate that the involvement of the DOT in the T87.6 Task Force and the safety improvements contained in the T87.6 Task Force Summary Report gave industry the impression that the changes would be codified. Petition P–1612 goes on to state, ''As a result, those cars should be considered in compliance with any regulatory requirements included in the final rule without being required to undergo retrofits.''

Comments and Questions

- PHMSA requests comments on P–1612. Please provide comments and data on the costs and benefits, as well as environmental and small businesses impacts, of granting the action requested by the petitioner. PHMSA asks commenters to consider the potential economic and safety implications associated with the petition. In addition, PHMSA specifically requests comments on the following questions:
- What are the implications on public safety of PHMSA addressing standards for new construction of tank cars used to transport ethanol and crude oil without also considering enhancements to the existing fleet?
- Petition P–1612 states that PHMSA should, ''initiate an expedited rulemaking on regulatory requirements for new tank car construction standards for cars transporting crude oil and ethanol as a stand-alone rulemaking and address potential retrofits proposals at a later date in a separate rulemaking.'' Would such a requirement include ethanol and crude oil in PG I, II, and III?
- What are the costs and benefits of requiring ethanol and crude oil in PG III to be shipped in DOT Specification 111 tank cars that are CPC 1232-compliant?
- Petition P–1612 states that the ''Petitioners continue to support P–1577 and the T87.6 Task Force recommendations, which recommend no retrofit requirements for the existing fleet of tank cars carrying crude oil and ethanol.'' Please provide the safety benefits and costs associated the following key considerations of P–1577 and the task force from both a tank car design and operations standpoint:
  - Enhancing the tank car by:
    - Constructing tank cars to 286,000 lb. GRL standards;
    - Increasing head and shell thickness to ½ inch for TC–128B non-jacketed cars and 7⁄16 inch for jacketed cars;
    - Requiring shells of non-jacketed tank cars constructed of A5l6–70 to be 9⁄16 inch thick;
    - Requiring shells of jacketed tank cars constructed of A5l6–70 to be ½ inch thick;
    - Equipping cars with at least a ½ inch half-head shields;
    - Requiring heads and the shells to be constructed of normalized steel;
    - Requiring top fittings to be protected by a protective structure as tall as the tallest fitting;
    - Requiring a reclosing pressure relief valve to be installed;
    - Adding thermal protection to address breaches attributable to exposure to fire conditions;
    - Adding roll-over protection to prevent damage to top and bottom fittings and limit stresses transferred from the protection device to the tank shell;
    - Adding hinged and bolted manways to address a common cause of leakage during accidents and NARS;
    - Eliminating bottom outlet valves; and
    - Increasing outage from 1% to 2% to improve puncture resistance.
  - Enhancing rail operations in the following areas:
    - Rail integrity (e.g., broken rails or welds, buckled track, obstructions, track geometry, etc.) to reduce the number and severity of derailments;
    - Alternative brake signal propagation systems ECP, DP, EOT to reduce the number of cars and energy associated with derailments;
    - Speed restrictions for key trains; and
    - Emergency response to mitigate the risks faced by response and salvage personnel, the impact on the environment, and delays to traffic on the line.
- Petition P–1612 makes the following statement, ''The increase in shipments of these commodities, which should create a sense of urgency to ensure they are moved as safely as possible, combined with PHMSA's understanding of their properties and a wealth of technical information to draw from, provides an opportunity to significantly increase the safety of these shipments immediately.'' Please provide any available technical information and justification that clearly indicates what is meant by the statement ''significantly increase the safety of these shipments.''
- Considering the statement from petition P–1612 and the request for more technical information and justification in the bullet above, please provide a quantitative estimate that supports the issuance of a direct final rule as requested by petition P–1612.

Please note the applicable petition number in your submission. A copy of the petition is available in the public docket for this ANPRM, to view go to *http://www.regulations.gov* or DOT's Docket Operations Office (see **ADDRESSES** section above).

IV. Regulatory Review and Notices

A. Executive Order 12866, Executive Order 13563, Executive Order 13610 and DOT Regulatory Policies and Procedures

This ANPRM is considered a significant regulatory action under section 3(f) of Executive Order 12866 and was reviewed by the Office of Management and Budget (OMB). The ANPRM is considered a significant regulatory action under the Regulatory Policies and Procedures order issued by the Department of Transportation. 44 FR 11034 (Feb. 26, 1979).

Executive Orders 12866 (''Regulatory Planning and Review'') and 13563 (''Improving Regulation and Regulatory Review'') require agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' Executive Order 13610, issued May 10, 2012, urges agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances, including the rise of new technologies.

Additionally, Executive Orders 12866, 13563, and 13610 require agencies to provide a meaningful opportunity for public participation. Accordingly, PHMSA invites comments on these considerations, including any cost or benefit figures or factors, alternative approaches, and relevant scientific,

technical and economic data. These comments, along with the noted petitions and recommendations, will help PHMSA evaluate whether the proposed rulemakings are needed and appropriate.

B. Executive Order 13132

Executive Order 13132 requires agencies to assure meaningful and timely input by state and local officials in the development of regulatory policies that may 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.'' We invite state and local governments with an interest in this rulemaking to comment on any effect that revisions to the HMR may cause.

C. Executive Order 13175

Executive Order 13175 requires agencies to assure meaningful and timely input from Indian tribal government representatives in the development of rules that significantly or uniquely affect Indian communities by imposing ''substantial direct compliance costs'' or ''substantial direct effects'' on such communities or the relationship and distribution of power between the Federal Government and Indian tribes. We invite Indian tribal governments to provide comments on the costs and effects the petitions and recommendations could have on them, if adopted.

D. Regulatory Flexibility Act, Executive Order 13272, and DOT Policies and Procedures

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), we must consider whether a rulemaking would have a ''significant economic impact on a substantial number of small entities.'' ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations under 50,000.

It is possible that if PHMSA proposes to adopt the revisions suggested in the petitions for rulemaking and NTSB Recommendations, there may be a ''significant economic impact on a substantial number of small entities.'' As such, we would like small entities' input on the issues presented in this ANPRM. If you believe that revisions to the HMR would have a significant economic impact on a substantial number of small entities, please provide information on such impacts.

Any future proposed rule would be developed in accordance with Executive Order 13272 (''Proper Consideration of Small Entities in Agency Rulemaking'') and DOT's procedures and policies to promote compliance with the Regulatory Flexibility Act to ensure that potential impacts on small entities of a regulatory action are properly considered.

E. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies an opportunity to comment on information collection and recordkeeping requests. This ANPRM does not impose new information collection requirements. Depending on the results of our request for comments to this ANPRM, a decrease may result in the annual burden and costs under OMB Control Number 2137–0559. This reduction would be based on P–1507. Specifically, the burden associated with submitting an approval application would be reduced if PHMSA adds language that enables FRA to publish guidance on specific elements of non-conformity that would no longer be subject to approval by the Associate Administrator for Railroad Safety.

PHMSA specifically requests comments on the information collection and recordkeeping burdens associated with this ANPRM.

F. Environmental Assessment

The National Environmental Policy Act of 1969, 42 U.S.C. 4321–4375, requires that federal agencies analyze proposed actions to determine whether the action will have a significant impact on the human environment. The Council on Environmental Quality (CEQ) regulations require federal agencies to conduct an environmental review considering (1) the need for the proposed action, (2) alternatives to the proposed action, (3) probable environmental impacts of the proposed action and alternatives, and (4) the agencies and persons consulted during the consideration process. 40 CFR 1508.9(b). PHMSA welcomes any data or information related to environmental impacts that may result if the petitions and recommendations are adopted, as well as possible alternatives and their environmental impacts.

G. Privacy Act

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 document (or signing the document, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement, published in the **Federal Register** on April 11, 2000 (65 FR 19477) or you may visit *http://www.dot.gov/privacy.html.*

H. Executive Order 13609 and International Trade Analysis

Under Executive Order 13609, agencies must consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American businesses to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, regulatory approaches developed through international cooperation can provide equivalent protection to standards developed independently while also minimizing unnecessary differences.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA participates in the establishment of international standards in order to protect the safety of the American public, and we have assessed the effects of the proposed rule to ensure that it does not cause unnecessary obstacles to foreign trade. Accordingly, this rulemaking is consistent with E.O. 13609 and PHMSA's obligations under the Trade Agreement Act, as amended.

PHMSA welcomes any data or information related to international impacts that may result if the petitions and recommendations are adopted, as well as possible alternatives and their international impacts. Please describe the impacts and the basis for the comment.

I. Statutory/Legal Authority for This Rulemaking

This ANPRM is published under the authority of 49 U.S.C. 5103(b), which authorizes the Secretary of Transportation to ''prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, and foreign commerce.'' The petitions and recommendations addressed in the ANPRM purport to address safety issues with the transportation of hazardous materials in commerce. Our goal in this ANPRM is to gather the necessary information to determine a course of action in a potential Notice of Proposed Rulemaking (NPRM).

J. Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

Issued in Washington, DC, on August 30, 2013, under authority delegated in 49 CFR 1.97(b).

William Schoonover,

Deputy Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2013–21621 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 396

[Docket No. FMCSA–2012–0336]

RIN 2126–AB46

Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); correction.

SUMMARY: This document makes corrections to a proposed rule published in the **Federal Register** of August 7, 2013, regarding driver vehicle inspection reports. The corrections involve clerical corrections to references. Additionally, this notice updates the point of contact in the ''Assistance to Small Entities'' section of the NPRM.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund, Vehicle and Roadside Operations Division, Office of Bus and Truck Standards and Operations, Federal Motor Carrier Safety Administration, telephone: 202–366–5541; *deborah.freund@dot.gov*.

SUPPLEMENTARY INFORMATION: For FMCSA's NPRM published on August 7, 2013 (78 FR 48125), the following corrections are made:

On page 48127, in column 2, last paragraph, change ''396.11(b)'' to ''396.11(a)''.

On page 48128, in column 2, first paragraph in the Agency Proposal section, change ''396.11(b)'' to ''396.11(a)''.

On page 48130, in column 1, in the first paragraph of Section Analysis, change both references regarding ''§ 396.11(b)(2)'' to ''§ 396.11(a)(2)''.

On page 48132, in column 1, second line, change ''Mike Huntley'' to ''Deborah M. Freund''.

On page 48133, in instruction 4, change the amendatory language ''§ 396.11(b)(2)'' to ''§ 396.11(a)(2)'' and also change ''(b)'' to ''(a)'' in the associated regulatory text.

Issued on: August 30, 2013.

Larry Minor,

Associate Administrator for Policy.

[FR Doc. 2013–21763 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register

Vol. 78, No. 173

Friday, September 6, 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

August 30, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), 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. Comments regarding these information collections are best assured of having their full effect if received by November 5, 2013. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Housing Service

Title: 7 CFR 1956–C, Debt Settlement—Community and Business Programs.

OMB Control Number: 0575–0124.

Summary of Collection: The Community and Direct Business Programs loans and grants are authorized by the Consolidated Farm and Rural Development Act. Rural Housing Service (RHS) is a credit agency for agricultural and rural development for the United States Department of Agriculture and offers supervised credit to develop, improve and operate family farms, modest housing, essential community facilities, and business and industry across rural America. 7 CFR 1956–C, Debt Settlement—Community and Business Programs provides policies and procedures as well as a mechanism for debt settlement in connection with Community Facilities loans and grants, direct Business and Industry loans, Indian Tribal Land Acquisition loans and Irrigation and Drainage. The debt settlement program provides the delinquent client with an equitable tool for the compromise, adjustment, cancellation, or charge-off of a debt owed to the Agency.

Need and Use of the Information: The field offices will collect information from applicants, borrowers, consultants, lenders, and attorneys to determine eligibility, financial capacity and derive an equitable resolution. This information collected is similar to that required by a commercial lender in similar circumstances. Failure to collect the information could result in improper servicing of these loans.

Description of Respondents: Not for profit institutions; Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 29.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 1,005.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–21657 Filed 9–5–13; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection; General Program Administration

AGENCY: Farm Service Agency, USDA.

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is seeking comments from all interested individuals and organizations on an extension of a currently approved information collection associated with FSA's Farm Loan Programs (FLP) General Program Administration. The information collected is used to ensure that applicants meet statutory eligibility requirements, loan funds are used for authorized purposes and the Government's interest in security is adequately protected.

DATES: We will consider comments that we receive by November 5, 2013.

ADDRESSES: We invite you to submit comments on this notice. In your comments, include date, volume, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- Federal Rulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Mail: Courtney Dixon, Director, USDA/FSA/FLP, STOP 0521, 1400 Independence Avenue SW., Washington, DC 20250–0521.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253. Copies of the information collection may be requested by contacting Courtney Dixon at the above address.

FOR FURTHER INFORMATION CONTACT: Niki Chavez, Farm Service Agency, (202) 690–6129.

SUPPLEMENTARY INFORMATION:

Title: Farm Loan Programs, General Program Administration.

OMB Control Number: 0560–0238.

Expiration Date of Approval: 02/28/2014.

Type of Request: Extension.

Abstract: General Program Administration, as specified in the 7 CFR part 761, contains requirements that are applicable to making and servicing direct loans. Information and collections required are necessary to ensure that applicants meet statutory eligibility requirements, loan funds are used for authorized purposes and the Federal Government's interest in security is adequately protected. Specific information collection requirements include financial information in the form of a balance sheet and cash flow projection used in loan making and servicing decisions; information needed to establish joint bank accounts in which loan funds, proceeds derived from the sale of loan security and insurance proceeds may be deposited; collateral pledges from financial institutions when the balance of a supervised bank account will exceed $250,000; and documents that construction plans and specifications comply with state and local building standards.

Estimate of Average Time to Respond: 1.12 per response. The average travel time, which is included in the total annual burden, is estimated to be 1 hour per respondent.

Respondents: Individuals or households, businesses or other for profit and farms.

Estimated Number of Respondents: 94,942.

Estimated Number of Responses per Respondent: 2.4.

Estimated Number of Responses: 225,352.

Estimated Total Annual Burden Hours: 252,944.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of the FSA's estimate of burden 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 the 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.

All responses to this notice, including name and addresses when provided, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed on August 9, 2013.

Juan M. Garcia,

Administrator, Farm Service Agency.

[FR Doc. 2013–21761 Filed 9–6–13; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 130814715–3715–01]

Bureau of the Census Geographically Updated Population Certification Program (GUPCP)

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of program reinstatement.

SUMMARY: Effective October 1, 2013, the Bureau of the Census (Census Bureau) will resume processing applications for certified decennial census population and housing unit counts in updated governmental unit boundaries. This service, known as the Geographically Updated Population Certification Program (GUPCP), was suspended on January 1, 2008, to accommodate the taking of the 2010 Census (see Notice of Suspension, 72 Fed. Reg. 46602 (Aug. 21, 2007)). The resumption of this service will provide for certification of 2010 Census population and housing unit counts in governmental unit boundaries legally effective after the 2010 Census geographic benchmark date of January 1, 2010. While the program was originally scheduled for reinstatement in the year 2012, resource demands have delayed its relaunch until 2013. Resumption of the program continues a fee-based service that the Census Bureau has provided since the 1970s. Additional program details, including the schedule of fees and application instructions, are accessible on the Census Bureau's Web site at: *www.census.gov/mso/www/certification.*

DATES: *Effective Date:* October 1, 2013.

FOR FURTHER INFORMATION CONTACT: Mr. Darryl Cohen, Population Division, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233–8800, (301) 763–2419, or email *(Darryl.T.Cohen@census.gov).*

SUPPLEMENTARY INFORMATION: Following the 1970 decennial census and every decennial census thereafter, the Census Bureau has provided the opportunity for county, local, and tribal governments to obtain certified population and housing unit counts for areas where the boundaries have changed from those used to tabulate the results of the immediately preceding decennial census. These changes occur due to newly created governmental units (incorporations), additions to existing governmental units (annexations), the combination of two existing governmental units (merger), or other circumstances. Such governmental units are established by law for the purpose of implementing specified general- or special-purpose governmental functions; the certification process is available to both. Most governmental units have legally established boundaries and names and have officials (usually elected) who have the power to carry out legally prescribed functions, provide services for residents, and raise revenues. These are commonly referred to as general-purpose governmental units and typically include counties, boroughs, cities, towns, villages, townships, and federally recognized American Indian reservations. Special-purpose governmental units typically are limited to one function, such as school districts. The Census Bureau is issuing this notice to reinstate the GUPCP as a centralized system for certifying population and housing counts. This service will be a permanent process, but one that will be temporarily suspended during future decennial censuses. Typically, the Census Bureau will suspend this service, and direct its resources to the decennial census, for a total of five years—the two years preceding the decennial census, the decennial census year, and the two years following it. The Census Bureau will issue notices in the **Federal Register** announcing when it suspends and, in turn, resumes the service.

The Census Bureau first began to certify decennial census population counts for updated governmental unit boundaries in 1972 in response to the request of local governments to establish eligibility for participation in the General Revenue Sharing Program, authorized under Public Law 92–152. At that time, the Census Bureau established a fee-based program, enabling governmental units with annexations to obtain updated decennial census population counts that included the population living in annexed areas. The Census Bureau also received funding

from the U.S. Department of the Treasury to make those determinations for larger annexations that met prescribed criteria and for newly formed general-purpose governmental units.

The General Revenue Sharing Program ended on September 30, 1986, but the certification program continued into 1988 with support from the Census Bureau. The program was suspended to accommodate the taking of the 1990 decennial census and resumed in 1992. The Census Bureau supported the program through fiscal year 1995 for cities with large annexations and through fiscal year 1996 for newly incorporated places. The program was continued on a fee-basis only until June 1, 1998, at which time it was suspended for the 2000 decennial census (see Notice of Suspension, 63 FR 27706 (May 20, 1998)). At that time, it was stated that the program would resume in three years; however, resumption was delayed by continuing resource demands of the 2000 decennial census. In 2002, the program resumed and continued until January 1, 2008, when it was suspended to accommodate the taking of the 2010 Census (see 72 FR 46602 (Aug. 21, 2007)).

Although there is no legal requirement that the Census Bureau provide this service, there is a demand by governmental units for 2010 Census population and housing counts certified to reflect boundary updates or the formation of new governmental units dated after January 1, 2010, (the legally effective date for boundaries used in tabulating the 2010 Census). Title 13, United States Code (U.S.C.), Section 8, allows the Census Bureau to continue this program by providing certain statistical materials (certified population and housing counts) upon payment of costs for the service. The Census Bureau is the sole provider of this service, which is based on processing individual 2010 Census enumeration records protected by the confidentiality restrictions of Title 13, U.S.C.

A geographically updated population certification from the Census Bureau confirms that an official population count is an accurate retabulation of the 2010 Census population as configured for the new boundaries. A population certification may be needed for many reasons. For example, general-purpose governments may be required by state law to produce a Census Bureau population certification for funds disbursement from their respective states, or federally sponsored programs may require or honor a Census Bureau population certification for program eligibility. Special-purpose governmental units also may need official certification of census population and housing counts for other purposes.

The Census Bureau is reinstating a fee-based program that will use current geographic and demographic programs to support customer requests. The final fee structure will reflect variations in resources needed to meet customer requirements for certifications of standard governmental units, and will be posted on the Census Bureau's Web site at: *www.census.gov/mso/www/certification*. The fees will depend on the extent of geographic processing tasks required to complete the certification request and on the urgency of the request. There are two types of fees, based upon whether the population certificate is generated through an annually scheduled geographic update process, or is expedited in order to meet customer needs. Requests for certifications must contain information on Form BC–1869(EF), ''Request for Geographically Updated Official Population Certification'' (see the Census Bureau's Web site, *www.census.gov/mso/www/certification*). Local governments may submit requests for certifications on Form BC–1869(EF) to the Census Bureau by email at *Clmso.Certify.List@census.gov* or via fax at (301) 763–3842. Form BC–1869(EF) will be available on the Census Bureau's Web site at: *http://www.census.gov/mso/www/certification*. A letter or email communication requesting the service without Form BC–1869(EF) will be accepted only if it contains the information necessary to complete a Form BC–1869(EF).

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), Title 44, U.S.C., Chapter 35, unless that collection of information displays a current Office of Management and Budget control number. This notice does not represent a collection of information and is not subject to the PRA's requirements. The form referenced in the notice, Form BC–1869(EF), will collect only information necessary to process a certification request. As such, it is not subject to the PRA's requirements.

Dated: August 29, 2013.

John H. Thompson,

Director, Bureau of the Census.

[FR Doc. 2013–21736 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–836]

Light-Walled Rectangular Pipe and Tube From Mexico: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on light-walled rectangular pipe and tube (LWR pipe and tube) from Mexico. The period of review (POR) is August 1, 2011, through July 31, 2012. The review covers three producers or exporters of subject merchandise, Regiomontana de Perfiles y Tubos S.A. de C.V. (Regiopytsa), Maquilacero S.A. de C.V. (Maquilacero), and Nacional de Acero S.A. de C.V. (NASA). For these preliminary results, we have found that Regiopytsa has sold subject merchandise at less than normal value during the POR and that Maquilacero has not sold subject merchandise at less than normal value during the POR. For NASA, we are rescinding this administrative review. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* September 6, 2013.

FOR FURTHER INFORMATION CONTACT: Brian Davis or David Cordell, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7924 or (202) 482–0408, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is certain welded carbon-quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm.[1] The welded carbon-quality rectangular pipe and tube subject to the order is currently classified under the

[1] *See* Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Light-Walled Rectangular Pipe and Tube from Mexico, 2011–2012'' from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with this notice (Preliminary Decision Memorandum), for a complete description of the scope of the order.

Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.[2]

Partial Rescission of Administrative Review

On August 31, 2012, NASA requested that the Department conduct a review of its exports of subject merchandise to the United States, and on November 1, 2012, NASA timely withdrew this request. NASA was the only interested party to request an administrative review of its exports of subject merchandise. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this administrative review with respect to NASA.

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist:

Producer or exporter	Weighted-average dumping margin (percent)
Regiomontana de Perfiles y Tubos S.A. de C.V.	1.45
Maquilacero S.A. de C.V.	0.00

Disclosure and Public Comment

The Department will disclose calculations performed, if applicable, for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Interested parties may submit written comments no later than 30 days after the date of publication of these preliminary results of review.[3] Rebuttals to written comments may be filed no later than five days after the written comments are filed.[4]

Any interested party may request a hearing within 30 days of publication of this notice.[5] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.[6]

The Department will issue the final results of this administrative review, which will include the results of its analysis of all issues raised in any such comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of this administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If either respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1).[7] Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[8] This clarification will apply to entries of subject merchandise during the POR that were produced by the companies included in these preliminary results of review and for which the reviewed companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

In accordance with 19 CFR 356.8(a), the Department intends to issue assessment instructions to CBP on or after 41 days following the publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective, upon completion of the final results of this administrative review, for all shipments of LWR pipe and tube from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the companies covered by this review (*i.e.,* Maquilacero and Regiopytsa) will be equal to the weighted-average dumping margins established in the final results of this review, except if the rate is *de minimis,* in which case the cash deposit rate will be zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific cash deposit rate established for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a previous review, or the less-than-fair-value investigation but the manufacturer is, then the cash deposit rate will be the cash deposit rate established for the manufacturer of the merchandise for the most recently completed segment of this

[2] *See Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value,* 73 FR 45403, 45405 (August 5, 2008) (*Orders*).

[3] *See* 19 CFR 351.309(c).

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.310(c).

[6] *See* 19 CFR 351.310(d).

[7] In these preliminary results, the Department applied the weighted-average dumping margin calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[8] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

proceeding; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the all-others rate of 3.76 percent, as established in the less-than-fair value investigation.[9] These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: August 30, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Background
2. Scope of the Order
3. Discussion of Methodology
4. Recommendation

[FR Doc. 2013–21775 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–DS–P

[9] *See Orders,* 73 FR at 45404.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Applications and Reporting Requirements for the Incidental Take of Marine Mammals by Specified Activities (Other Than Commercial Fishing Operations) Under the Marine Mammal Protection Act

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before November 5, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Jeannine Cody, (301) 427–8401 or *ITP.Cody@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

The Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361 *et seq.*) prohibits the ''take'' of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region if, after notice of a proposed authorization to the public for review and public comment: (1) We make certain findings; and (2) the taking is limited to harassment.

We (National Marine Fisheries Service) shall grant authorization for the incidental taking of small numbers of marine mammals if we find that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The authorization must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat; and requirements pertaining to the mitigation, monitoring and reporting of such taking. We have defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Issuance of an incidental take authorization (Authorization) under section 101(a)(5)(A) or 101(a)(5)(D) of the MMPA requires three sets of information collection: (1) A complete application for an Authorization, as set forth in our implementing regulations at 50 CFR 216.104, which provides the information necessary for us to make the necessary statutory determinations; (2) information relating to required monitoring; and (3) information related to required reporting. These collections of information enable us to: (1) Evaluate the proposed activity's impact on marine mammals; (2) arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the authorization; and (3) monitor impacts of activities for which we have issued Authorizations to determine if our predictions regarding impacts on marine mammals remain valid.

II. Method of Collection

Respondents have a choice of submitting either electronic or paper forms. Methods of submittal include email, mail, overnight delivery service, and/or facsimile transmissions.

III. Data

OMB Control Number: 0648–0151.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Non-profit institutions; state, local, or tribal government; business or other for-profit organizations.

Estimated Number of Respondents: 95.

Estimated Time per Response: 255 hours for an Incidental Harassment Authorization (IHA) application; 11 hours for an IHA interim report (if applicable); 115 hours for an IHA draft annual report; 14 hours for an IHA final annual report (if applicable); 1,100 hours for the initial preparation of an application for new regulations; 70 hours for an annual Letter of Authorization (LOA) application; 220 hours for a LOA draft annual report; 65 hours for a LOA final annual report (if applicable); 625 hours for a LOA draft comprehensive report; and 300 hours for a LOA final comprehensive report. Response times will vary for the public based upon the complexity of the requested action.

Estimated Total Annual Burden Hours: 14,109.

Estimated Total Annual Cost to Public: $360 in recordkeeping/reporting costs and $0 in capital costs (if applicable).

IV. Request for Comments

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 (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 30, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–21660 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Marine Mammal Health and Stranding Response Program, Level A Stranding and Rehabilitation Disposition Data Sheet

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before November 5, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Angela Collins-Payne, (301) 427–8438 or *angela.collins-payne@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

The marine mammal stranding report provides information on strandings so that the National Marine Fisheries Service (NMFS) can compile and analyze, by region, the species, numbers, conditions, and causes of illnesses and deaths in stranded marine mammals. NMFS requires this information to fulfill its management responsibilities under the Marine Mammal Protection Act (16 U.S.C. 1421a). NMFS is also responsible for the welfare of marine mammals while in rehabilitation status. The data from the marine mammal rehabilitation disposition report are required for monitoring and tracking of marine mammals held at various NMFS-authorized facilities. This information is submitted primarily by members of the marine mammal stranding networks which are authorized by NMFS.

II. Method of Collection

Paper applications, electronic reports, and telephone calls are required from participants, and methods of submittal include the Internet through the NMFS National Marine Mammal Stranding Database; facsimile transmission of paper forms; or mailed copies of forms.

III. Data

OMB Control Number: 0648–0178.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: State governments; not-for-profit institutions; business or other for-profit organizations.

Estimated Number of Respondents: 400.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 2,900.

Estimated Total Annual Cost to Public: $1,299.

IV. Request for Comments

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 (including hours and cost) of the proposed repository of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden and submission of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 30, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–21671 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC852

Fisheries of the South Atlantic, Gulf of Mexico, and Caribbean; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The SEDAR Steering Committee will meet to discuss the SEDAR process and assessment schedule. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR Steering Committee will meet from 1 p.m. Tuesday, October 1, 2013, until 12 p.m. Wednesday, October 2, 2013.

ADDRESSES:

Meeting address: The Steering Committee meeting will be held at the Hampton Inn, Charleston/West Ashley, 678 Citadel Haven Drive, Charleston, SC 29414; telephone: (843) 573–1200.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: John Carmichael, SEDAR Program Manager; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *john.carmichael@safmc.net.*

SUPPLEMENTARY INFORMATION: The items of discussion are as follows:

1. Review progress of ongoing assessment projects.

2. Discuss SEDAR process: Workshops, participation, and best practices.

3. Discuss SEDAR project scheduling: Improving planning and scheduling efficiency.

4. Discuss SEDAR assessment schedule: Review 2014 projects; determine 2015 priorities; and recommend priority projects for 2016 and beyond.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 3, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–21702 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC854

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The New England Fishery Management Council (Council) will hold a three-day meeting on September 24–26, 2013 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, September 24 through Thursday, September 26, 2013, starting at 8:30 a.m. each day.

ADDRESSES: The meeting will be held at the Cape Codder Resort and Spa, 1225 Iyannough Road, Hyannis, MA 02601; telephone: (855) 861–4370 or online at. *http://www.capecodderresort.com/.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Tuesday, September 24, 2013

The Council will begin the first day this meeting with a brief closed session for the purpose of discussing Scientific and Statistical Committee appointments. Introductions and announcements will follow, the swearing-in of new and reappointed members will take place and the election of 2013–14 officers will be held. The Joint Habitat/Groundfish Committee will seek approval of possible modifications to the Omnibus Essential Fish Habitat Amendment Draft Environmental Impact Statement (DEIS) based on recommendations made by the committee. As a result, the Council may modify the range of alternatives being analyzed, including making adjustments to area boundaries and measures within habitat management areas, spawning areas and/or dedicated habitat research areas. Prior to a lunch break, the Council will receive an overview of the bluefin tuna management measures being considered for inclusion in Amendment 7 to the Highly Migratory Species Fishery Management Plan (FMP). It also will consider approval of an Enforcement Committee recommendation that, if approved, would allow the NEFMC to give the NOAA/NMFS Regional Administrator the authority to modify elements of the current stowage requirements for trawl gear in restricted areas to enhance safety at sea. The Tuesday afternoon session will include a summary of results from the 2013 Eastern Georges Bank cod and haddock and the Georges Bank yellowtail flounder Transboundary Resources Assessment Committee meeting; a review and possible approval of the Transboundary Management Guidance Committee's recommendations for fishing year 2014 quotas for Eastern Georges Bank cod and haddock and the Georges Bank stock of yellowtail flounder; and a discussion about quota trades for fishing year 2014. The Scientific and Statistical Committee will report on its acceptable biological catch (ABC) recommendations for several groundfish stocks, monkfish, sea scallops, red crab and skates; and their review of additional issues discussed by the committee. These include rebuilding plans for Gulf of Maine cod and American plaice and the possible ''spillover'' of Georges Bank haddock in the Gulf of Maine. Prior to adjourning for the day, the Council intends to take final action on the red crab specifications for fishing years 2014–16.

Wednesday, September 25, 2013

The NEFMC's Groundfish Oversight Committee will select measures to be analyzed in Framework Adjustment 51 to the Northeast Multispecies (Groundfish) FMP. These will include but are not limited to the 2014–16 overfishing level (OFL), ABC and annual catch level (ACL) for white hake, the 2014–15 OFL, ABC and ACL for Georges Bank yellowtail flounder, ACLs for Eastern Georges Bank haddock and Eastern Georges Bank cod, revisions to the Gulf of Maine cod and American plaice rebuilding plans, and small-mesh accountability measures (AMs) for the Georges Bank yellowtail flounder sub-ACL; in addition to a provision that would give the Regional Administrator authority to make in-season adjustments to the U.S./CA quotas, other adjustments to the groundfish management measures may be added by the Council. An update on progress to develop Amendment 18 to the Groundfish FMP also will be addressed.

After a lunch break, the Scallop Committee will update the Council on the development of Framework Adjustment 25 to the Sea Scallop FMP. This action includes specifications for fishing years 2014 and 2015 (default), AMs for Southern New England/Mid-Atlantic windowpane flounder and measures to address unused fishing year 2013 Closed Area I access trips. The Monkfish Committee will ask for approval of a range of alternatives for purposes of further analysis in Framework Adjustment 8 to the Monkfish FMP. Measures will include the specification of an annual catch target (ACT), days-at-sea and trip limits for the 2014–16 fishing years and changes to the permit Category H boundary.

Thursday, September 26, 2013

The last day of the meeting will begin with reports from the NEFMC Chairman and Executive Director, NOAA Fisheries Regional Administrator, the Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, as well as NOAA General Counsel, and representatives of the Atlantic States Marine Fisheries

Commission, U.S. Coast Guard, and NOAA Enforcement. Brief summaries about the recent activities of the Council's ABC Control Rule and Electronic Monitoring Working Groups are scheduled to occur under this agenda item. There also will be an open period for public comments during which any interested party may provide brief remarks on issues relevant to Council business but not listed on the meeting agenda. The Skate Committee will review its progress to develop 2014 specifications for the fishery. Prior to a lunch break, the Herring Committee will ask for approval of final measures that would establish catch caps for river herring/shad in the Atlantic herring fishery. Several items are scheduled for the afternoon session. These include a brief presentation by the Northeast Fisheries Science Center and the NOAA Fisheries Northeast Regional Office (NERO) about issues and options considered by an internal working group that has examined funding for at-sea monitors, including those that are industry-funded. A discussion of next steps will follow. A NERO presentation is scheduled that includes recommendations about an omnibus amendment that would simplify the current vessel baseline restrictions. The day will end with initial Council consideration of its management priorities for 2014 and any other outstanding business that may have been deferred until the end of the meeting.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: September 3, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–21703 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC846

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meetings

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

ACTION: Notice of SEDAR 33 Gulf of Mexico Gag and Greater Amberjack Assessment Workshop webinars.

SUMMARY: The SEDAR 33 assessment of the Gulf of Mexico stocks of Gag (*Mycteroperca microlepis*) and Greater Amberjack (*Seriola dumerili*) will consist of: a Data Workshop; an Assessment process conducted via webinars; and a Review Workshop. This notice is for additional Assessment Workshop webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The additional Assessment Workshop webinars will be held from 1 p.m. until 4 p.m. on the following dates: October 16, 2013; October 23, 2013; November 13, 2013; and November 20, 2013. See **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting address: The Assessment Workshop webinars will be held via GoToWebinar. All workshops and webinars are open to members of the public. Those interested in participating should contact Ryan Rindone at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing pertinent information. Please request meeting information at least 24 hours in advance.

SEDAR address: 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Ryan Rindone, SEDAR Coordinator; telephone: (813) 348–1630; email: *ryan.rindone@gulfcouncil.org*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a three-step process including: (1) Data Workshop; (2) Assessment Process including a workshop and webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Workshop webinars are as follows:

Participants will review modeling efforts, suggest sensitivity analyses, and decide on an appropriate model run or set of model runs to put forward to the Review Workshop for each species.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SEDAR office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: September 3, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–21701 Filed 9–5–13; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds services to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services from the Procurement List previously provided by such agencies.

DATES: *Effective:* October 7, 2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street Suite 10800, Arlington, Virginia, 22202–4149.

FOR FURTHER INFORMATION CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 6/28/2013 (78 FR 38952–38953) and 7/19/2013 (78 FR 43180), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to furnish the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will provide the services to the Government.

2. The action will result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services proposed for addition to the Procurement List.

End of Certification

Accordingly, the following services are added to the Procurement List:

Services

Service Type/Location: Custodial Service, Superior National Forest Supervisor's Office, 8901 Grand Avenue, Duluth, MN
NPA: Goodwill Industries Vocational Enterprises, Inc., Duluth, MN
Contracting Activity: Department of Agriculture, Forest Service, Superior National Forest, Duluth, MN
Service Type/Location: Secure Document Destruction Service, Blanchfield Army Community Hospital, 2424 20th Street, Fort Campbell, KY
NPA: Goodwill Industries of Kentucky, Inc., Louisville, KY
Contracting Activity: Dept of the Army, W40M Southeast RGNL CONTRG OFC, Fort Gordon, GA
Service Type/Location: Janitorial Service, US Immigration and Customs Enforcement,VA Hudson Valley HealthCare System Campus, Building 7 (Floors 1, 2, 3 & Basement), Route 9D, Castle Point, NY
NPA: Occupations, Inc., Middletown, NY
Contracting Activity: Department of Homeland Security, U.S. Immigration and Customs Enforcement, Washington, DC
Service Type/Location: Integrated Prime Vendor, Supply Chain Management Service(inventory control, obsolescence identification, engineering support and some material procurement services), U.S. Navy, Naval Surface Warfare Center, 300 Highway 361, Crane, IN
NPA: Knox County Association for Retarded Citizens, Inc., Vincennes, IN
Contracting Activity: Dept of the Navy, NSWC Crane, Crane, IN

Deletions

On 7/26/2013 (78 FR45183) and 8/2/2013 (78 FR 46927–46928), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to provide the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the services deleted from the Procurement List.

End of Certification

Accordingly, the following services are deleted from the Procurement List:

Services

Service Type/Location: Mailing Service, VA Eastern Colorado Health Care System (ECHCS), 1055 Clermont Street, Denver, CO
NPA: Jewish Family Service of Colorado, Denver, CO
Contracting Activity: Department of Veterans Affairs, 259-Network Contract Office 19, Glendale, CO
Service Type/Location: Document Destruction, USDA, Farm Service Agency ,4300 Goodfellow Blvd. St., Louis, MO.
NPA: Vintage Support Group, Inc., Belleville, IL (Deleted)
Contracting Activity: Department of Agriculture, Farm Service Agency, Kansas City Acquisition Branch, Kansas City, MO.
Service Type/Location: Custodial Service, Akron Canton Regional Airport, 5400 Lauby Road NW., North Canton, OH
NPA: The Workshops, Inc. Canton, OH (Deleted)
Contracting Activity: General Services Administration, FPDS Agency Coordinator, Washington, DC
Service Type/Location: Microfilming Tax Forms Service, Internal Revenue Service, Cincinnati, OH
NPA: Richland County Board of Developmental Disabilities, Mansfield, OH (Deleted)
Contracting Activity: Department of the Treasury, Washington, DC

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–21749 Filed 9–5–13; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletion

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add products to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must Be Received on or Before: 10/7/2013.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 10800, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION OR TO SUBMIT COMMENTS CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Products

Safety Data Sheet Organizer Binder

NSN: 7520–00–NIB–0357—Kit, Mounting Board, GHS, SDS Information Center
NSN: 7520–00–NIB–0360—Binder, GHS, Safety Data Sheets
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration
NSN: 7520–00–NIB–0358—Kit, Mounting Board, GHS Information Center
NSN: 7520–00–NIB–0359—Binder with Wire Rack Holder, GHS, Safety Data Sheets
Coverage: B-List for the Broad Government requirement as aggregated by the General Services Administration
NPA: Association for the Blind and Visually Impaired—Goodwill Industries of Greater Rochester, Rochester, NY
Contracting Activity: GENERAL SERVICES ADMINISTRATION, NEW YORK, NY

Holiday Themed Bags, Containers and Baking Cup-Picks Set

NSN: MR 376—Resealable Bags, Holiday, 6.5″ x 5.875″
NSN: MR 379—Storage Containers, Holiday, 12 oz. or 16 oz., 6PK
NSN: MR 380—Set, Baking Cups and Picks, Holiday, 24PC
NPA: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: DEFENSE COMMISSARY AGENCY, FORT LEE, VA
COVERAGE: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

Holiday and Patriotic Themed Serving Bowls

NSN: MR 358—Serving Bowl, Patriotic, Plastic 7Qt
NSN: MR 370—Serving Bowl, Holiday, Plastic 7Qt
NSN: MR 373—Chip and Dip Bowl, Holiday, Plastic
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: DEFENSE COMMISSARY AGENCY, FORT LEE, VA
COVERAGE: C-List for the requirements of military commissaries and exchanges as aggregated by the Defense Commissary Agency.

Deletion

The following product is proposed for deletion from the Procurement List:

Product

Bandage, Gauze, Elastic

NSN: 6510–00–913–7906
NPA: Elwyn, Inc., Aston, PA
Contracting Activity: DEFENSE LOGISTICS AGENCY TROOP SUPPORT, PHILADELPHIA, PA

Barry S. Lineback

Director, Business Operations.

[FR Doc. 2013–21748 Filed 9–5–13; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Notice of Amendment to the Notice of Intent To Prepare an Environmental Impact Statement (EIS) for the Millennium Bulk Terminals–Longview Shipping Facility Project

AGENCY: U.S. Army Corps of Engineers (Corps), DoD.

ACTION: Notice of Intent.

SUMMARY: Millennium Bulk Terminals–Longview, LLC (MBTL) is proposing to construct and operate a shipping facility near Longview, Washington. Department of the Army (DA) authorization is required pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. The Corps has determined the proposed project may have significant individual and/or cumulative impacts on the human environment. The Corps is working in collaboration with the Cowlitz County Building and Planning Department (County) and the Washington State Department of Ecology (WDOE), to prepare separate federal and state Environmental Impact Statements (EISs) in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Washington State Environmental Policy Act (SEPA). The Corps will serve as the lead federal agency for purposes of preparing a NEPA EIS, while the County and WDOE will serve as lead agencies for purposes of preparing a SEPA EIS. This Notice of Intent amends the notice published in the **Federal Register** on August 14, 2013 (78 FR 49484) by providing additional and updated information on a separate but synchronized environmental review and public scoping process.

DATES: The scoping period for the EIS began August 16, 2013. Written comments regarding the scope of the EIS, including the environmental analysis, range of alternatives, and potential mitigation actions should be submitted to the address below or by email to *comments@millenniumbulkeiswa.gov* by the closing date of the EIS scoping period, November 18, 2013.

ADDRESSES: Written comments regarding issues to be addressed in the NEPA EIS and requests to be included on the EIS notification mailing list should be submitted to Ms. Danette L. Guy, U.S. Army Corps of Engineers, Seattle District in care of MBTL EIS, 710 Second Avenue, Suite 550, Seattle, Washington, 98104.

FOR FURTHER INFORMATION CONTACT: Ms. Danette L. Guy by email at *danette.l.guy@usace.army.mil,* by regular mail at (see **ADDRESSES**), or by telephone at (206) 316–3048.

SUPPLEMENTARY INFORMATION:

Preparation of an EIS will support the Corps' eventual decision to either issue, issue with conditions, or deny a DA permit for the proposed action. As part of the NEPA process, the Corps will gather and analyze information to compare the potential environmental effects of possible project alternatives and a ''no action'' alternative in the EIS. An EIS will be prepared to assess the potential social, economic and environmental impacts of the project, and will be sufficient in scope to address Federal regulatory requirements

and pertinent environmental and socio-economic issues.

The federal EIS process began with publication of a Notice of Intent on August 14, 2013. The EIS will be prepared in accordance with the Corps' procedures for implementing NEPA (33 CFR Part 325, Appendix B) and consistent with the Corps' policy to facilitate public understanding and review of agency proposals.

1. *Proposed Action.* The decision to issue, issue with conditions, or to deny a permit for various activities within the Corps' jurisdiction associated with the proposed construction and operation of a shipping facility by Millennium Bulk Terminals-Longview (MBTL). Currently, MBTL intends to ship coal from the facility.

2. *Project Description.* The project site is located in Cowlitz County, Washington, in an industrial area along the Columbia River just west of the city of Longview. MBTL proposes to construct the project on approximately 190 acres of a 536-acre site. The project includes construction of two piers in the Columbia River connected by a conveyor and access ramp. One pier would be up to 1,400 feet long and range from approximately 90 to 130 feet wide. The second pier would be approximately 900 feet long and 100 feet wide. Both would be connected to dry land by an access trestle approximately 800 feet long and range in width from up to 35 feet on the north end to up to 60 feet on the south end. The piers and trestle would support two ship loaders. MBTL proposes to dredge approximately 500,000 cubic yards of substrate from a 48-acre berthing area along the riverward side of the proposed piers. The dredged material would be disposed in the flow lane of the Columbia River. Periodic future maintenance dredging of the berthing area is also proposed. The shipping facility would include an open-air storage area approximately 75 acres in size serviced by an on-site balloon track system with parking capacity for eight trains. A system of rail-mounted reclaimers would convey coal from the storage area to the loading facility. The terminal would also include rail car unloading facilities, roadways, service buildings, storm water treatment facilities, and utility infrastructure. Constructing the portion of the terminal adjacent to the Columbia River would impact approximately 38 acres of waters of the U.S., including wetlands and drainage ditches. Any compensatory mitigation for impacts to waters of the U.S. would comply with the 2008 C*ompensatory Mitigation Rule for Losses of Aquatic Resources,* 33 CFR parts 325 and 332; 73 FR 19594 (April 10, 2008).

3. *Alternatives.* The EIS will address an array of alternatives for a facility to receive material by rail and load ships for ocean transport. Alternatives may include, but will not be limited to, no action, alternative sites, alternative methods for on-site handling, and alternative facility designs. Mitigation measures could include, but would not be limited to, avoidance of sensitive areas, creation or enhancement of riverine nearshore habitats, and creation, restoration, or enhancement of wetlands.

4. *Scope of Analysis.* The scope of analysis identifies the federal action area under NEPA and, along with public input through the scoping process, informs the impacts (direct, indirect, and cumulative) analyzed in the EIS. In determining the scope of analysis for this EIS, the Corps must identify the scope of the activities under consideration and decide, for the purposes of NEPA, whether the agency has ''control and responsibility'' for activities outside of waters of the U.S. such that issuance of a permit would amount to approval of those activities (33 CFR Part 325 Appendix B, Par. 7(b)(1)). As a general rule, the Corps extends its scope of analysis beyond waters of the U.S. where the environmental consequences of upland elements of the project may be considered products of either the Corps permit action or the permit action in conjunction with other federal involvement (33 CFR Part 325 Appendix B, Para. 7(b)(2)).

For this EIS, the Corps' scope of analysis will include the entire MBTL project area and any offsite area that might be used for compensatory mitigation. The project area consists of the approximately 190-acre shipping terminal project site, the area to be dredged, the dredged material disposal site(s), and any other area in or adjacent to the Columbia River that would be affected by, and integral to, the proposed project.

5. *Scoping Process.* The scoping period began August 16, 2013, and will continue for 95 days until November 18, 2013. The Corps invites Federal agencies, state and local governments, Native American Tribes, and the public to participate in the scoping process by providing written comments and/or attending the public scoping meetings scheduled for the dates and locations listed below. Written comments will be considered during preparation of the Draft EIS. Comments postmarked or emailed after the closing date of the scoping period will be considered to the extent feasible.

The purpose of scoping is to assist the Corps in identifying pertinent issues, public concerns, and alternatives, and the depth to which they should be evaluated in the EIS, consistent with the Corps' scope of analysis for this project, as stated above. The Corps has prepared project information documents to familiarize agencies, tribes, interested organizations, and the public with the proposed project and potential environmental impacts. Copies of these documents will be available at the public meetings and on the Internet Web site developed for this EIS, *www.millenniumbulkeiswa.gov,* or may be requested from Corps project manager, Ms. Danette L. Guy (see contact information above). Corps representatives will also answer scoping-related questions and accept comments at public scoping meetings.

a. Public scoping meetings will be held to present an overview of the MBTL project and afford participants an opportunity to provide comments on the range of actions, alternatives, and potential impacts. Two of the scoping meetings announced in the August 14, 2013, Notice of Intent have been revised to reflect the Corps' public scoping meetings schedule. The Corps official public scoping meetings are as follows:

Cowlitz Expo Center, 1900 7th Avenue, Longview, Washington 98632 on Tuesday, September 17, 2013, from 1:00 p.m. to 4:00 p.m.

Clark County Fairgrounds, 17402 Northeast Delfel Road, Ridgefield, Washington 98642 on Wednesday, October 9, 2013, from 1:00 p.m. to 4:00 p.m.

In addition, public scoping meetings previously announced by the County and WDOE will be held as scheduled. The Corps will attend these meetings as well, and will accept and review all comments received. These meetings will be held as follows:

Cowlitz Expo Center, 1900 7th Avenue, Longview, Washington 98632 on Tuesday, September 17, 2013, from 5:00 p.m. to 8:00 p.m.

Spokane Convention Center, 334 West Spokane Falls Boulevard, Spokane, Washington 99201 on Wednesday, September 25, 2013, from 5:00 p.m. to 8:00 p.m.

The Trac Center, 6600 Burden Boulevard, Pasco, Washington 99301 on Tuesday, October 1, 2013, from 5:00 p.m. to 8:00 p.m.

Clark County Fairgrounds, 17402 Northeast Delfel Road, Ridgefield, Washington 98642 on Wednesday, October 9, 2013, from 5:00 p.m. to 8:00 p.m.

Tacoma Convention Center, 1500 Broadway, Tacoma, Washington 98402 on Thursday, October 17, 2013, from 5:00 p.m. to 8:00 p.m.

In addition, an ''online scoping meeting'' will be continuously hosted on the EIS Internet Web site at *www.millenniumbulkeiswa.gov* for the duration of the scoping period.

b. Potentially significant issues to be analyzed in the EIS include, but are not limited to direct, indirect, and cumulative effects of the project-specific activities proposed within the NEPA scope of analysis as described above on navigation (e.g., vessel traffic and navigational safety); aquatic habitats; aquatic species, including Endangered Species Act-listed species and Washington State species of concern; Tribal treaty rights; wetland and riparian habitat; wildlife; vehicle traffic; cultural, historic, and archeological resources; air and water quality; noise; recreation; land use; and aesthetics.

c. The Corps will consult with the Washington State Historic Preservation Officer and applicable Tribes to comply with the National Historic Preservation Act; the U.S. Fish and Wildlife Service and National Marine Fisheries Service to comply with the Endangered Species Act; the National Marine Fisheries Service to comply with the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act; and applicable Tribes to comply with reserved treaty fishing rights.

d. Preparation of the draft EIS will begin after the close of the scoping period. The draft EIS is currently scheduled to be available for public review and comment by June 2015.

e. A 90-day public review period will be provided for interested parties to review and comment on the draft EIS. Interested parties are encouraged to contact the Corps if they wish to be notified when the draft EIS is issued.

f. All comments received will become part of the administrative record for this project and subject to public release to third-parties, including any personally identifiable information such as name, phone number, and address, included in the comment.

Dated: August 29, 2013.

Bruce A. Estok,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 2013–21780 Filed 9–5–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for Multiple Projects in Support of the Marine Barracks Washington, District of Columbia

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: Pursuant to Section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, and regulations implemented by the Council on Environmental Quality (40 Code of Federal Regulations [CFR] Parts 1500–1508), Department of the Navy (DoN) NEPA regulations (32 CFR Part 775), and United States Marine Corps (USMC) NEPA directives (Marine Corps Order P5090.2A, changes 1 and 2), the DoN intends to prepare an Environmental Impact Statement (EIS) for several proposed construction, repair, and renovation projects in support of the Marine Barracks Washington (MBW), District of Columbia (DC).

Dates and Addresses: The DoN, USMC, is initiating a 30-day public scoping process to identify community interests and local concerns to be addressed in the EIS, which starts with the publication of this Notice of Intent and ends on October 7, 2013. A public scoping meeting, using an informal open house format, will be held from 5:30 p.m. to 8:30 p.m. on September 24, 2013 at Tyler Elementary School, 1001 G St SE., Washington, DC 20390.

The public is invited to attend this meeting to view project-related displays, speak with USMC representatives, and submit verbal or written comments. All comments regarding the scope of issues that the USMC should consider during EIS preparation must be received prior to October 7, 2013 to be fully considered. Additional information concerning the meeting and the proposed alternatives is available on the EIS Web site at *www.mbweis.com* and will be announced in local and regional newspapers. Please submit requests for special assistance, sign language interpretation for the hearing impaired, or other auxiliary aids needed at the scoping meeting to the MBW Public Affairs Officer, Captain Jack Norton, at 202–433–6682 by September 13, 2013.

Concurrent with the NEPA process, the USMC is initiating National Historic Preservation Act Section 106 Consultation to determine the potential effects of the proposed action on historic properties. During the scoping meeting, one designated area of the room will focus on the Section 106 process and solicit public input on the identification of historic properties and potential effects of the proposed action on historic properties.

Submitting Comments: Federal, state, and local agencies and members of the public are encouraged to provide oral and written comments regarding the scope of the EIS, reasonable alternatives, and specific issues or topics of interest. There are three ways comments can be submitted: (1) In person at the public scoping open house meeting, (2) using the project's public Web site comment form at *www.mbweis.com,* or (3) providing written comments through U.S. mail. All comments on the scope of the EIS or any specific concerns regarding potential impacts to the environment should be submitted or postmarked no later than October 1, 2013. Comments submitted by mail should be sent to: Mr. William Sadlon, MBW CIMP EIS Project Manager, 1314 Harwood St. SE., Bldg. 212, Washington Navy Yard, DC 20374–5018.

The USMC will consider all comments received during the scoping period. A mailing list has been assembled to facilitate preparation of the EIS. This list includes DC and federal agencies with jurisdiction or other interests in the alternatives. In addition, the mailing list includes adjacent property owners and other interested parties, such as historic preservation groups. Those on this list will receive notices and documents related to EIS preparation. Anyone wishing to be added to the mailing list may request to be added at the project Web site *www.mbweis.com* or by contacting the EIS project manager at the address provided below.

FOR FURTHER INFORMATION CONTACT: Mr. William Sadlon, MBW EIS Project Manager, 1314 Harwood St. SE., Bldg. 212, Washington Navy Yard, DC 20374–5018.

SUPPLEMENTARY INFORMATION: The USMC is preparing an EIS to analyze the potential effects resulting from implementation of several construction, repair, and renovation projects at or proximate to the Marine Barracks Washington scheduled for completion within the next 5 years. The principal project to be analyzed is a land acquisition and construction project to replace a Bachelor Enlisted Quarters (BEQ) Complex (including supporting facilities and parking) currently housed in Building 20. Renovation and improvement projects include interior renovations to Buildings 7 and 8 at the Main Post; improvements to the MBW

Annex gate at 7th and K Streets; and improvements to building facades, fencing, infrastructure, pedestrian amenities, and landscaping throughout the installation. The EIS is also intended to provide a programmatic analysis of the potential effects of several additional projects scheduled to occur in 2018 or later for which information sufficient to conduct detailed NEPA analysis is not yet available. Principal among these projects is the potential reuse of the Building 20 site. Other projects include renovation of Building 9 to accommodate relocation of units currently housed in temporary facilities aboard Washington Navy Yard, as well as some additional landscaping and maintenance projects. Once these actions become sufficiently ripe for detailed analysis, additional NEPA analysis will be completed.

The purpose of the proposed action is to address existing and anticipated facility deficiencies at MBW. The proposed action is needed to better support the functions of the USMC units assigned to the MBW and, in the case of the BEQ Complex replacement project, to meet current requirements for adequate space and mission support functions, space configurations, DoD Quality of Life standards, life safety, sustainability, and energy efficiency, and Anti-Terrorism and Force Protection (AT/FP) requirements. Building 20 cannot be renovated or redesigned within its existing footprint to meet those standards. The renovations for Buildings 7 and 8 are to upgrade the buildings to meet certain AT/FP and life safety standards, improve space utilization, and meet sustainability goals. The improvements to the MBW Annex gate at 7th and K Streets and improvements to building facades, fencing, infrastructure, and pedestrian amenities throughout the installation would blend MBW facilities with the neighborhood.

Alternatives Development: The action alternatives analyzed in the EIS regard implementation of specific projects. Sufficient detail is available to fully analyze some proposed projects in the EIS; other proposed projects are analyzed programmatically, with the expectation that additional NEPA analyses will be conducted when more detail is available.

The primary project to be analyzed in the EIS is the BEQ Complex replacement project, which includes the acquisition of land on which to construct the replacement facilities. The pre-NEPA agency and public engagement effort referred to as the Community Integrated Master Plan process that preceded this EIS effort provided a foundation for the required rigorous exploration of a reasonable range of alternative sites to meet the purpose and need with respect to the BEQ Complex replacement project. The following screening criteria were used to further refine and narrow the range of alternative sites for the BEQ Complex project.

The location must be within a 10-minute ''reasonable walking distance'' of the MBW Main Post Main Gate Entrance (defined as an approximately 2,000-foot radius of the Main Post Main Gate Entrance). The site must meet the minimum developable area requirements, including setback distances to meet AT/FP standards, while also complying with applicable laws governing height restrictions. The space requirement for the BEQ Complex is 191,405 square feet (SF), which includes supporting facilities and parking. Any site chosen must not be a site that currently provides or is planned to provide public services for DC residents, to include public housing, education, or public recreation services.

Based on the siting criteria, four potential sites have been identified for possible acquisition and development of facilities to meet the BEQ Complex replacement requirements. The four sites are defined in terms of squares and adjacent streets, as applicable. A ''square'' is the unit of land defined by the DC Surveyor that normally consists of a single city block and contains recorded tax lots.

Site A is a privately-owned 3.0-acre site composed of Square 929, Square 930, and L Street between 8th and 9th Streets. Site B is a privately-owned 1.8-acre site that encompasses Square 976 and a segment of L Street between 10th and 11th Streets. Site C comprises a portion of Square 853 just west of Washington Navy Yard in the Southeast Federal Center. The federally-owned 2.1-acre site is bound by M Street SE to the north and Tingey Street to the south. Site D, owned by the U.S. Navy, is approximately 2.2 acres and located on the northeast corner of Washington Navy Yard. It is bound by 11th Street SE to the east and M Street SE to the north and comprises portions of Squares 977 and 953 within the Washington Navy Yard boundary.

Implementation of the Site A alternative would require acquisition of both squares and closure of and construction on L Street between 8th and 9th Streets. Implementation of the 191,405 SF BEQ Complex at Site B would require the vehicular closure of L Street between 10th and 11th Streets and utilize the closed road right-of-way and a portion of existing Virginia Avenue Park open space buffer to satisfy vehicular AT/FP standoff requirements (while also not affecting use of the park). Implementation of Site C would allow for reduced AT/FP setbacks, given its adjacency to the Washington Navy Yard. If the Site D alternative was implemented, the BEQ Complex would be constructed entirely within the Washington Navy Yard boundary.

The No-Action Alternative for the BEQ Complex project is to continue to utilize and maintain the existing inadequate Building 20 BEQ Complex. The No-Action Alternative does not meet the purpose and need for the action, but must be analyzed as the baseline against which the impacts associated with action alternatives will be evaluated.

Alternatives for the renovation and improvement projects to be analyzed in detail in the EIS consist of alternative space layouts and functional space assignments for MBW units. In some cases, the alternatives may be limited to implementing the project or taking no action. The No Action Alternative for the renovation and improvement projects would be to not implement interior renovations, which would result in continued inefficient space utilization functional layouts and energy systems, life safety issues, and hindering MBW's ability to meet sustainability goals.

Environmental Compliance: The EIS would evaluate potential environmental effects associated with each of the alternatives for each of the analyzed projects on the following: safety, land use, recreation, air quality, socioeconomics and environmental justice, water resources, noise, cultural resources, natural resources, traffic/transportation, hazardous materials and waste, and utilities. Relevant and reasonable measures that could avoid or mitigate adverse environmental effects will also be analyzed. Additionally, the USMC will undertake consultations required by the National Historic Preservation Act and any other applicable laws or regulations.

Schedule: This Notice of Intent is the first phase of the EIS process and announces the 30-day public comment period to identify community concerns and local issues that should be addressed in the EIS. The next phase occurs when a Notice of Availability (NOA) is published in the **Federal Register** and local media to publicly announce the release of the Draft EIS in Summer 2014. A 45-day public comment period for the Draft EIS will commence upon publication of the NOA in the **Federal Register**. The USMC will consider and respond to all comments

received on the Draft EIS when preparing the Final EIS. The USMC intends to issue the Final EIS in Winter 2014/2015, at which time an NOA would be published in the **Federal Register** and local media.

A Record of Decision is anticipated in early 2015.

Dated: August 29, 2013.

P.A. Richelmi,

Lieutenant, Office of the Judge Advocate General, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 2013–21713 Filed 9–5–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0118]

Agency Information Collection Activities; Comment Request; Application for Approval To Participate in Federal Student Financial Aid Programs

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 5, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0118 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room, 2E103 Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Kate Mullan, 202–401–0563 or electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Approval to Participate in Federal Student Financial Aid Programs

OMB Control Number: 1845–0012

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector, State, Local, or Tribal Governments

Total Estimated Number of Annual Responses: 7,246

Total Estimated Number of Annual Burden Hours: 24,352

Abstract: The Higher Education Act of 1965, as amended requires postsecondary institutions to complete and submit this application as a condition of eligibility for any of the Title IV student financial assistance programs and for the other postsecondary programs authorize by the HEA. The institution must submit the form (1) Initially when it first seeks to become eligible for the Title IV programs; (2) when its program participation agreement expires (recertification); (3) when it changes ownership, merges, or changes structure, (4) to be reinstated to participate in the Title IV programs, (5) to notify the Department when it makes certain changes, e.g. name or address; and (5) if it wishes to have a new program (outside its current scope) or new location approved for Title IV purposes.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–21675 Filed 9–5–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer Matching Program Between the Department of Education (ED) and the Social Security Administration (SSA)

AGENCY: Department of Education.

ACTION: Notice.

SUMMARY: Pursuant to the Computer Matching and Privacy Protection Act of 1988, the Computer Matching and Privacy Protections Amendments of 1990, and Office of Management and Budget (OMB) guidance on the conduct of computer matching programs, notice is hereby given of the renewal of the computer matching program between the ED (recipient agency), and the SSA (source agency). This renewal of the computer matching program will become effective as explained in paragraph 5.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended, OMB Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, published in the **Federal Register** on June 19, 1989 (54 FR 25818), and OMB Circular No. A–130, Transmittal Memorandum #4, Management of Federal Information Resources (November 28, 2000), we provide the following information:

1. *Names of Participating Agencies.*

The U.S. Department of Education and the Social Security Administration.

2. *Purpose of the Match.*

The purpose of this matching program between ED and SSA is to assist the Secretary of Education with verification of immigration status and Social Security numbers (SSNs) under 20 U.S.C. 1091(g) and (p). SSA will verify the issuance of an SSN to, and will confirm the citizenship status of, those students and parents applying for financial assistance programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA). Verification of this information by SSA will help ED satisfy its obligation to ensure that individuals applying for financial assistance meet

eligibility requirements imposed by the HEA.

Verification by this computer matching program effectuates the purpose of the HEA because it provides an efficient and comprehensive method of verifying the accuracy of each individual's SSN and claim to a citizenship status that permits that individual to qualify for title IV, HEA assistance.

3. *Authority for Conducting the Matching Program.*

ED is authorized to participate in the matching program under sections 484(p) (20 U.S.C. 1091(p)); 484(g) (20 U.S.C. 1091(g)); 483(a)(12) (20 U.S.C. 1090(a)(12)); and 428B(f) (20 U.S.C. 1078–2(f)) of the HEA.

SSA is authorized to participate in the matching program under section 1106(a) of the Social Security Act (42 U.S.C. 1306(a)) and the regulations promulgated pursuant to that section (20 CFR part 401).

4. *Categories of Records and Individuals Covered by the Match.*

The Federal Student Aid Application File (18–11–01), which contains the information to determine an applicant's eligibility for Federal student financial assistance, and the Department of Education (ED) PIN (Personal Identification Number) Registration System (18–11–12), which contains the applicant's information to receive an ED PIN, will be matched against SSA's Master Files of Social Security Number Holders and SSN Applications System, SSA/OS, 60–0058, which maintains records about each individual who has applied for and obtained an SSN.

5. *Effective Dates of the Matching Program.*

The matching program will be effective on the latest of the following three dates: (a) October 10, 2013; (b) 30 days after notice of the matching program has been published in the **Federal Register**, as required by 5 U.S.C. 552a(e)(12); or (c) 40 days after a report concerning the matching program has been transmitted, as required by 5 U.S.C. 552a(r), to OMB and the U.S. House Committee on Oversight and Government Reform, and the U.S. Senate Committee on Homeland Security and Governmental Affairs, unless OMB waives 10 or fewer days of this 40-day review period for compelling reasons, in which case, 30 days plus whatever number of the 10 days that OMB did not waive from the date of the transmittal of the report to OMB and Congress.

The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

6. *Address for Receipt of Public Comments or Inquiries.*

Individuals wishing to comment on this matching program, or to obtain additional information about the program, including requesting a copy of the computer matching agreement between ED and SSA, should contact Franka Dennis, Management and Program Analyst, U.S. Department of Education, Union Center Plaza, 830 First Street NE., Washington, DC 20202–5454. Telephone: (202) 377–4067. If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the contact person listed in the preceding paragraph.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: August 26, 2013.

James W. Runcie,

Chief Operating Officer, Federal Student Aid.

[FR Doc. 2013–21727 Filed 9–5–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket No. PP–371]

Amended Notice of Intent To Modify the Scope of the Environmental Impact Statement and Conduct Additional Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement for the Northern Pass Transmission Line Project

AGENCY: Department of Energy.

ACTION: Amended notice of intent to modify the scope of the environmental impact statement and conduct additional public scoping meetings; notice of floodplains and wetlands involvement.

SUMMARY: The U.S. Department of Energy (DOE or the Department) announces its intent to modify the scope of the *Northern Pass Transmission Line Project Environmental Impact Statement* (DOE/EIS–0463) and to conduct additional public scoping meetings. As described in the February 11, 2011, Notice of Intent (NOI) (76 FR 7828), in October 2010, Northern Pass Transmission LLC (Northern Pass or the Applicant) submitted an application to DOE for a Presidential permit to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border into northern New Hampshire. As explained in the 2011 NOI, DOE will assess the potential environmental impacts from the proposed Federal action of granting a Presidential permit to Northern Pass. On July 1, 2013, the Applicant submitted to DOE an amended application for a Presidential permit that reflected proposed changes to the route of the Northern Pass project. A map of the proposed route and segment maps are available on the DOE EIS Web site established for the preparation of the EIS at *www.northernpasseis.us.* A copy of the amended Presidential permit application can be found at the DOE EIS Web site or at the program Web site *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2* (scroll down to PP–371) or a copy can be requested by emailing Angela Troy at *angela.troy@hq.doe.gov.* DOE now intends to revise the scope of the Environmental Impact Statement (EIS) to analyze the potential environmental impacts associated with these proposed changes.

The U.S. Forest Service—White Mountain National Forest, U.S. Army Corps of Engineers (USACE)—New England District, and U.S. Environmental Protection Agency (EPA)—Region 1 (New England) are cooperating agencies in the preparation of the EIS.

The EIS will provide the analysis to support a Forest Service decision on whether to issue a special use permit within the White Mountain National Forest. The responsible official for the Forest Service is the Forest Supervisor for the White Mountain National Forest.

Because the proposed Federal action may involve floodplains and wetlands, the draft EIS will include a floodplains

and wetlands assessment as appropriate, and the final EIS and/or Record of Decision will include a floodplains and wetlands statement of findings.

DATES: The public scoping period will end on November 5, 2013. Written and oral comments will be given equal weight, and DOE will consider all comments emailed, postmarked or submitted on the Northern Pass EIS Web site by November 5, 2013, in defining the scope of this EIS. Comments submitted after the close of the comment period will be considered to the extent practicable.

Locations, dates, and times for the public scoping meetings are listed in the **SUPPLEMENTARY INFORMATION** section of this Amended NOI.

Requests to speak at one or more public scoping meeting(s) should be received at the address indicated below by September 18, 2013; requests received by that date will be given priority in the speaking order. However, requests to speak also may be made at the scoping meetings.

ADDRESSES: Requests to speak at a public scoping meeting(s), and requests for individuals to be added to the document mailing list (to receive a paper or electronic copy of the Draft EIS) should be addressed to: Brian Mills, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by email to *Brian.Mills@hq.doe.gov;* or by facsimile to 202–586–8008. For general information on the DOE NEPA process contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; by email at *askNEPA@hq.doe.gov;* at 202–586–4600, or 800–472–2756; or by facsimile at 202–586–7031.

FOR FURTHER INFORMATION CONTACT: For information on DOE's proposed action, contact Brian Mills by one of the methods listed in **ADDRESSES** above, or at 202–586–8267. For information on the Forest Service's role as a cooperating agency, contact Tiffany Benna by email at *tbenna@fs.fed.us;* by phone at 603–536–6241; by facsimile at 603–536–3685; or by mail at 71 White Mountain Drive, Campton, NH 03223. For information on the USACE's role as a cooperating agency and its permit process, contact David M. Keddell by email at *david.m.keddell@usace.army.mil;* by phone at 978–318–8692; or by mail at 696 Virginia Road, Concord, MA 01742. For information on EPA's role as a cooperating agency, contact Timothy Timmermann by email at *timmermann.timothy@epamail.epa.gov;* by phone at 617–918–1025; or by mail at 5 Post Office Square, Suite 100 (Mail code: ORA–17–1), Boston, MA 02109–3912.

SUPPLEMENTARY INFORMATION:

Background

Executive Order (E.O.) 10485, as amended by E.O. 12038, requires that before an electric transmission facility may be constructed, operated, maintained, or connected at the U.S. international border, a Presidential permit must be issued by DOE. E.O. 10485 provides that DOE may issue a Presidential permit upon finding issuance of the permit to be consistent with the public interest and after obtaining favorable recommendations from the U.S. Departments of State and Defense. In determining whether issuance of a Presidential permit would be consistent with the public interest, DOE considers the potential environmental impacts of the proposed project pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4371 *et seq.,* the impact of the proposed project' on electric reliability (including whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions), and considers any other factors that DOE may find relevant to the public interest. The regulations implementing E.O. 10485 have been codified at 10 CFR 205.320–205.329. DOE's issuance of a Presidential permit would not mandate that the project be undertaken.

On October 14, 2010, the Applicant applied to DOE for a Presidential permit to construct, operate, maintain, and connect a high-voltage direct current (HVDC) transmission line across the U.S.-Canada border. After due consideration of the nature and extent of the proposed project, DOE determined that the appropriate level of NEPA review is an EIS and, published an NOI on February 11, 2011 (76 FR 7828). On February 15, 2011, Northern Pass submitted an addendum updating and supplementing its Presidential permit application in certain respects, such as: The preferred border crossing location, routing information and potential environmental impacts. On April 12, 2011, Northern Pass submitted a letter to DOE withdrawing support for certain alternatives and requesting an extension of the scoping period. On April 15, 2011, DOE issued a notice in the **Federal Register** (76 FR 21338) reopening the public scoping period for 60 additional days, until June 14, 2011. On June 15, 2011, DOE issued a notice in the **Federal Register** reopening the scoping period until further notice (76 FR 34969). On July 1, 2013, Northern Pass submitted an amended Presidential permit application to DOE, as described below.

Applicant's Proposal

Northern Pass' amended application, replaces the application that Northern Pass submitted on October 14, 2010, and supplemented on February 15, 2011, and April 12, 2011. In the amended application, Northern Pass proposes to construct and operate a primarily overhead HVDC electric transmission line that would originate at an HVDC converter station to be constructed at the Des Cantons Substation in Québec, Canada, then would be converted from HVDC to alternating current (AC) in Franklin, NH, and would continue to its southern terminus in Deerfield, NH (collectively the ''proposed Project''). The proposed facilities would be capable of transmitting up to 1200 megawatts (MW) of power.

The New Hampshire portion of the proposed Project would be a single circuit 300 kilovolt (kV) HVDC transmission line running approximately 153 miles from the U.S. border crossing with Canada near the community of Pittsburg, NH, to a new HVDC-to-AC transformer facility to be constructed in Franklin, NH. From Franklin, NH, to the Project terminus at the Public Service Company of New Hampshire's existing Deerfield Substation located in Deerfield, NH, the proposed Project would consist of 34 miles of 345-kV AC electric transmission line. The total length of the proposed Project would be approximately 187 miles.

The amended proposed route for the proposed Project remains largely unchanged from the application submitted on October 14, 2010, for the Central and Southern sections, but has been substantially reconfigured for the Northern section. Maps of these route sections are available on the DOE EIS Web site at *www.northernpasseis.us.* The amended proposed route continues to maximize the use of the existing right-of-way (ROW) in all sections.

The majority of the Northern section of the amended proposed route has been moved to a less populated area on properties that Renewable Properties, Inc., an affiliate of Northern Pass, has purchased, leased, or obtained an easement on from landowners. The amended proposed route includes the use of additional existing ROW in the towns of Dummer, Stark, and

Northumberland, NH. It also includes two underground segments: 2,300 feet and 7.5 miles in the towns of Pittsburg/Clarksville and Clarksville/Stewartstown, NH, respectively.

In the Southern section, Northern Pass previously indicated that a deviation from the existing ROW would be necessary if the Federal Aviation Administration (FAA) requirements could not be met to locate the proposed transmission line in the existing ROW around Concord Airport. In its amended application, Northern Pass states that it has determined that the proposed Project can meet the necessary FAA requirements, and the amended proposed route reflects that the proposed Project would follow the existing ROW near the Concord Airport.

The amended application also notes key developments since Northern Pass' original application filing, including additional information about the potential environmental, historical, and cultural impacts of the proposed Project, information about the transmission structure locations and heights along the entire proposed route, and discussion of certain alternatives suggested through public comment.

Notice of Floodplains and Wetlands Involvement

Because the proposed Federal action may involve floodplains and wetlands, in accordance with 10 CFR Part 1022, *Compliance with Floodplain and Wetland Environmental Review Requirements,* as part of the analysis of impacts, DOE will conduct field delineation of floodplains and wetlands along Northern Pass' proposed amended route and, as applicable, any reasonable alternatives, using state and federal protocols and consulting Federal Emergency Management Agency Flood Insurance Rate Maps. The EIS will include a floodplains and wetlands assessment, as appropriate, and the final EIS or record of decision will include a floodplains statement of findings.

Previous Public Scoping

The public scoping period has remained open for comment almost continuously since the NOI was published on February 11, 2011. Most recently, on June 15, 2011, the Department announced a reopening of the public scoping period, in anticipation of additional route information being provided by Northern Pass, and stated that the scoping period would remain open until the Department provided further notice of its closing. (76 FR 34969; June 15, 2011). To date, the Department has received over 3,000 scoping comments. Commenters have expressed concerns over a broad range of topics, including, but not limited to, the range of alternatives to be considered in the EIS, potential socioeconomic impacts in the region, potential visual impacts, the agencies' purpose and need, the NEPA process, potential impacts to wildlife, and potential impacts to tourism. DOE held public scoping meetings from March 14 through March 20, 2011, in Pembroke, Franklin, Lincoln, Whitefield, Plymouth, Colebrook, and Haverhill, NH. DOE will consider these comments, as well as those submitted during the duration of the scoping period. In addition, DOE will consider comments submitted after the close of the scoping period to the extent practicable. Information on additional public scoping meetings can be found below in the Public Scoping Process for the Amended Application section.

Agency Purpose and Need, Proposed Action, and Alternatives

The purpose and need for DOE's action is to decide whether to grant a Presidential permit for the Northern Pass Project. DOE's proposed Federal action is the granting of the Presidential permit for the construction, operation, maintenance, and connection of the proposed new electric transmission line across the U.S.-Canada border in New Hampshire. The EIS will analyze potential environmental impacts of the proposed Federal action, reasonable alternatives, and the No Action Alternative. Under the No Action Alternative, DOE would deny the Northern Pass application for a Presidential permit.

DOE invites Tribal governments and Federal, state, and local agencies with jurisdiction by law or special expertise with respect to environmental issues to be cooperating agencies in the preparation of the EIS, pursuant to 40 CFR 1501.6. Cooperating agencies have certain responsibilities to support the NEPA process, as specified at 40 CFR 1501.6(b). The U.S. Forest Service—White Mountain National Forest, U.S. Army Corps of Engineers—New England District, and U.S. Environmental Protection Agency—Region 1 (New England) are cooperating agencies.

Where the activity involves the discharge of dredged or fill material into waters of the United States, a permit from the Army Corps of Engineers is required pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Army Corps of Engineers regulations provide for concurrent decision making with states, and combining insofar as possible processes and procedures, including public involvement procedures, and the review of public interest factors (33 CFR 320.4(a)(1)) leading to a Section 404 Permit decision. The Army Corps of Engineers General Regulatory Policies can be found at 33 CFR Part 320.

The Forest Service is evaluating whether to issue a special use permit to Northern Pass to construct, operate, and maintain a new electric transmission line in the White Mountain National Forest. The EIS will provide the analysis needed to support a Forest Service decision and will be consistent with Forest Service NEPA regulations found at 36 CFR Part 220. In addition, the EIS will identify Forest Plan management direction that would apply to this project, and determine whether the proposed action or any alternative would require a site-specific Forest Plan amendment.

USFS Objections Process

The proposed project is an activity implementing a land management plan that is subject to the objection process described in 36 CFR part 218 Subparts A and B. The public is encouraged to provide specific written comments on this proposal, including supporting reasons for the responsible official to consider. Specific written comments are within the scope of and have a direct relationship to the proposed action. Transcripts of oral comments meeting these criteria and presented at official scoping meetings will be considered specific written comments. Written comments will be accepted for 60 calendar days following this publication of the amended notice of intent in the **Federal Register**. This publication is the exclusive means for calculating the comment period.

It is the responsibility of persons providing comments to submit them by the close of the scoping comment period. Only those who submit timely and specific written comments during a designated opportunity for public participation, including this scoping period or the comment period associated with the Draft EIS, will have eligibility to file an objection under § 218.8. For objection eligibility, each individual or representative from each entity submitting timely and specific written comments must either sign the comment or verify identity upon request. Individuals and organizations wishing to be eligible to object must meet the information requirements in § 218.25(a)(3). Names and contact information submitted with comments will become part of the public record and may be released under the Freedom of Information Act.

Section 106 Review

As outlined in 36 CFR Part 800, ''Protection of Historic Properties,'' DOE will comply with Section 106 of the National Historic Preservation Act of 1966, as amended, (NHPA) as a separate, but parallel, process to the NEPA process. DOE will provide information about its compliance with Section 106 of the NHPA in subsequent **Federal Register** notices.

Public Scoping Process for the Amended Application

Interested parties are invited to participate in the scoping process, both to help define the environmental issues to be analyzed and to identify the range of reasonable alternatives. Both oral and written comments will be considered and given equal weight, regardless of how submitted. Written comments can be submitted either electronically or by paper copy; if the latter, consider using a delivery service because materials submitted by regular mail often arrive damaged. (Warped and unusable CD or DVD discs are common.) Additionally, comments can be submitted through the project Web site at *www.northernpasseis.us.* This site will also serve as a repository for all public documents and the central location for announcements. Individuals may subscribe to the ''email list'' feature on the project Web site in order to receive future announcements and news releases.

As part of the scoping process, DOE will hold the following additional scoping meetings:

1. Concord, NH, Grappone Conference Center, 70 Constitution Avenue, Monday, September 23, 2013, 6–9 p.m.;
2. Plymouth, NH, Plymouth State University, Silver Center for the Arts, Hanaway Theater, 17 High Street, Tuesday, September 24, 2013, 5–8 p.m.;
3. Whitefield, NH, Mountain View Grand Resort & Spa, Presidential Room, 101 Mountain View Road, Wednesday, September 25, 2013, 5–8 p.m.; and
4. West Stewartstown, NH, The Outback Pub at The Spa Restaurant, 869 Washington Street, Thursday, September 26, 2013, 5–8 p.m.

If assistance is needed to participate in any of the DOE scoping meetings (e.g., qualified interpreter, computer-aided real-time transcription), please submit a request for auxiliary aids and services to DOE by September 16, 2013 by contacting Brian Mills as described in the **ADDRESSES** section above.

The scoping meetings will be structured in two parts: First, an open house portion for the initial 30 minutes of each meeting that will not be recorded; and second, a formal commenting session for the remainder of each meeting, during which oral comments will be transcribed by a stenographer. The meetings will provide interested parties the opportunity to view exhibits on the proposed Project and provide scoping comments. The Applicant will be available to answer questions and provide information to attendees. Meeting attendees are not permitted to bring in any items that may be disruptive to the meeting, and therefore interfere with the public's right to participate in the NEPA process. Each venue reserves the right to restrict any such unpermitted items.

Persons submitting comments during the scoping process, whether orally or in writing, will be added to the mailing list to receive either paper or electronic copies of the Draft EIS, according to their preference. Persons who do not wish to submit comments or suggestions at this time, but who would like to receive a copy of the Draft EIS for review and comment when it is issued, should notify Brian Mills, as provided in the **ADDRESSES** section above, with their paper-or-electronic preference.

DOE will summarize comments received in a ''Scoping Report'' that will be available on the project Web site.

EIS Preparation and Schedule

Following completion of the Scoping Report, DOE will prepare the Draft EIS, taking into consideration comments received during the scoping period. DOE plans to issue the Draft EIS in 2014. After DOE issues the Draft EIS, the EPA will publish a notice of availability (NOA) of the Draft EIS in the **Federal Register**, which will begin a minimum 45-day public comment period. DOE will announce how to comment on the Draft EIS and will hold at least one public hearing during the public comment period. In preparing the Final EIS, DOE will respond to comments received on the Draft EIS. DOE plans to issue the Final EIS in 2015. No sooner than 30 days after the EPA publishes a NOA of the Final EIS, DOE will issue its Record of Decision.

Issued in Washington, DC, on August 29, 2013.

Patricia A. Hoffman,

Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2013–21778 Filed 9–5–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Certification Notice—225]

Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On August 5, 2013, Garrison Energy Center, LLC, an indirect, wholly-owned subsidiary of Calpine Corporation of a new combined cycle electric powerplant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations in 10 CFR 501.60, 61. FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**. 42 U.S.C. 8311(d) and 10 CFR 501.61(c).

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to FUA in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new combined cycle electric powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: Garrison Energy Center, LLC.

Capacity: 309 megawatts (MW).

Plant Location: Kent County, Delaware.

In-Service Date: On or before June 1, 2015.

Issued in Washington, DC, on August 30, 2013.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2013–21779 Filed 9–5–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–17–000]

Commission Information Collection Activities (FERC–551); Comment Request

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collection FERC–551, Reporting of Flow Volume and Capacity by Interstate Natural Gas Pipelines, to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (78 FR 36176, 6/17/2013) requesting public comments. FERC received no comments on the FERC–551 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by October 7, 2013.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0243, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. IC13–17–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: Reporting of Flow Volume and Capacity by Interstate Natural Gas Pipelines.

OMB Control No.: 1902–0243.

Type of Request: Three-year extension of the FERC–551 information collection requirements with no changes to the reporting requirements.

Abstract: Interstate pipelines are required to post on their Web sites the volumes of no-notice service flows [1] at each receipt and delivery point before 11:30 a.m. central clock time three days after the day of gas flow.

FERC implemented Order Nos. 720 and 720–A to comply with the Energy Policy Act of 2005 (''EPAct 2005'') and specifically Section 23 of EPAct 2005, which amended the NGA to direct FERC to ''facilitate price transparency in markets for the sale or transportation of physical natural gas in interstate commerce.'' On October 24, 2011, the United States Court of Appeals for the Fifth Circuit issued a decision granting the Texas Pipeline Association and the Railroad Commission's petition for review and vacating FERC's Order Nos. 720 and 720–A. In its order, the 5th Circuit held that Order Nos. 720 and 720–A exceeded the scope of FERC' authority under the Natural Gas Act of 1938 and FERC could not require intrastate natural gas pipelines to post the information. However, the court's decision did not disrupt the reporting and posting obligations of interstate natural gas pipelines.[2]

Type of Respondents: Interstate Natural Gas Pipelines.

Estimate of Annual Burden: [3] The Commission estimates the total Public Reporting Burden for this information collection as:

FERC–551: REPORTING OF FLOW VOLUME AND CAPACITY BY INTERSTATE NATURAL GAS PIPELINES

Number of respondents (A)	Number of annual responses per respondent (B)	Total number responses (A)×(B)=(C)	Estimated burden hours per response (D)	Estimated total annual burden (C)×(D)
101	366	36,966	[4] 0.5	18,483

The total estimated annual cost burden to respondents is $1,040,038 [18,483 hours * $56.27/hour [5] = $1,040,038]

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used;

[1] *See* 18 CFR 284.7(a)(4) (requiring pipelines to provide no-notice service).

[2] Order Granting Motion to Clarify Opinion, *Texas Pipelines Ass'n* v. *FERC,* 661 F.3d 258 (Dec. 20. 2011).

[3] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

[4] In the prior notice regarding this collection, FERC used 183 burden hours per response, and the assumption of one response per year. In this notice we show the burden to a more detailed level, indicating that there is one response per day per respondent. We use 366 days as this keeps the total burden hour figure consistent with the prior notice.

[5] This figure includes wages plus benefits and comes from the Bureau of Labor Statistics Management Analyst category (13–1111) (*http://bls.gov/oes/current/naics2_22.htm* and *http://www.bls.gov/news.release/ecec.nr0.htm*).

(3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 29, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21669 Filed 9–5–13; 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: RP13–1276–000.
Applicants: Texas Eastern Transmission, LP.
Description: Statoil 8929736 9–1–2013 Negotiated Rate to be effective 9/1/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5047.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1277–000.
Applicants: Natural Gas Pipeline Company of America.
Description: FPLE Forney Negotiated Rate to be effective 9/1/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5061.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1278–000.
Applicants: Southeast Supply Header, LLC.
Description: Negotiated Rate Clean Up Filing to be effective 9/30/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5063.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1279–000.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: August 29, 2013 Clean-up Filing to be effective 9/30/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5065.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1280–000.
Applicants: Texas Eastern Transmission, LP.
Description: 2013 Operational Entitlements Filing.
Filed Date: 8/29/13.
Accession Number: 20130829–5074.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1281–000.
Applicants: Natural Gas Pipeline Company of America.
Description: EDF Negotiated Rate FTS to be effective 9/1/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5086.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1282–000.
Applicants: Southeast Supply Header, LLC.
Description: SESH Pass Through of Negotiated Usage and Fuel Rates to be effective 10/1/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5105.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1283–000.
Applicants: Dominion Transmission, Inc.
Description: DTI—Volume No. 2 Rate Schedule Cancellations and Related Changes to be effective 9/30/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5151.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1284–000.
Applicants: Equitrans, L.P.
Description: 115SS and 60SS Variable Storage Contract Demand Filing to be effective 9/30/2013.
Filed Date: 8/30/13.
Accession Number: 20130830–5001.
Comments Due: 5 p.m. ET 9/11/13.

Docket Numbers: RP13–1285–000.
Applicants: Stingray Pipeline Company, L.L.C.
Description: Stingray Pipeline Company, L.L.C. submits Events Surcharge tracker.
Filed Date: 8/29/13.
Accession Number: 20130829–5194.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–1286–000.
Applicants: Petrohawk Energy Corporation, HK Energy Marketing, LLC.
Description: Joint Petition of Petrohawk Energy Corporation and HK Marketing, LLC for Temporary Waivers of Capacity Release Regulations and Policies, and Request for Shortened Comment Period and Expedited Treatment.
Filed Date: 8/29/13.
Accession Number: 20130829–5195.
Comments Due: 5 p.m. ET 9/6/13.

Docket Numbers: RP13–1287–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: Hurricane Surcharge Filing on 8–30–13 to be effective 10/1/2013.
Filed Date: 8/30/13.
Accession Number: 20130830–5014.
Comments Due: 5 p.m. ET 9/11/13.

Docket Numbers: RP13–1288–000.
Applicants: Texas Gas Transmission, LLC.
Description: Neg Rate Agmts related to permanent and temporary capacity releases to be effective 9/1/2013.
Filed Date: 8/30/13.
Accession Number: 20130830–5015.
Comments Due: 5 p.m. ET 9/11/13.

Docket Numbers: RP13–1289–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Fuel Filing on 8–30–13 to be effective 10/1/2013.
Filed Date: 8/30/13.
Accession Number: 20130830–5018.
Comments Due: 5 p.m. ET 9/11/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP08–257–000.
Applicants: Saltville Gas Storage Company L.L.C.
Description: Petition to Amend Stipulation and Agreement and Motion for Shortened Answer Period and Request for Expedited Action of Saltville Gas Storage Company L.L.C.
Filed Date: 8/28/13.
Accession Number: 20130828–5195.
Comments Due: 5 p.m. ET 9/4/13.

Docket Numbers: RP13–545–001.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: EP2DART Conversion to be effective 10/1/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5118.
Comments Due: 5 p.m. ET 9/10/13.

Docket Numbers: RP13–556–004.
Applicants: Gulf Shore Energy Partners, LP.
Description: Gulf Shore Energy Partners, LP GAS TARIFF ORIGINAL VOLUME NO. 1—Compliance to be effective 8/28/2013.
Filed Date: 8/29/13.
Accession Number: 20130829–5062.
Comments Due: 5 p.m. ET 9/10/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 30, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–21731 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Docket Numbers: EC13–128–000.
Applicants: Silver Merger Sub, Inc., Nevada Power Company, Sierra Pacific Power Company, NV Energy, Inc.
Description: Supplemental Informational Filing of Silver Merger Sub, Inc., et al.
Filed Date: 8/27/13.
Accession Number: 20130827–5144.
Comments Due: 5 p.m. ET 9/10/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2609–005; ER10–2604–003; ER10–2603–003; ER10–2602–006; ER10–2606–005.
Applicants: Escanaba Paper Company, Luke Paper Company, Rumford Paper Company, NewPage Energy Services, LLC, Consolidated Water Power Company.
Description: Supplement to July 8, 2013 Notice of non-material change status of NewPage Corporation, et al.
Filed Date: 8/28/13.
Accession Number: 20130828–5114.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2267–000.
Applicants: Southwest Power Pool, Inc.
Description: 2045R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5090.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2268–000.
Applicants: Southwest Power Pool, Inc.
Description: 1978R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5091.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2269–000.
Applicants: Southwest Power Pool, Inc.
Description: 1897R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5101.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2270–000.
Applicants: Southwest Power Pool, Inc.
Description: 2066R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5113.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2271–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits 2390R1 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5116.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2272–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits 2166R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5117.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2273–000.
Applicants: Sky River LLC.
Description: Sky River LLC submits Sky River LLC Revisions to Attachment C of its OATT to be effective 10/7/2011.
Filed Date: 8/28/13.
Accession Number: 20130828–5121.
Comments Due: 5 p.m. ET 9/18/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–21733 Filed 9–5–13; 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: ER13–2274–000.
Applicants: Southwest Power Pool, Inc.
Description: 2439R1 Kansas Municipal Energy Agency NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5150.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2275–000.
Applicants: Southwest Power Pool, Inc.
Description: 2491R1 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5159.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2276–000.
Applicants: Southwest Power Pool, Inc.
Description: 2415R1 Kansas Municipal Energy Agency NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5181.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2278–000.
Applicants: Southern California Edison Company.
Description: Southern California Edison Company Cancels Four Rate Schedules Related to the Four Corners Project (RS Nos. 47, 48, 282, and 461).
Filed Date: 8/28/13.
Accession Number: 20130828–5194.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2279–000.
Applicants: Snowflake Power, LLC.
Description: Snowflake Power, LLC submits notice of cancellation of its market based rate.
Filed Date: 8/12/13.
Accession Number: 20130812–0026.
Comments Due: 5 p.m. ET 9/9/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 29, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–21728 Filed 9–5–13; 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: RP13–1272–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: BG Negotiated Rate Update to be effective 9/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5092.
Comments Due: 5 p.m. ET 9/9/13.

Docket Numbers: RP13–1273–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Cap Rel Neg Rate Agmt (QEP 37657 to BP 41249) to be effective 9/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5100.
Comments Due: 5 p.m. ET 9/9/13.

Docket Numbers: RP13–1274–000.
Applicants: Texas Eastern Transmission, LP.
Description: ConocoPhillips September 2013 Releases to be effective 9/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5163.
Comments Due: 5 p.m. ET 9/9/13.

Docket Numbers: RP13–1275–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Volume No. 2—MGI Supply, LTD to be effective 9/1/2013.
Filed Date: 8/28/13.
Accession Number: 20130828–5167.
Comments Due: 5 p.m. ET 9/9/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 29, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–21730 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–140–000.
Applicants: American Electric Power Service Corporation, Public Service Company of Oklahoma.
Description: Application of American Electric Power Service Corporation, on behalf of PSC of Oklahoma, under Section 203 of the Federal Power Act to acquire interconnection facilities and request for expedited consideration and certain waivers.
Filed Date: 8/27/13.
Accession Number: 20130827–5237.
Comments Due: 5 p.m. ET 9/17/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1355–001.
Applicants: Southern California Edison Company.
Description: Change in Status of Southern California Edison Company.
Filed Date: 8/28/13.
Accession Number: 20130828–5021.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2073–000.
Applicants: Source Power & Gas LLC.
Description: Supplemental Information of Source Power & Gas LLC.
Filed Date: 8/27/13.
Accession Number: 20130827–5239.
Comments Due: 5 p.m. ET 9/17/13.

Docket Numbers: ER13–2259–000.
Applicants: Southwest Power Pool, Inc.
Description: 1893R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/27/13.
Accession Number: 20130827–5177.
Comments Due: 5 p.m. ET 9/17/13.

Docket Numbers: ER13–2260–000.
Applicants: ABC Energy, LLC.
Description: Baseline new to be effective 8/28/2013.
Filed Date: 8/27/13.
Accession Number: 20130827–5178.
Comments Due: 5 p.m. ET 9/17/13.

Docket Numbers: ER13–2261–000.
Applicants: Southwest Power Pool, Inc.
Description: 1894R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/27/13.
Accession Number: 20130827–5189.
Comments Due: 5 p.m. ET 9/17/13.

Docket Numbers: ER13–2262–000.
Applicants: Southwest Power Pool, Inc.
Description: 1896R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/27/13.
Accession Number: 20130827–5192.
Comments Due: 5 p.m. ET 9/17/13.

Docket Numbers: ER13–2263–000.
Applicants: ITC Midwest LLC.
Description: Concurrence with IPL Amended Exhibits and Attachments to O&T to be effective 10/22/2013.
Filed Date: 8/27/13.
Accession Number: 20130827–5196.
Comments Due: 5 p.m. ET 9/17/13.

Docket Numbers: ER13–2264–000.
Applicants: Southwest Power Pool, Inc.
Description: 1895R2 Westar Energy, Inc. NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/27/13.
Accession Number: 20130827–5203.
Comments Due: 5 p.m. ET 9/17/13.

Docket Numbers: ER13–2265–000.
Applicants: Southern California Edison Company.
Description: Eldorado-Moenkopi 500 kV Transmission Line Interconnection Agmt with APS to be effective 12/31/9998.
Filed Date: 8/28/13.
Accession Number: 20130828–5001.
Comments Due: 5 p.m. ET 9/18/13.

Docket Numbers: ER13–2266–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc. Winter Reliability Bid Results.
Filed Date: 8/26/13.
Accession Number: 20130826–5276.
Comments Due: 5 p.m. ET 9/9/13.

The filings are accessible in the Commission's eLibrary system by

clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–21732 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice Of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–141–000
Applicants: Niagara Generation, LLC
Description: Application for Authorization of Transaction Under Section 203 of the Federal Power Act of Niagara Generation, LLC.
Filed Date: 8/29/13
Accession Number: 20130829–5111
Comments Due: 5 p.m. ET 9/19/13

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–2280–000
Applicants: Tucson Electric Power Company
Description: Cancellation of First Revised Rate Schedule No. 308 to be effective 5/13/2013.
Filed Date: 8/29/13
Accession Number: 20130829–5085
Comments Due: 5 p.m. ET 9/19/13

Docket Numbers: ER13–2281–000
Applicants: Southwest Power Pool, Inc.
Description: 1765R6 KCP&L–GMO NITSA and NOAs to be effective 8/1/2013.
Filed Date: 8/29/13
Accession Number: 20130829–5096
Comments Due: 5 p.m. ET 9/19/13

Docket Numbers: ER13–2282–000
Applicants: Southwest Power Pool, Inc.
Description: 2551R1 Kansas Municipal Energy Agency NITSA and NOA to be effective 8/1/2013.
Filed Date: 8/29/13
Accession Number: 20130829–5112
Comments Due: 5 p.m. ET 9/19/13

Docket Numbers: ER13–2283–000
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits Second Quarter 2013 Updates to PJM OA Schedule 12 and RAA Schedule 17 to be effective 6/30/2013.
Filed Date: 8/29/13
Accession Number: 20130829–5150
Comments Due: 5 p.m. ET 9/19/13

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 29, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–21729 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3030–019]

Antrim County; Notice of Intent To Prepare an Environmental Assessment and Notice of Scoping Meeting and Environmental Site Review and Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent license.

b. *Project No.:* P–3030–019.

c. *Date filed:* December 21, 2012.

d. *Applicant:* Antrim County.

e. *Name of Project:* Elk Rapids Hydroelectric Project.

f. *Location:* On the Elk River in the village of Elk Rapids in Antrim, Grand Traverse, and Kalkaska counties, Michigan. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)—825(r).

h. *Applicant Contact:* William Stockhausen, Elk Rapids Hydroelectric Power, LLC, 218 West Dunlap Street, Northville, MI 48167; or at (248) 349–2833.

i. *FERC Contact:* Lee Emery at (202) 502–8379 or by email at *lee.emery@ferc.gov.*

j. *Deadline for filing scoping comments:* October 21, 2013.

The Commission strongly encourages electronic filing. Please file scoping comments using the Commission's eFiling system at *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,* (866) 208–3676 (toll free), or (202) 502–8650(TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The first page of any filing should include docket number P–3030–019.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. The existing Elk Rapids Hydroelectric Project is located on the Elk River in Antrim, Grand Traverse, and Kalkaska counties, Michigan. The project consists of: (1) two impoundments, the 2,560-acre Skegemog Lake and the 7,730-acre Elk Lake; (2) a 121-foot-long, 52-foot-high, 26-foot-wide existing powerhouse that spans the main channel of the Elk River, with an operating head of 10.5 feet, (3) a 24-foot-high, one-story superstructure; (4) a substructure that includes the

intakes and turbine pits, which are about 13-foot-high; (5) a 13-foot-high concrete foundation located below the substructure that incorporates the draft tubes; (6) four intake bays, each 22-feet wide with sliding head gates at the powerhouse wall; (7) two Francis turbines, each with an installed capacity of 350 kilowatts; (8) intake trash racks having a 1.75-inch clear bar spacing; (9) a 14-foot wide overflow spillway located about 400 feet south of the powerhouse, which consists of two adjacent concrete drop structures, each with 7-foot-long stop logs to control the lake level, with each drop structure leading to a 62.5-foot-long by 4.5-foot diameter culvert that passes under Dexter Street; (10) two turbine gates used to spill excess water through the two intake bays that do not contain turbines and generating units; (11) a 4,160-kilovolt (kV) line that extends about 30 feet from the powerhouse to a 20-foot by 30-foot substation enclosure; (12) a 50-foot-long underground 12.5-kV transmission line to connect the project substation to the local utility distribution lines; and (13) other appurtenant facilities.

The project operates in a run-of-river mode and the water surface elevation is maintained at 590.8 feet Elk Rapids dam gage datum from April 15 through November 1 and at 590.2 feet Elk Rapids dam gage datum from November 1 through April 15. The average annual generation is about 2,422 megawatt-hours.

Antrim County is not proposing any new construction or any changes in existing project operations.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Scoping Process.* The Commission intends to prepare an environmental assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one agency scoping meeting and one public meeting. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Agency Scoping Meeting

Date: Thursday, September 19, 2013.
Time: 10:00 a.m. (local time).
Place: Elk Rapids Governmental Center, Village Council Chamber.
Address: 315 Bridge Street, Elk Rapids, Michigan 49629.

Public Scoping Meeting

Date: Thursday, September 19, 2013.
Time: 7:00 p.m. (local time).
Place: Elk Rapids Police Department, Old Council Chamber.
Address: 321 Bridge Street, Elk Rapids, Michigan 49629.

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of SD1 will be available at the scoping meeting or may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link (see item m above).

Environmental Site Review

The applicant and FERC staff will conduct a project Environmental Site Review beginning at 1:00 p.m. (local time) on September 19, 2013. All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the south entrance to the Elk River Project powerhouse located on the west side of Dexter Street, between Dam Road and Harbor Drive, in Elk Rapids, Michigan. All participants are responsible for their own transportation to the site. Anyone with questions about the Environmental Site Review should contact Mr. Mark Stone of Antrim County at (231) 533–6265.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meetings and to assist the staff in defining and clarifying the issues to be addressed in the EA.

Dated: August 29, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21667 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2277–023]

Union Electric Company (dba Ameren Missouri); Notice of Availability of Final Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (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 Taum Sauk Pumped Storage Project (FERC Project No. 2277), located on the East Fork of the Black River in Reynolds County, Missouri, and prepared a final environmental assessment (EA).

In the final EA, Commission staff analyzes the potential environmental effects of licensing the project, and concludes that issuing a new license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the final EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *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 *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.

For further information, please contact Janet Hutzel by telephone at (202) 502–8675, or by email at *janet.hutzel@ferc.gov.*

Dated: August 29, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21666 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF13–15–000]

Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Planned Ohio Pipeline Energy Network Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Ohio Pipeline Energy Network Project (Project) involving construction and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in Belmont, Carroll, Columbiana, Jefferson, and Monroe Counties, Ohio. The Commission will use this EA in its decision-making process to determine whether the Project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on September 30, 2013.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. In lieu of or in addition to sending written comments, the Commission invites you to attend either of the FERC public scoping meetings scheduled for the Project as follows:

Monday, September 16, 2013, 7:00 PM EDT,
Edison High School, 9890 State Route 152, Richmond, OH 43944.

Tuesday, September 17, 2013, 7:00 PM EDT,
J.B. Martin Recreation Center, 102 Fair Avenue, St. Clairsville, OH 43650.

The public meetings are designed to provide you with more detailed information and another opportunity to offer your comments on the planned project. Texas Eastern representatives will be present one hour before each meeting to describe their proposal, present maps, and answer questions. Interested groups and individuals are encouraged to attend the meetings and to present comments on the issues they believe should be addressed in the EA. A transcript of each meeting will be made so that your comments will be accurately recorded.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this planned Project and encourage them to comment on their areas of concern. If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Texas Eastern plans to expand its existing Texas Eastern system by constructing 73.44 miles of new 30-inch-diameter pipeline to provide additional natural gas transportation to markets in the Midwest, Southeast, and Gulf Coast. The planned Project would provide an additional 550,000 dekatherms per day of natural gas from Texas Eastern's proposed Kensington Receipt Meter and Regulator Station in Columbiana County, Ohio to the proposed terminus where it would tie into Texas Eastern Lines 25 and 30.

The Project would include construction and operation of the following facilities:

- Approximately 73.44 miles of new 30-inch-diameter natural gas pipeline in Belmont, Carroll, Columbiana, Jefferson, and Monroe Counties, Ohio;
- One new compressor station and one new meter & regulator station in Jefferson County, Ohio;
- Two new meter & regulator stations in Columbiana County, Ohio;
- One new regulator station in Monroe County, Ohio;
- Modifications to existing compressor stations to allow bi-directional flow on Texas Eastern's system in Scioto County, OH, Monroe County, KY, Hinds and Jefferson Counties, MS, and West Feliciana Parish, LA; and
- Other appurtenant and ancillary facilities.

The general location of the Project facilities is shown in Appendix 1.[1]

Texas Eastern plans to file an application with FERC in January of 2014, and to initiate construction of the Project in February 2015 and complete construction in November 2015.

Land Requirements for Construction

Construction of the planned facilities would disturb about 1,300 acres of land for the pipeline and aboveground facilities.[2] Following construction, Texas Eastern would maintain about 445 acres for permanent operation of the Project's facilities; the remaining acreage would be restored and revert to former uses. About 46 percent, or 33.6 miles, of the proposed new pipeline would be collocated with an existing transmission line or pipeline corridors, maximizing the use of previously

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] Texas Eastern is still evaluating the need for temporary and permanent access roads; therefore, additional lands disturbed for these project components would be in addition to that reported within this notice.

disturbed rights-of-way to the extent practicable.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA, we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- Water resources;
- Wetlands and vegetation;
- Fish and wildlife;
- Threatened and endangered species;
- Land use, recreation, and visual resources;
- Air quality and noise;
- Cultural resources;
- Socioeconomics;
- Reliability and safety; and
- Cumulative environmental impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

Our independent analysis of the issues will be presented in the EA. The EA will be placed in the public record and, depending on the comments received during the scoping process, may be published and distributed to the public. A comment period will be allotted if the EA is published for review. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure your comments are considered, please carefully follow the instructions in the Public Participation section beginning on page 6.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this Project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently the U.S. Fish and Wildlife Service has expressed their intention to participate as a cooperating agency in the preparation of the EA to satisfy their NEPA responsibilities related to this Project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Ohio Historic Preservation Office, and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[5] We will define the Project-specific Area of Potential Effect in consultation with the State Historic Preservation Officer (SHPO) as the Project develops. On natural gas facility projects, the Area of Potential Effect at a minimum encompasses all areas subject to ground disturbance (examples include the construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Texas Eastern. This preliminary list of issues may change based on your comments and our analysis:

- Potential impacts on perennial and intermittent waterbodies, including waterbodies with federal and/or state designations/protections;
- Evaluation of temporary and permanent impacts on wetlands and the development of appropriate mitigation;
- Potential impacts on fish and wildlife habitat, including potential impacts on federally and state-listed threatened and endangered species;
- Potential effects on prime farmland and highly erodible soils;
- Potential visual effects of the aboveground facilities;
- Potential impacts and potential benefits of construction workforce on local housing, infrastructure, public services, and economy; and
- Impacts on air quality and noise associated with construction and operation of the Project.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before September 30, 2012. This is not your only public input opportunity; please refer to the Environmental Review Process flow chart in Appendix 2.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF13–15–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov*.

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings*. This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature located on the Commission's Web site (*www.ferc.gov*) under the link to

[3] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, § 1501.6.

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *''eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

Becoming an Intervenor

Once Texas Eastern files its application with the Commission, you may want to become an ''intervenor,'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., PF13–15). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

A Web site for the Project can be viewed at *http://qa.spectraenergy.com/Operations/New-Projects/Ohio-Pipeline-Energy-Network/*

To request additional information on the proposed Project or to provide comments directly to the Project sponsor, you can contact: Susan Waller, VP Stakeholder Outreach & Sustainability, Spectra Energy, 713.627.5372, *sdwaller@spectraenergy.com.*

Dated: August 29, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21670 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1910–002]

Guzman Power Markets, LLC; 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 Guzman Power Markets, 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 September 12, 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: August 29, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–21734 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13519–003]

Lock+ Hydro Friends Fund XIX, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 2, 2013, Lock+ Hydro Friends Fund XIX, 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 U.S. Army Corps of Engineers' (Corps) Claiborne Lock & Dam on the Alabama River near the town of Monroeville in Monroe County, Alabama. 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 concrete lined intake channel with a trash rack system; (2) a 166.5-foot-long, 165.2-foot-wide powerhouse containing two generating units with a total capacity of 22 megawatts; (3) a 250-foot-long, 165-foot-wide tailrace; (4) a 13.8/115 kilo-Volt (kV) substation; and (5) a 5.5-mile-long, 69kV transmission line. The proposed project would have an average annual generation of 145,850 megawatt-hours, and operate as directed by the Corps.

Applicant Contact: Mr. Wayne Krouse, Lock+ Hydro Friends Fund, LLC, 4900 Woodway, Suite 745 Houston, TX 77056; Phone: (877) 556–6566 ext. 709

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–13519) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: August 29, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–21668 Filed 9–5–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OEI–2013–0565; FRL -9535–9]

Proposed Information Collection Request; Comment Request; Confidentiality Rules (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Agency Information Collection Activities; Proposed Collection; Comment Request; Confidentiality Rules (Renewal)'' (EPA ICR No. 1665.12, OMB Control No. 2020–0003) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2014. 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.

DATES: Comments must be submitted on or before November 5, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OEI–2013–0565, online using *www.regulations.gov* (our preferred method), by email to *docket.oei@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, or information claimed to be Confidential Business Information (CBI).

FOR FURTHER INFORMATION CONTACT: Larry F. Gottesman, National Freedom of Information Act Officer, Collection Strategies Division, Office of Information Collection, (Mail Code 2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–566–2162; email address: *gottesman.larry@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In the course of administering environmental protection statutes, EPA collects data from ''businesses'' in many sectors of the U.S. economy. In many cases, ''businesses'' mark the data it submits to EPA as confidential business information (CBI). In addition, businesses submit information to EPA without the Agency requesting the information. EPA established the procedures described in 40 CFR Part 2, subparts A and B, to protect the confidentiality of information as well as the rights of the public to obtain access to information under the Freedom of Information Act (FOIA). In accordance with these regulations, when EPA finds it necessary to make a final confidentiality determination (e.g., in response to a FOIA request or in the course of rulemaking or litigation, a resubstantiation of a prior claim, or an advance confidentiality determination), it shall notify the affected business and provide an opportunity to submit a substantiation of confidentiality claims. This ICR relates to information EPA needs to collect to assist in determining whether previously submitted information is entitled to confidential treatment.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are businesses and other for-profit companies.

Respondent's obligation to respond: Required to obtain or retain a benefit, 5 USC Section 522 Freedom of Information Act.

Estimated number of respondents: 1,320.

Frequency of response: 1 per year.

Total estimated burden: 1,992 hours. Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $88,825.25 includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: As part of the ICR renewal process, EPA is obtaining usage for the past 12 months of each of the letters covered by this ICR to obtain up-to-date estimates. EPA anticipates that both usage and response rates will decrease.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–21707 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0336; FRL—9535–8]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Off-Site Waste and Recovery Operations (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Off-Site Waste and Recovery Operations (40 CFR Part 63, Subpart DD) (Renewal)'' (EPA ICR No. 1717.09, OMB Control No. 2060–0313), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through October 31, 2013. Public comments were previously requested via the **Federal Register** (78 FR 33409) on June 4, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 7, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0336, to: (1) EPA online, using *www.regulations.gov* (our preferred method), by email to: *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The NESHAP for Off-Site Waste and Recovery Operations were proposed on October 13, 1994, and promulgated on July 1, 1996. The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart DD.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None.

Respondents/affected entities: Offsite waste and recovery operations.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart DD).

Estimated number of respondents: 236 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 178,527 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

Total estimated cost: $17,467,998 (per year), includes $5,814 in either annualized capital or operation & maintenance costs.

Changes in the Estimates: The increase in burden from the most recently approved ICR is due to a mathematical correction in labor hours and to an increase in labor costs. This ICR uses rounded estimates of per-respondent technical hours to calculate both industry and agency burden. In addition, this ICR uses updated labor rates from the Bureau of Labor Statistics to calculate burden costs.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–21706 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0338; FRL—9535–7]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for the Manufacture of Amino/Phenolic Resins (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for the Manufacture of Amino/Phenolic Resins (40 CFR Part 63, Subpart OOO) (Renewal)'' (EPA ICR No. 1869.07, OMB Control No. 2060–0434), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) This is a proposed extension of the ICR, which is currently approved through October 31, 2013. Public comments were previously requested via the **Federal Register** (78 *FR* 33409) on June 4, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 7, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0338, to: (1) EPA online, using *www.regulations.gov* (our preferred method), by email to: *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The NESHAP for the Manufacture of Amino/Phenolic Resins were proposed on December 14, 1998, and promulgated on January 20, 2000. The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart OOO. Owners or operators of the affected facilities must submit a one-time only report of any physical or operational changes, initial performance tests, and periodic reports and results.

Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports are required semiannually at a minimum.

Form Numbers: None.

Respondents/affected entities: Amino/phenolic resins manufacturing facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart OOO).

Estimated number of respondents: 37 (total).

Frequency of response: Initially, occasionally, quarterly, semiannually, and annually.

Total estimated burden: 22,370 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

Total estimated cost: $2,202,893 (per year), includes $14,800 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an overall decrease in burden and cost for both the respondent and Agency. This is not due to any program changes. The burden decreased since the last ICR renewal due to a revision in the number of respondents. Based on recent industry data and Agency estimates, we have revised the number of affected sources from 40 to 37. This revision also resulted in a corresponding decrease in the total O&M costs.

In addition, this ICR corrects the Agency burden associated with the review of repeat performance tests. This ICR assumes that only 5 percent of respondents will conduct these tests.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–21705 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R05–OW–2009–0932; FRL–9536–1]

Information Collection Request Submitted to OMB for Review and Approval: Comment Request; Great Lakes Accountability System (Reinstatement)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), Great Lakes Accountability System (Reinstatement) (EPA ICR No. 2379.02, OMB Control No. 2005–0001) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a request to reinstate the ICR. Public comments were previously requested via the **Federal Register** (78 FR 21937) on April 12, 2013 during a 60-day comment period. No comments were received. This notice allows for an additional 30 days

for public comments. A more complete description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments must be submitted on or before October 7, 2013.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–R05–OW–2009–0932 to (1) EPA online using *www.regulations.gov* (our preferred method) or by mail to: Environmental Protection Agency, Great Lakes National Program Office, Attn: Rita Cestaric, 77 W. Jackson, Chicago, IL 60604 and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Rita Cestaric, Great Lakes National Program Office, Environmental Protection Agency, 77 W. Jackson, Chicago, IL 60604; telephone number: (312) 886–6815; fax number: (312) 697–2014; email address: *cestaric.rita@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Great Lakes National Program Office, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Abstract: In 2010, EPA, in concert with its federal partners, began implementation of the Great Lakes Restoration Initiative (GLRI) that was included in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Pub. L. 111–88) and subsequent appropriations. The GLRI invests funds in programs and projects strategically chosen to target the most significant environmental problems in the Great Lakes ecosystem. The legislation called for increased accountability for the GLRI and directed EPA to implement a process to track, measure, and report on progress. As part of this process, federal and non-federal entities receiving GLRI funds are required to submit detailed information on GLRI projects into the Great Lakes Accountability System (GLAS). The information is necessary to provide an accurate depiction of activities, progress, and results. Information is updated on a quarterly basis.

Form Numbers: None

Respondents/affected entities: Great Lakes Restoration Initiative Funding Recipients

Respondent's obligation to respond: Required for recipients of GLRI funds

Estimated number of respondents: 113

Frequency of response: Quarterly

Total estimated burden: 2,468 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $140,076.16 (per year), which includes no capital investment or operation & maintenance costs.

Changes in Estimates: There is a decrease of 18,195 hours in the total respondent burden compared with the previous ICR. Overall, EPA has a better understanding of how long it takes respondents to complete forms and historical data to project new respondents and active projects over the next three years. Additionally, (1) there is a decrease in the number of respondents due to overestimated figures in the previous information collection; (2) the number of active grants will continue to decrease, as projects are completed and fewer new grants are awarded; and (3) the lower burden hours reflect increased respondent familiarity with the GLAS and the information collection.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–21723 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2012–0679; FRL—9535–6]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (40 CFR Part 63, Subpart UUU) (Renewal)'' (EPA ICR No. 1844.06, OMB Control No. 2060–0554) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) This is a proposed extension of the ICR, which is currently approved through September 30, 2013. Public comments were previously requested via the **Federal Register** (77 FR 63813) on October 17, 2012, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before October 7, 2013.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2012–0690, to: (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2223A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's

public docket, visit *http://www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart UUU. Owners or operators of the affected facilities must submit initial notification, performance tests, and periodic reports, and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Form Numbers: None.

Respondents/affected entities: Owners or operators of petroleum refineries.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart UUU).

Estimated number of respondents: 123 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 10,237 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

Total estimated cost: $9,399,440 (per year), includes $8,398,136 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an adjustment decrease in the respondent and Agency labor hours in this ICR compared to the previous ICR. The decrease occurred because all sources have met the initial compliance requirement and, therefore, will not incur burden associated with initial notification and performance test during the three-year period of this ICR. The decrease also resulted from a reduction in the respondent universe from 132 to 123 major source facilities. The estimate was obtained from EPA's non-CBI Component 1 Section 114 ICR database and is based on 2010 data.

However, there is an overall increase in respondent labor costs due to an adjustment in labor rates. This ICR uses updated labor rates in calculating all costs. There is also an increase in the total O&M costs due to an update in the estimated number of sources.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2013–21704 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9010–9]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed 08/26/2013 Through 08/30/2013
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html*

EIS No. 20130256, Draft Supplement, USFWS, CA, Coachella Valley Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan, Comment Period Ends: 10/21/2013, Contact: Ken Corey 760–322–2070.

EIS No. 20130257, Final EIS, BLM, NV, Winnemucca District Proposed Resource Management Plan, Review Period Ends: 10/07/2013, Contact: Zwaantje Rorex 775–623–1727.

EIS No. 20130258, Final EIS, USFS, WI, Lakewood Southeast Project, Review Period Ends: 10/15/2013, Contact: Marilee Houtler 715–276–6333

EIS No. 20130259, Final EIS, FTA, MD, Purple Line Draft Section 4(f) Evaluation, Review Period Ends: 10/07/2013, Contact: Daniel Koenig 202–219–3528.

EIS No. 20130260, Draft EIS, BIA, NV, Moapa Solar Energy Center, Comment Period Ends: 10/14/2013, Contact: Amy Heuslein 602–379–7650

EIS No. 20130261, Draft Supplement, NPS, CA, Golden Gate National Recreation Area Draft Dog Management Plan, Comment Period Ends: 12/04/2013, Contact: Michael B. Edwards 303–969–2694.

EIS No. 20130262, Final EIS, USCG, NY, ADOPTION—Kosciuszko Bridge Project, Queens, Kings and Queens Counties, NY, Contact: Gary Kassof 212–668–7021.

The U.S. Coast Guard has adopted the U.S. Department of Transportation's Federal Highway Administration FEIS #20080517, filed 12/10/2008 with the USEPA. The USCG was a cooperating agency to the project. Recirculation of the EIS is not necessary under 1506.3(c) of the CEQ Regulations.

Amended Notices

EIS No. 20130223, Draft EIS, USACE, MO, St. Johns Bayou and New Madrid Floodway Project, Comment Period Ends: 11/25/2013, Contact: Joshua Koontz 901–544–3975.

Revision to FR Notice Published on 07/26/2013; Extending Comment Period from 09/09/2013 to 11/25/2013.

Dated: September 3, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–21793 Filed 9–5–13; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 12, 2013, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available) and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

OPEN SESSION

Approval of Minutes

- August 8, 2013

New Business

- Proposed Merger of Lone Star, ACA and Texas Land Bank, ACA
- Farmer Mac Capital Planning—Final Rule

Reports

- Quarterly Report on Economic Conditions and Farm Credit System Condition and Performance

CLOSED SESSION*

- Office of Examination Quarterly Report

Dated: September 4, 2013.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

*Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

[FR Doc. 2013–21854 Filed 9–4–13; 4:15 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

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. 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 PRA comments should be submitted on or before November 5, 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 contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov mailto:PRA@fcc.gov* and to *Cathy.Williams@fcc.gov mailto:Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0110.

Title: Application for Renewal of Broadcast Station License, FCC Form 303–S; Section 73.3555(d), Daily Newspaper Cross-Ownership.

Form Number: FCC Form 303–S.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities; Not for profit institutions; State, Local or Tribal Governments.

Number of Respondent and responses: 3,821 respondents, 3,821 responses

Obligation to Respond: Required to obtain benefits—Statutory authority for this collection of information is contained in Sections 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

Estimated Time per Response: 1.25–12 hours.

Frequency of Response: Every eight year reporting requirement; Third party disclosure requirement.

Total Annual Burden: 10,403 hours.

Total Annual Costs: $3,886,358.

Nature of Response: Required to obtain or retain benefits. The statutory authority for the collection is contained Sections 154(i), 303, 307 and 308 of the Communications Act of 1934, as amended, and Section 204 of the Telecommunications Act of 1996.

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: FCC Form 303–S is used in applying for renewal of license for commercial or noncommercial AM, FM, TV, FM translator, TV translator, Class A TV, or Low Power TV, and Low Power FM broadcast station licenses. Licensees of broadcast stations must apply for renewal of their licenses every eight years.

This collection also includes the third party disclosure requirement of 47 CFR Section 73.3580. This rule requires local public notice of the filing of the renewal application. For AM, FM, Class A TV and TV stations, these announcements are made on-the-air. For FM/TV Translators and AM/FM/TV stations that are silent, the local public notice is accomplished through publication in a newspaper of general circulation in the community or area being served.

47 CFR Section 73.3555 is also included in this information collection. Section 73.3555 states that in order to overcome the negative presumption set forth in 47 CFR Section 73.3555(d)(4) with respect to the combination of a major newspaper and television station, the applicant must show by clear and convincing evidence that the co-owned major newspaper and station will increase the diversity of independent news outlets and increase competition among independent news sources in the market, and the factors set forth in 47 CFR Section 73.3555(d)(5) will inform this decision. (OMB approval was previously received for the information collection requirements contained in this rule section (waiver showings/filings)).

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–21746 Filed 9–5–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501—3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden

for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before November 5, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Judith B. Herman, Federal Communications Commission, via the Internet at *Judith-b.herman@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1092.

Title: Interim Procedures for Filing Applications Seeking Approval for Designated Entity Reportable Eligibility Events and Annual Reports.

Form Numbers: FCC Forms 609–T and 611–T.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for profit institutions; and State, Local and Tribal Governments

Number of Respondents: 1,100 respondents; 2,750 responses.

Estimated Time per Response: .50 hours to 6 hours.

Frequency of Response: On occasion and annual reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 4(i), 308(b), 309(j)(3) and 309(j)(4).

Total Annual Burden: 7,288 hours.

Total Annual Cost: $1,494,625.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality. On a case by case basis, the Commission may be required to withhold from disclosure certain information about the location, character, or ownership of a historic property, including traditional religious sites.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) after this comment period to obtain the three year clearance from them. There is no change in the reporting requirements.

There is no change in the Commission's burden estimates. FCC Form 609–T is used by Designated Entities (DEs) to request prior Commission approval pursuant to Section 1.2114 of the Commission's rules for any reportable eligibility event. The data collected on the form is used by the FCC to determine whether the public interest would be served by the approval of the reportable eligibility event.

FCC Form 611–T is used by DE licensees to file an annual report, pursuant to Section 1.2110(n) of the Commission's rules, related to eligibility for designated entity benefits.

The information collected will be used to ensure that only legitimate small businesses reap the benefits of the Commission's designated entity program. Further, this nformation will assist the Commission in preventing companies from circumventing the objectives of the designated entity eligibility rules by allowing us to review: (1) the FCC 609–T applications seeking approval for ''reportable eligibility events'' and (2) the FCC Form 611–T annual reports to ensure that licensees receiving designated entity benefits are in compliance with the Commission's policies and rules.

OMB Control Number: 3060–0779.

Title: Sections 90.20(a)(1)(iii), 90.769, 90.767, 90.763(b)(l)(i)(a), 90.763(b)(l)(i)(B), 90.771(b) and 90.743, Rules for Use of the 220 MHz Band by the Private Land Mobile Radio Service.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Individuals or households, business or other for-profit entities, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 430 respondents; 430 responses.

Estimated Time per Response: 2 hours to 20 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection of information is contained in 47 U.S.C. sections 154(i), 303(g), 303(r) and 332(a).

Total Annual Burden: 5,886 hours.

Total Annual Cost: $93,200.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is a need for confidentiality.

Needs and Uses: The Commission will submit this expiring collection to the Office of Management and Budget (OMB) for approval. The Commission is requesting approval for an extension (no change in the previous reporting and/or third party disclosure requirements). The Commission is reporting a 17,547 hour reduction adjustment in burden and a $337,400 reduction in annual costs.

The collection includes rules to govern the future operation and licensing of the 220–222 MHz and (220 MHz service). In establishing this licensing plan, FCC's goal is to establish a flexible regulatory framework that allows for efficient licensing of the 220 MHz service, eliminates unnecessary regulatory burdens, and enhances the competitive potential of the 220 MHz service in the mobile service marketplace. However, as with any licensing and operational plan for a radio service, a certain number of regulatory and information burdens are necessary to verify licensee compliance with FCC rules.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–21709 Filed 9–5–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE & TIME: Tuesday, September 10, 2013 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g.

Matters concerning participation in civil actions or proceedings or arbitration.

Matters that relate solely to the Commission's internal personnel decisions, or internal rules and practices.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2013–21762 Filed 9–4–13; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 30, 2013.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Independent Bank Group, Inc.,* McKinney, Texas; to acquire 100 percent of the voting shares of Collin Bank, Plano, Texas.

Board of Governors of the Federal Reserve System, August 30, 2013.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2013–21656 Filed 9–5–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–R–38 and CMS–10116]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by October 7, 2013.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions:

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974 or Email: *OIRA_submission@omb.eop.gov*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement with change of a currently approved collection; *Title of Information Collection:* Conditions of Certification for Rural Health Clinics; *Use:* The Rural Health Clinic (RHC) conditions of certification are based on criteria prescribed in law and are designed to ensure that each facility has a properly trained staff to provide appropriate care and to assure a safe physical environment for patients. We use these conditions of participation to certify RHCs wishing to participate in the Medicare program. These requirements are similar in intent to standards developed by industry organizations such as the Joint Commission on Accreditation of Hospitals, and the National League of Nursing and the American Public Association and merely reflect accepted standards of management and care to which rural health clinics must adhere. *Form Number:* CMS–R–38 (OCN: 0938–0334); *Frequency:* Annually; *Affected Public:* Business or other for-profits; *Number of Respondents:* 9,716; *Total Annual Responses:* 9,716; *Total Annual Hours:* 33,304. (For policy questions regarding this collection contact Mary Collins at 410–786–3189.)

2. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection;

Title of Information Collection: Conditions for Payment of Power Mobility Devices, including Power Wheelchairs and Power-Operated Vehicles; *Use:* We are renewing our request for approval for the collection requirements associated with the final rule, CMS–3017–F (71 FR 17021), which published on April 5, 2006, and became effective on June 5, 2006. The regulation CMS–3017–F finalized provisions set forth in the interim final regulation (70 FR 50940) which published on August 26, 2005. This final rule conforms our regulations to section 302(a)(2)(E)(iv) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. This rule defines the term power mobility devices (PMDs) as power wheelchairs and power operated vehicles (POVs or scooters). It sets forth revised conditions for Medicare payment of PMDs and defines who may prescribe PMDs. This rule also requires a face-to-face examination of the beneficiary by the physician or treating practitioner, a written prescription, and receipt of pertinent parts of the medical record by the supplier within 45 days after the face-to-face examination that the durable medical equipment (DME) suppliers maintain in their records and make available to us and our agents upon request. Finally, this rule discusses our policy on documentation that we and our agents may request to support a Medicare claim for payment. *Form Number:* CMS–10116 (OCN: 0938–0971); *Frequency:* Yearly; *Affected Public:* Private sector—business or other for-profits; *Number of Respondents:* 90,521; *Number of Responses:* 173,810; *Total Annual Hours:* 34,762. (For policy questions regarding this collection contact Susan Miller at 410–786–2118.)

Dated: September 3, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–21720 Filed 9–5–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension of a Currently Approved Information Collection; Funding Opportunity Announcement and Grant Application Instructions Template for ACL Discretionary Grant Programs

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) 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 information collection requirements relating to the standard Funding Opportunity Announcement and Grant Application Instructions template for ACL Discretionary Grant Programs.

DATES: Submit written or electronic comments on the collection of information by November 5, 2013.

ADDRESSES: Submit electronic comments on the collection of information to: *lori.stalbaum@acl.hhs.gov.*

Submit written comments on the collection of information to Lori Stalbaum, Administration for Community Living, Washington, DC 20201 or by fax to (202) 357–3466.

FOR FURTHER INFORMATION CONTACT: Lori Stalbaum at (202) 357–3452 or *lori.stalbaum@acl.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 request 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, or update, of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing notice of the proposed collection of information set forth in this document. With respect to the following collection of information, ACL invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility; (2) the accuracy of ACL'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.

Proposed Collection of Information

ACL plans to submit to the Office of Management and Budget for approval *Funding Opportunity Announcement and Grant Application Instructions Template for ACL Discretionary Grants Program.* The Funding Opportunity Announcement and Application Instructions provide the requirements and instructions for the submission of an application for funding opportunities of the Administration for Community Living. The Administration for Community Living (ACL) funds discretionary grants under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act), which is administered by the Administration on Intellectual and Developmental Disabilities (AIDD) as well as the Older Americans Act, which is administered by the Administration on Aging (AoA). In addition, ACL is also responsible for administering other authorizing statutes relevant to older Americans and individuals with disabilities. Through its discretionary grant programs, the Administration for Community Living (ACL) supports projects for the purpose of developing and testing new knowledge and program innovations with the potential for maximizing the independence, well-being, and health of older adults, people with disabilities across the lifespan, and their families and caregivers. The Funding Opportunity Announcement (FOA) template may be found on the ACL Web site at *www.acl.gov/Funding_Opportunities/Announcements/docs/ACL_PA_Template_FINAL_8-12-13.doc.*

ACL estimates the burden of this collection of information as follows: *Frequency:* Based on the budget authorization for that Fiscal Year, ACL publishes, on average, 15 to 20 FOAs annually. *Respondents:* States, public agencies, private nonprofit agencies, institutions of higher education, and organizations including tribal organizations. *Estimated Number of Responses:* 350 annually. *Total Estimated Burden Hours:* 16,800.

Dated: August 29, 2013.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2013–21654 Filed 9–5–13; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0523]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Applications for Food and Drug Administration Approval To Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) 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 October 7, 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 0910–0646. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Applications for Food and Drug Administration Approval To Market a New Drug; Postmarketing Reports; Reporting Information About Authorized Generic Drugs—(OMB Control Number 0910–0646)—Extension

In the **Federal Register** of July 28, 2009 (74 FR 37163), FDA published a final rule that required, under § 314.81(b)(2)(ii)(*b*) (21 CFR 314.81(b)(2)(ii)(*b*)), the holder of a new drug application (NDA) to notify the Agency if an authorized generic drug is marketed by clearly including this information in annual reports in an easily accessible place and by sending a copy of the relevant portion of the annual reports to a central contact point. We took this action as part of our implementation of the Food and Drug Administration Amendments Act (Pub. L. 110–85), which requires that FDA publish a list of all authorized generic drugs included in an annual report after January 1, 1999, and that the Agency update the list quarterly. We initially published this list on June 27, 2008, on the Internet and notified relevant Federal Agencies that the list was published, and we will continue to update it.

Based on the number of annual reports the Agency currently receives under § 314.81(b)(2) containing authorized generic drug information, we estimate that we will receive approximately 500 annual reports containing the required information on authorized generic drugs. Based on the number of sponsors that currently submit these annual reports, we estimate that approximately 70 sponsors will submit these 500 annual reports. We estimate that each sponsor will need approximately 30 minutes to include the required information on authorized generic drugs in each annual report.

We also estimate that we will receive authorized generic drug information on first marketed generics in approximately 20 annual reports from approximately 20 sponsors, and that each sponsor will need approximately 1 hour to include the required information in each annual report.

We also estimate that we will receive a copy of that portion of each annual report containing the authorized generic drug information for approximately 500 annual reports from approximately 70 sponsors, and that each sponsor will need approximately 3 minutes to submit a copy of that portion of each annual report containing the authorized generic drug information.

In the **Federal Register** of May 10, 2013 (78 FR 27404), 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 is as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR 314.81(b)(2)(ii)(*b*)	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Submission of authorized generic drug information in each annual report.	70	7	490	0.50 (30 minutes)	245
Submission of authorized generic drug information on first marketed generics in an annual report.	20	1	20	1	20
Submission of a copy of that portion of each annual report containing authorized generic drug information.	70	7	490	0.05 (3 minutes)	25
Total					290

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 3, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21681 Filed 9–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–1181]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Recordkeeping Requirements for Medicated Feed Mill License Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled, ''Medicated Feed Mill License Application,'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On May 15, 2013, the Agency submitted a proposed collection of information entitled ''Medicated Feed Mill License Application,'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0337. The approval expires on August 31, 2016. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: September 3, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21679 Filed 9–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0297]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Prevention of Salmonella Enteritidis in Shell Eggs During Production—Recordkeeping and Registration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled, ''Prevention of Salmonella Enteritidis in Shell Eggs During Production—Recordkeeping and Registration,'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: On May 20, 2013, the Agency submitted a proposed collection of information entitled ''Prevention of Salmonella Enteritidis in Shell Eggs During Production—Recordkeeping and Registration,'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0660. The approval expires on August 31, 2016. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: September 3, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21680 Filed 9–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0984]

Draft Guidance for Industry on Specification of the Unique Facility Identifier System for Drug Establishment Registration; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Specification of the Unique Facility Identifier (UFI) System for Drug Establishment Registration.'' This draft guidance specifies the UFI system for registration of domestic and foreign drug establishments. The guidance addresses provisions set forth in the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA).

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by November 5, 2013. Submit either electronic or written comments concerning the proposed collection of information by November 5, 2013.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002; the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448; or Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets

Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Paul Loebach, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2262, Silver Spring, MD 20993–0002, email: *edrls@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Specification of the Unique Facility Identifier (UFI) System for Drug Establishment Registration.'' In July 2012, FDASIA was signed into law (Pub. L. 112–144). Sections 701 and 702 of FDASIA direct the Secretary to specify the UFI system for registration of domestic and foreign drug establishments. Once the UFI system is specified, section 510 of the FD&C Act, as amended, requires that each initial and annual drug establishment registration include a UFI (21 U.S.C. 360(b), (c), and (i)). This draft guidance reflects the Agency's current thinking in light of data standards, information technology, and information management resources. As these variables change over time, FDA may revisit this guidance.

This draft guidance is intended solely to address the provisions in sections 701 and 702 of FDASIA. Although section 703 of FDASIA mandates the use of the same UFI system (specified for drug establishment registration) to identify excipient manufacturers in product listings, this guidance does not address implementation of section 703 of FDASIA.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on specification of the UFI system for drug establishment registration. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (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 that 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** for each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing this notice of the proposed collection of information set forth in this document.

With respect to the collection of information associated with this draft guidance, FDA invites comments on the following topics: (1) Whether the proposed information collected is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimated burden of the proposed information collected, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of information collected on the respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Sections 701 and 702 of FDASIA direct the Secretary to specify the UFI system for registration of domestic and foreign drug establishments. Once the UFI system is specified, section 510 of the FD&C Act, as amended, requires that each initial and annual drug establishment registration include a UFI. The draft guidance specifies the UFI system as follows. At this time, FDA's preferred UFI for a drug establishment is the Data Universal Numbering System D–U–N–S (DUNS) number, assigned and managed by Dun and Bradstreet. The DUNS number is available free of charge to all drug establishments and may be obtained by visiting the Web site for Dun and Bradstreet. As explained in the guidance, however, if a company wants to use an alternative UFI for its drug establishment, it may contact FDA via email at *edrls@fda.hhs.gov.*

OMB has previously approved existing information collections associated with the electronic submission of initial and annual registration of domestic and foreign drug establishments, as described in part 207 (21 CFR part 207) and the guidance document ''Providing Regulatory Submissions in Electronic Format—Drug Establishment Registration and Drug Listing'' (the 2009 Guidance) (available at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM072339.pdf*), under OMB control number 0910–0045. The Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85) required that drug establishment registration and drug listing information must be submitted electronically unless a waiver is granted. As part of its recommendations to facilitate electronic submission of drug establishment registration information, as required by statute, the 2009 guidance explained that FDA is adopting the use of extensible markup language (XML) files in a standard structured product labeling (SPL) format for the electronic submission of drug establishment registration and drug listing information. The 2009 guidance also explained that the automated submission process functions most efficiently and effectively when the information is provided in a standardized format with defined code sets and codes. In addition, the 2009 guidance requested, among other things, the electronic submission of a site-specific DUNS number for each entity as part of the registration information submitted electronically. In FDA's experience, all firms currently registered with FDA under section 510 of the FD&C Act and part 207 have submitted their DUNS number as requested in the 2009 guidance.

The draft guidance addressed in this notice, ''Specification of the Unique Facility Identifier (UFI) System for Drug Establishment Registration,'' when finalized, would modify the currently approved information collections associated with drug establishment registration, consistent with subsequent statutory enactment. In July 2012, Congress enacted FDASIA, sections 701 and 702 of which direct the Secretary to specify the UFI system for registration of domestic and foreign drug establishments. Once the UFI system is specified, section 510 of the FD&C Act, as amended, requires that each initial and annual drug establishment registration include a UFI. Because drug firms generally possess, and for those already registered, have previously provided, a DUNS number for each facility, FDA expects that consistent with the proposed UFI system, they will submit DUNS numbers as the UFIs for drug establishments. Although the change in statutory authority described in this document will alter the legal basis for submission of the DUNS number, it is not expected to have any other impact on the previously approved collection of information.

FDA expects that the DUNS number will continue to be submitted by the same respondents, with the same frequency, as part of the same electronic registration submission previously approved under the PRA, and the Agency will continue to use the information for the same purposes, in furtherance of its mission to protect the public health.

While FDA anticipates that firms will submit DUNS as UFI, the draft guidance also instructs firms who want to submit an alternative identifier to contact FDA. FDA estimates that no more than one respondent per year will invoke this option. FDA estimates that it would require on average 1 hour for a company to contact FDA and identify its proposed alternative UFI. If FDA determines that the alternative is one the Agency's systems can accommodate, and that satisfies the statutory goal of uniquely identifying the firm's facilities, FDA anticipates that the firm would include that alternative UFI in place of the DUNS, with no net change in the burden of a registration submission. We invite comment on these estimates.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm, or http://www.regulations.gov.*

Dated: August 29, 2013.

Leslie Kux,

Commissioner for Policy.

[FR Doc. 2013–21630 Filed 9–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Food and Drug Administration/American Academy of Ophthalmology Workshop on Developing Novel Endpoints for Premium Intraocular Lenses; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

The Food and Drug Administration (FDA) is announcing the following public workshop entitled ''FDA/American Academy of Ophthalmology (AAO) Workshop on Developing Novel Endpoints for Premium Intraocular Lenses.'' The main topic of this workshop is the current challenges in the assessment of innovative intraocular lens (IOL) designs with a focus on endpoint methodologies used in evaluating IOL safety and effectiveness. Experts in subjects ranging from patient reported outcomes to objective measures of accommodation will give talks on the latest developments in the field. Participants will then engage in indepth discussions of the pros and cons of various methods used to assess premium IOLs and work to devise a plan to further promote innovation in this device area. The primary goal of the workshop is to improve the regulatory science for evaluating premium IOLs, which in turn may enhance the efficiency with which safe and effective premium IOLs get to the market.

Date and Time: The public workshop will be held on October 11, 2013, from 8:30 a.m. to 5:30 p.m. Materials may be picked up starting at 7:30 a.m.

Location: The public workshop will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (rm. 1503), Silver Spring, MD 20993. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact: Michelle Tarver, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2504, Silver Spring, MD 20993, 301–796–5620, FAX: 301–847–8126, email: *michelle.tarver@fda.hhs.gov.*

Registration: AAO will charge a registration fee to cover its share of the expenses associated with the workshop. The registration fee is $250 for Academy members and $400 for non-members. Registration is available on a first-come, first-served basis. Persons interested in attending this public workshop must register online. The deadline for online registration is October 10, 2013, at 5 p.m. EDT. There will be no onsite registration on the day of the public workshop. Early registration is recommended because facilities are limited and, therefore, FDA may limit the number of participants from each organization.

To register for the public workshop, please visit the AAO Web site (www.aao.org/IOLworkshop). Those interested in attending but unable to access the electronic registration site should fax the PDF form on the AAO Web site (*http://www.aao.org/meetings/upload/FDA_iol_workshop_reg.pdf*) to 415–561–8575. Those without Internet access should contact AAO Customer Service to register at 451–561–8540 or 866–561–8558 (toll free). Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone number. If there are any questions with registration, please contact the AAO administrative offices at 415–561–8540. Registrants will receive confirmation after they have been accepted. You will be notified if you are on a waiting list.

Food and beverages will be available for purchase by participants during the workshop breaks.

If you need special accommodations due to a disability, please contact Ms. Susan Monahan at *susan.monahan@fda.hhs.gov* or 301–796–5661 no later than September 30, 2013.

For more information on the workshop, please see the FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.)

Streaming Webcast of the Public Workshop: The morning session but not the afternoon session of this public workshop will also be Webcast. Persons interested in viewing the Webcast must register online by 5 p.m. EDT, September 27, 2013. Early registration is recommended because Webcast connections are limited. Organizations are requested to register all participants, but to view using one connection per location. Webcast participants will be sent technical system requirements after registration and will be sent connection

access information after October 7, 2013. If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *http://www.adobe.com/go/connectpro_overview.* (FDA has verified the Web site addresses in this document, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Transcripts: Please be advised that as soon as a transcript is available, it will be accessible at *http://www.regulations.gov.* It may be viewed at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. A transcript will also be available in either hardcopy or on CD–ROM, after submission of a Freedom of Information request. Written requests are to be sent to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. A link to the transcript will also be available approximately 45 days after the public workshop on the Internet at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list).

SUPPLEMENTARY INFORMATION:

I. Background

Cataract surgery is the most commonly performed elective procedure in the United States with over 3 million patients being implanted with an IOL. Over the past two decades, IOLs have undergone significant design changes allowing them to correct for a spectrum of visual distances and refractive errors. As IOL technology evolves, some endpoints for the evaluation of the technology are also evolving. Endpoints and strategies for assessing the relative safety and effectiveness of these innovative lens designs are in various stages of development. At this workshop, not only will some of these novel endpoints and the challenges with assessments of these endpoints be identified, but these endpoints also will be prioritized for further discussion, development, and validation. Breakout sessions following the didactic portion of the workshop will allow for more indepth group discussions of potential approaches to address these challenges.

The workshop seeks to involve industry and academia in addressing the challenges in the development of novel endpoints for premium IOLs. By bringing together all of the relevant stakeholders, which include clinicians, researchers, industry representatives, and regulators, to this workshop, we hope to facilitate the improvement of regulatory science in this rapidly evolving product area.

FDA and AAO recognize the unique opportunity this workshop provides for all stakeholders of the ophthalmic device community and that the knowledge and education provided from this workshop will further strengthen our mission of protecting the public health.

II. Topics for Discussion at the Public Workshop

Topics to be discussed at the public workshop include, but are not limited to:

- Safety assessments for premium IOLs and how they could differ from those for monofocal IOLs.
- Patient-reported outcome measures and the need to develop and validate them for assessing the safety and effectiveness of premium IOLs.
- Objective assessments of accommodation and their challenges.
- Subjective assessments of accommodation and extended depth of focus and their challenges.

These topics will be presented by experts in the associated area, and the afternoon will allow for more indepth discussions of the given topics in small breakout sessions.

Dated: September 3, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–21711 Filed 9–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: National Mental Health Services Survey (N–MHSS) (OMB No. 0930–0119)—Revision

The Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Behavioral Health Statistics and Quality (CBHSQ), is requesting a revision to the National Mental Health Services Survey (N–MHSS) (OMB No. 0930–0119), which expires on June 30, 2015. The N–MHSS provides national and state-level data on the number and characteristics of mental health treatment facilities in the United States, annually, and national and state-level data on the number and characteristics of persons treated in these facilities, biennially.

An immediate need under N–MHSS is to update the information about facilities on SAMHSA's online Behavioral Health Treatment Services Locator (see: *http://findtreatment.samhsa.gov*), which was last updated with information from the abbreviated N–MHSS (N–MHSS-Locator Survey) in 2012. A full-scale N–MHSS will be conducted in 2014 and 2016 to collect (1) the information about facilities needed to update the online Locator, such as the facility name and address, specific services offered, and special client groups served, and (2) additional information including client counts and the demographics of persons treated in these facilities. An abbreviated N–MHSS (N–MHSS-Locator Survey) will be conducted in 2015 to update the information about facilities on the online Locator. A data collection in conjunction with adding new facilities to the online Locator as they become known to SAMHSA is also being requested. Both the 2015 N–MHSS-Locator Survey and the addition of new facilities to the online Locator will use the same N–MHSS-Locator Survey instrument.

This requested revision seeks to change the content of the currently

approved abbreviated N–MHSS (i.e., N–MHSS-Locator) survey instrument, and the previously approved 2010 full-scale N–MHSS (OMB No. 0930–0119) to accommodate two related N–MHSS activities:

(1) collection of information from the total N–MHSS universe of mental health treatment facilities during 2014, 2015, and 2016; and

(2) collection of information on newly identified facilities throughout the year, as they are identified, so that new facilities can quickly be added to the online Locator.

The survey mode for both data collection activities will be web with telephone follow-up.

The database resulting from the N–MHSS will be used to update SAMHSA's online Behavioral Health Treatment Services Locator and to produce a national directory of mental health facilities on compact disk (CD), both for use by the general public, behavioral health professionals, and treatment service providers. In addition, a data file derived from the survey will be used to produce a summary report providing national and state-level data. The report and a public-use data file will be used by researchers, mental health professionals, State governments, the U.S. Congress, and the general public.

The request for OMB approval will include a request to conduct the full-scale N–MHSS in 2014 and 2016 and an abbreviated N–MHSS-Locator survey in 2015.

The following table summarizes the estimated annual response burden for the N–MHSS:

ESTIMATED ANNUAL RESPONSE BURDEN FOR THE N–MHSS

Type of respondent	Number of respondents	Responses per respondent	Average hours per response	Total burden hours
Facilities in full-scale N–MHSS universe in 2014 and 2016	17,000	1	0.75	12,750
Newly identified facilities in Between-Survey Update in 2014, 2015, and 2016 [1]	1,700	1	0.42	714
Facilities in N–MHSS-Locator Survey universe in 2015	17,000	1	0.42	7,140
Average Annual Total	18,700	1	0.62	11,594

[1] Collection of information on newly identified facilities throughout the year, as they are identified, so that new facilities can quickly be added to the Locator.

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 or email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by November 5, 2013.

Summer King,

Statistician.

[FR Doc. 2013–21700 Filed 9–5–13; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the Laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

A notice listing all currently certified laboratories and IITF is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.workplace.samhsa.gov.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 7–1051, One Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and Instrumented Initial Testing Facilities (IITF) must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant Laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a Laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITF in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A Laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following Laboratories and Instrumented Initial Testing Facilities (IITF) meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

Instrumented Initial Testing Facilities (IITF): None.

Laboratories:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016 (Formerly: Bayshore Clinical Laboratory).

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264.

Aegis Analytical Laboratories, 345 Hill Ave., Nashville, TN 37210, 615–255–2400 (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc.).

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130 (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center—Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783 (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

Doctors Laboratory, Inc., 2906 Julia Drive, Valdosta, GA 31602, 229–671–2281.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Fortes Laboratories, Inc., 25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023.

Gamma-Dynacare Medical Laboratories*, A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774 (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.

Phamatech, Inc., 10151 Barnes Canyon Road, San Diego, CA 92121, 858–643–5555.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370 (Formerly: SmithKline Beecham Clinical Laboratories).

Redwood Toxicology Laboratory, 3650 Westwind Blvd., Santa Rosa, CA 95403, 707–570–4434.

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 574–234–4176 x1276.

Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027.

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438.

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 573–882–1273.

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085.

The following laboratory has voluntarily withdrawn from the NLCP, effective date September 1, 2013:

Quest Diagnostics Clinical Laboratories d/b/a Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150 (Formerly: Advanced Toxicology Network).

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 30, 2010 (75 FR 22809). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Janine Denis Cook,

Chemist, Division of Workplace Programs, Center for Substance Abuse Prevention, SAMHSA.

[FR Doc. 2013–21655 Filed 9–5–13; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4137–DR; Docket ID FEMA–2013–0001]

South Dakota; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Dakota (FEMA–4137–DR), dated August 2, 2013, and related determinations.

DATES: *Effective Date:* August 27, 2013.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Dakota is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 2, 2013.

Spink County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–21757 Filed 9–5–13; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–36]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: August 29, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

[FR Doc. 2013–21469 Filed 9–5–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R7–ES–2013–N145; 70120–1337–C4]

Endangered and Threatened Wildlife and Plants; Southwest Alaska Distinct Population Segment of the Northern Sea Otter (*Enhydra lutris kenyoni*): Availability of Recovery Plan

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our recovery plan for the southwest Alaska Distinct Population Segment (DPS) of the northern sea otter (*Enhydra lutris kenyoni*), listed as threatened under the Endangered Species Act of 1973, as amended (Act). Our recovery plan describes the status, current management, recovery objectives and criteria, and specific actions needed to enable us to delist the southwest Alaska DPS of the northern sea otter.

ADDRESSES: Copies of the recovery plan are available by request from the Service, Marine Mammals Management Office, 1011 East Tudor Road, MS–341, Anchorage, AK 99503; telephone (907) 786–3800; facsimile (907) 786–3816. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339. An electronic copy of the draft recovery plan is also available at: *http://alaska.fws.gov/fisheries/mmm/seaotters/recovery.htm.*

FOR FURTHER INFORMATION CONTACT: Frances Mann, Sea Otter Program Lead, at the above address or telephone number.

SUPPLEMENTARY INFORMATION:

Previous Federal Action

We listed the southwest Alaska DPS of the northern sea otter as threatened on August 9, 2005 (70 FR 46366). For a description of the taxonomy, distribution, status, breeding biology and habitat, and a summary of factors affecting the species, please see the final listing rule. We designated critical habitat for this DPS on October 8, 2009 (74 FR 51988). On October 12, 2010, the Service published in the **Federal Register** a notice of the availability of the draft recovery plan for the southwest Alaska DPS of the northern sea otter (75 FR 62562) and requested comments on the draft recovery plan. We received six comments in response. On April 26, 2013, we announced our active status review for the southwest Alaska DPS of the northern sea otter in the **Federal Register** and invited comments and new information to assist us in our review (78 FR 24767).

The Service carefully considered the comments, recommendations, and suggestions provided by the State of Alaska, the Marine Mammal Commission, nongovernmental organizations, and others on the draft recovery plan. We revised the recovery plan, as appropriate, to address the comments, recommendations, and suggestions received.

Background

The southwest Alaska DPS of the northern sea otter's range extends from Attu Island at the western end of the

Near Islands in the Aleutians, east to Kamishak Bay on the western side of lower Cook Inlet, and includes waters adjacent to the Aleutian Islands, the Alaska Peninsula, the Kodiak Archipelago, and the Barren Islands (see Figure 3 of the Proposed Listing Rule; 69 FR 6605; February 11, 2004). Within this range, sea otters generally occur in nearshore, shallow waters less than 100 meters (328 feet) in depth. This population experienced a rapid decline in abundance of more than 50 percent since the late 1980s. At the time of our 2005 final listing rule, the DPS consisted of approximately 42,000 sea otters.

Recovery of endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of our endangered species program. The Act requires us to develop recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. We prepare recovery plans for most listed species native to the United States. Recovery plans describe actions necessary for the conservation and survival of the species, establish criteria for reclassifying or delisting listed species, and estimate time and cost for implementing needed recovery measures. Section 4(f) of the Act requires us to provide public notice and an opportunity for public review and comment during recovery plan development.

In March 2006, the Regional Director for the Alaska Region of the Service formed a recovery team to serve in an advisory capacity to develop a draft recovery plan for the southwest Alaska DPS of the northern sea otter.

Current Range and Threats

The current range of the southwest Alaska DPS of the northern sea otter extends from west to east across more than 2400 kilometers (approximately 1,500 miles) of shoreline. The magnitude of the population decline has varied over the range. In some areas, numbers have declined by more than an order of magnitude, while in other areas no decline has been detected. To address such differences, this recovery plan identifies five management units (MUs) within the DPS: (1) Western Aleutian Islands; (2) Eastern Aleutian Islands; (3) South Alaska Peninsula; (4) Bristol Bay; and (5) Kodiak Archipelago, Kamishak Bay, and Alaska Peninsula.

The cause of the overall decline is not known with certainty, but the weight of evidence points to increased predation, most likely by the killer whale, as the most likely cause. Predation is therefore considered a threat to the recovery of this DPS, but other threats, including infectious disease, biotoxins, contaminants, oil spills, food limitation, disturbance, bycatch in fisheries, subsistence harvest, loss of habitat, and illegal take, are also considered in this recovery plan. Threats are summarized in general, and their relative importance is assessed for each of the five MUs. Most threats are assessed to be of low importance to recovery of the DPS; the threats judged to be most important are predation (moderate to high importance) and oil spills (low to moderate importance). Threats from subsistence harvest, illegal take, and infectious disease are assessed to be of moderate importance in the Kodiak, Kamishak, and Alaska Peninsula MU, but of low importance elsewhere.

Goals of Recovery Plan

The goal of the recovery plan is to control or reduce threats to the southwest Alaska DPS of the northern sea otter to the extent that this DPS no longer requires the protections afforded by the Act and therefore can be delisted. To achieve this goal, the recovery plan identifies three objectives: (1) Achieve and maintain a self-sustaining population of sea otters in each MU; (2) maintain enough sea otters to ensure that they are playing a functional role in their nearshore ecosystem; and (3) mitigate threats sufficiently to ensure persistence of sea otters. Each of these objectives includes objective, measurable criteria to determine if the objective has been met; these are known as ''delisting criteria.'' They require that, in order for the DPS to be removed from the Endangered and Threatened Species List, at least three of the five MUs must have met the delisting criteria. The plan also contains criteria to determine if the DPS should be considered for reclassification as endangered; these are known as ''uplisting criteria.'' Delisting should not be considered if any MU meets the criteria specified for uplisting to endangered.

Site-specific management actions to achieve recovery and delisting of the DPS are specified in the recovery action outline and narrative. As demographic characteristics of the population constitute one of the three types of delisting criteria, population monitoring and population modeling are high priorities. Monitoring the status of the kelp forest ecosystem in the Western Aleutian and Eastern Aleutian management units is also a high priority, as results from such monitoring will be needed to evaluate the ecosystem-based delisting criteria. Other high-priority actions include identifying characteristics of sea otter habitat, and ensuring that adequate oil spill response capability exists in southwest Alaska. As predation is considered to be the most important threat to recovery, additional research on that topic is also a high priority. The recovery implementation schedule provides details regarding the timing, costs, and agencies or entities responsible for implementing each recovery action necessary to achieve the recovery plan's objectives and goal.

We welcome continuing input on this recovery plan, and we will consider information received on an ongoing basis to inform the implementation of recovery activities and any future updates to the recovery plan.

Authority: The authority for this action is section 4(f) of the Act, 16 U.S.C. 1533(f).

Dated: August 29, 2013.

Geoffrey L. Haskett,

Regional Director, Alaska Region, U.S. Fish and Wildlife Service.

[FR Doc. 2013–21718 Filed 9–5–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2013–N166: FXES11120800000F2–134–FF08ECAR00]

Draft Supplemental Environmental Impact Report/Environmental Impact Statement for a Proposed Amendment to the Coachella Valley Multiple Species Habitat Conservation Plan/ Natural Communities Conservation Plan, Riverside County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that we, the U.S. Fish and Wildlife Service (Service), have received applications for incidental take permits pursuant to the Endangered Species Act of 1973, as amended (Act), from the City of Desert Hot Springs and Mission Springs Water District (MSWD), Riverside County, California. The Service, in cooperation and coordination with the Coachella Valley Conservation Commission (CVCC), has prepared a joint draft Supplemental Environmental Impact Report/ Environmental Impact Statement (draft Supplemental EIR/EIS) under the National Environmental Policy Act (NEPA) for the proposed amendment to the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Communities Conservation Plan

(CVMSHCP, or Plan), to include Desert Hot Springs and MSWD as permittees to the Plan. The draft Supplemental EIR/EIS supplements the approved and certified September 2007 Final Recirculated EIR/EIS for the CVMSHCP (72 FR 63922; November 13, 2007) and considers the environmental effects associated with the approval of an amendment to the existing incidental take permit under section 10(a)(1)(B) of the Act. The draft Supplemental EIR/EIS has been prepared to analyze the effects of the addition of Desert Hot Springs and MSWD as permittees to the CVMSHCP. The analyses provided in the draft Supplemental EIR/EIS are intended to inform the public of the proposed action, alternatives, and associated impacts; address public comments received during the scoping period for the draft Supplemental EIR/EIS; disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

DATES: We will accept comments received or postmarked on or before October 21, 2013. We will consider all written requests for public meetings. To accommodate scheduling of meetings and allow sufficient time to publicize them, all requests for meetings must be received within 15 days after publication in the **Federal Register** (see **DATES**, **ADDRESSES**, and **FOR FURTHER INFORMATION CONTACT**). Please indicate the reasons why a meeting is desired (desired outcomes), desired format of the meeting, who is requesting the meeting (an individual, group, or groups), and desired meeting location(s).

ADDRESSES: *Obtaining Documents:* You may download copies of the draft Supplemental EIR/EIS to the approved and certified September 2007 Final Recirculated EIR/EIS for the CVMSHCP and amended Plan on the Internet at *http://www.cvmshcp.org.* Alternatively, you may use one of the methods below to request hard copies or a CD–ROM of the documents. Please send your requests or comments by any one of the following methods, and specify ''CVMSHCP'' in your request or comment.

Submitting Comments: You may submit comments or requests for copies or more information by one of the following methods.

- *Email: fw8cfwocomments@fws.gov.* Include CVMSHCP in the subject line of the message.
- *U.S. Mail:* U.S. Fish and Wildlife Service, Palm Springs Fish and Wildlife Office, Attn: Mr. Kennon A. Corey, Assistant Field Supervisor, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262.
- *In-Person Drop-off, Viewing, or Pickup:* Telephone 760–322–2070, to make an appointment during regular business hours to drop off comments or view received comments at address identified above.
- *Fax:* Mr. Kennon A. Corey, Assistant Field Supervisor, 760–322–4648, Attn: CVMSHCP.

FOR FURTHER INFORMATION CONTACT: Jenness McBride, Division Chief, Coachella and Imperial Valleys, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262; telephone 760–322–2070. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our draft Supplemental EIR/EIS to the approved and certified September 2007 Final Recirculated EIR/EIS for the CVMSHCP in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.;* NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6, as well as in compliance with section 10(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The draft Supplemental EIR/EIS considers the environmental effects associated with adding Desert Hot Springs and MSWD as Permittees to the CVMSHCP and amending the existing incidental take permit.

Background

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and Federal regulations at 50 CFR 17 prohibit the ''take'' of fish and wildlife species listed as endangered or threatened. Take of listed fish and wildlife is defined under the Act as to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed animal species, or to attempt to engage in such conduct'' (16 U.S.C. 1538). Harm includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). Under limited circumstances, we may issue permits to authorize incidental take of listed wildlife species, which the Act defines as take that is incidental to, and not the purpose of, the carrying out of otherwise lawful activities.

Regulations governing incidental take permits for threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. In addition to meeting other criteria, activities covered by an incidental take permit must not jeopardize the continued existence in the wild of federally listed wildlife or plants.

In February 2006, the Final CVMSHCP and associated Final EIR/EIS were released for review and approval by the participating jurisdictions and agencies as part of the application process to support the issuance of take authorizations by the Service. However, Desert Hot Springs voted to not approve the Plan in June 2006. Subsequently, the Coachella Valley Association of Governments (CVAG) Executive Committee rescinded its approval of the Plan and directed that Desert Hot Springs be removed as a Permittee. A revised Plan and associated EIR/EIS were prepared and recirculated that removed Desert Hot Springs and made other modifications consistent with direction from the CVAG Executive Committee.

The revised and recirculated CVMSHCP was approved and the associated Final Recirculated EIR/EIS was certified by CVAG and the CVCC in September 2007 and subsequently by all local Permittees by the end of October 2007. The state Permittees (Caltrans, Coachella Valley Mountains Conservancy, and California State Parks) approved the Plan and signed the Implementing Agreement in March 2008. The Final Recirculated CVMSHCP, which did not include Desert Hot Springs, received final State and Federal permits on September 9 and October 1, 2008, respectively.

In a reversal of their June 2006 decision, Desert Hot Springs City Council reconsidered their decision and unanimously approved a Memorandum of Understanding (MOU) in October 2007, to enter into negotiations for Desert Hot Springs to join the CVMSHCP as a Permittee. The MOU was subsequently approved by the CVCC, CVAG, and the County of Riverside in February 2008. Subsequent to Desert Hot Springs' decision, the MSWD has also made the decision to join the CVMSHCP as a Permittee. The addition of both entities as Permittees has been evaluated in the Supplemental EIR/EIS.

The amendment to reinstate Desert Hot Springs proposes that the Plan provisions and boundaries be revised according to the February 2006 CVMSHCP, with modifications as described in the September 2007 Final Recirculated CVMSHCP, to provide for the Riverside County Flood Control and Water Conservation District's future flood control facility. Therefore, the current Conservation Area boundaries would be amended to include all of the private lands within Desert Hot Springs' city limits and restore the original boundaries of the Upper Mission Creek/Big Morongo Canyon and Whitewater Canyon Conservation Areas within Desert Hot Springs' city limits. Adding Desert Hot Springs as a Permittee requires a Major Amendment to the CVMSHCP in accordance with the requirements outlined in Section 6.12.4 of the Plan. The procedures outlined in Section 6.12.4 state that major amendments require the same process to be followed as the original CVMSHCP approval, including California Environmental Quality Act and NEPA compliance.

In addition, MSWD, not previously a participating agency, has also applied to join the CVMSHCP as a Permittee. MSWD and Desert Hot Springs have proposed that a number of infrastructure projects be included as Covered Activities under the Plan. Covered Activities include certain activities carried out or conducted by Permittees, Participating Special Entities, Third Parties Granted Take Authorization, and others within the CVMSHCP Plan Area, as described in Section 7 of the CVMSHCP, that will receive Take Authorization under the Service's section 10(a)(1)(B) permit and the State NCCP Permit, provided these activities are otherwise lawful. Examples of Desert Hot Springs proposed Covered Activities include roadway improvement projects. Examples of MSWD proposed Covered Activities include construction of wells, water storage facilities, water transmission lines, recycled water lines, and sewer lines. Refer to Table 2–1 and 2–2 in the Supplemental EIR/EIS for Desert Hot Springs and MSWD Covered Activities list, respectively.

Covered activities will increase the existing permitted take by 34 acres, but inclusion of Desert Hot Springs and MSWD will expand conservation area boundaries in Desert Hot Springs to include 770 acres of land to be managed consistent with the CVMSHCP's conservation goals and objectives. Fifteen of the 27 Covered Species and 5 of the 27 Natural Communities will be affected by the Major Amendment. Additional take, in acres, for Covered Species and Natural Communities are listed in Table 4.1–1 and 4.1–2 in the Supplemental EIR/EIS, respectively.

National Environmental Policy Act Compliance

We formally initiated an environmental review of the draft Supplemental EIR/EIS through publication of a notice of intent (NOI) to prepare a draft Supplemental EIR/EIS in the **Federal Register** on Wednesday, March 30, 2011 (76 FR 17666). That notice also announced a public scoping period, during which we invited interested parties to provide written comments expressing their issues or concerns related to the proposal. A public scoping meeting was held in Desert Hot Springs on April 4, 2011.

Based on public scoping comments, we have prepared a draft Supplemental EIR/EIS for the proposed action and have made it available for public inspection (see **ADDRESSES**). NEPA requires that a range of reasonable alternatives to the proposed action be described. The draft Supplemental EIR/EIS analyzes the proposed action and a no action alternative, which were derived in response to scoping comments. Additionally, the alternatives from the 2007 Recirculated EIR/EIS were retained and analyzed as part of the proposed major amendment to determine if adding Desert Hot Springs and MSWD as permittees under the Plan would change any conclusions contained in each of the alternatives identified in 2007. The alternatives addressed include a Public Lands Alternative; Core Habitat with Ecological Processes Alternative; and an Enhanced Conservation Alternative.

Public Review

The Service invites the public to comment on the permit applications, revised CVMSHCP, and draft Supplemental EIR/EIS during the public comment period. Copies of the documents will be available during a 45-day public comment period (see **DATES**). If you wish to comment, you may submit your comments to the address listed in **ADDRESSES**. 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 may 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.

Next Steps

We will evaluate the applications, associated documents, and comments submitted to prepare a Final EIR/EIS. A permit decision will be made no sooner than 30 days after the publication of the Environmental Protection Agency's Final EIS notice in the **Federal Register** and completion of the Record of Decision.

Dated: August 28, 2013.

Alexandra Pitts,

Deputy Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2013–21721 Filed 9–5–13; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000813]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of the Class III Tribal-State Gaming Compact between the Wiyot Tribe and the State of California.

DATES: *Effective Date:* September 6, 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 of 1988 (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 Compact between the State of California and the Wiyot Tribe provides for certain payments to the Tribe from the Wiyot Trust Fund established by the State under this Compact and the compact between the State of California-North Fork Rancheria of Mono Indians. In exchange for these payments, the Tribe agrees to forgo operation of Class III gaming on its lands. Pursuant to 25 CFR 293.4, all compacts are subject to review and approval by the Secretary. Pursuant to 25 CFR 293.15, an approved compact takes effect on the date that notice of its approval is published in the **Federal Register**. The compact terminates on December 31, 2033.

Dated: August 30, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013–21739 Filed 9–5–13; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVW00000.L16100000.DQ0000. LXSS015F0000 241A; 13–08807; MO# 4500049371; TAS: 14X5017]

Notice of Availability of the Proposed Winnemucca District Resource Management Plan and Final Environmental Impact Statement, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) has prepared a Proposed Resource Management Plan (RMP)/Final Environmental Impact Statement (EIS) for the Winnemucca District and by this notice is announcing its availability.

DATES: BLM planning regulations provide that any person who meets the conditions as described in the regulations may protest the BLM's Proposed RMP/Final EIS (43 CFR 1610.5–2). A person who meets the conditions and files a protest must file the protest within 30 days of the date that the Environmental Protection Agency publishes its notice of availability of the Proposed RMP/Final EIS in the **Federal Register**.

ADDRESSES: Copies of the Proposed RMP/Final EIS are available for public inspection at the BLM Winnemucca District Office, 5100 E Winnemucca Boulevard, Winnemucca, Nevada. Interested persons may also review the Proposed RMP/Final EIS on the Internet at *http://www.blm.gov/nv/st/en/fo/wfo/blm_information/rmp.html.* All protests must be in writing and mailed to one of the following addresses:

Regular Mail: BLM Director (210), Attention: Brenda Williams, P.O. Box 71383, Washington, DC 20024–1383.

Overnight Mail: BLM Director (210), Attention: Brenda Williams, 20 M Street SE., Room 2134LM, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Jeff Johnson, RMP Team Lead, telephone: 775–861–6420; address: 5100 E Winnemucca Boulevard, Winnemucca, NV 89445; email *wdrmp@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Winnemucca District Proposed RMP would replace the existing 1982 Sonoma-Gerlach and Paradise-Denio Management Framework Plans and the 1999 Paradise-Denio and Sonoma-Gerlach Management Framework Plan-Lands Amendment. The Proposed RMP/Final EIS has been developed using a collaborative planning process. Collaboration included working with nine cooperating agencies, development of alternatives using a sub-group of the Sierra Front-Northwestern Great Basin Resource Advisory Council, input through coordination and consultation with Native American/tribal interests, and input based on public scoping and public comments received on the Draft Resource Management Plan/Draft Environmental Impact Statement. The Winnemucca District Proposed RMP decision area encompasses approximately 7.4 million acres of public land administered by the BLM in Humboldt, Pershing, and parts of Lander, Lyon, Churchill, and Washoe counties, Nevada. The Proposed RMP does not include decisions on private lands, State lands, Indian reservations, Federal lands administered by other agencies or lands within the District's Black Rock Desert-Highrock Canyon, Emigrant Trails National Conservation Area (NCA), except for administratively combining portions of two wild horse herd management areas into one herd management area. The NCA is managed in accordance with the 2004 Record of Decision and Resource Management Plan for the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Associated Wilderness, and other Contiguous Lands in Nevada.

The Winnemucca District Proposed RMP/Final EIS includes goals, objectives and management actions for protecting and preserving natural resources including wildlife habitat, sensitive and threatened or endangered species habitat, watersheds, and wild horses and burros. The Proposed RMP/Final EIS also addresses protection and preserving cultural resources, scenic values, lands with wilderness characteristics, National Historic Trails, and management of recreation. Multiple uses are addressed including: Management and forage allocations for livestock grazing; delineation of lands open, closed, or subject to special stipulations or mitigation measures relating to minerals; and management of lands and realty actions, including delineation of avoidance and exclusion areas applicable to rights-of-ways and land tenure adjustments. Recreation management includes designation of off-highway vehicle management areas. Three new areas of critical environmental concern (ACECs) are proposed. The ACECs are proposed to protect natural and cultural resource values and traditional Native American use areas. The proposed Pine Forest ACEC contains important wildlife habitat values including habitat for sensitive species. The proposed Raised Bog ACEC contains a unique floating bog that is useful for scientific research. The proposed Stillwater ACEC contains important cultural resources and many traditional Native American use areas including traditional cultural properties. Management direction to protect sensitive plant species is proposed for the existing Osgood Mountain Milkvetch ACEC.

The Proposed RMP/Final EIS analyzes four management alternatives. Alternative A is the No Action Alternative, which is the continuation of current management; Alternative B emphasizes resource use; Alternative C emphasizes preservation and protection of ecosystems and contains two options: Option 1 allows livestock grazing and option 2 does not allow livestock grazing; and Alternative D, which is the Proposed RMP and provides a balance between resource protection and resource use.

Alternative D has been modified from the proposed alternative D in the Draft RMP/EIS based on public comments and input from the Cooperating Agencies. The proposed RMP balances resource uses and environmental protection, best fulfills the BLM's statutory mission and responsibilities as required under FLPMA, and complies with the BLM planning regulations.

The Winnemucca District worked with nine cooperating agencies in the development of the Proposed RMP. The Cooperating Agencies are: U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, Nevada Department of Wildlife, Nevada Department of Agriculture, Humboldt County, Pershing County, Washoe County, City of Winnemucca, and the N–2 Grazing Board.

The BLM issued a *Notice of Intent to Prepare a Resource Management Plan*

and Associated Environmental Impact Statement and initiated the public scoping process on March 25, 2005 (70 FR 15348). The BLM accepted scoping comments for 60 days. The draft RMP/draft EIS was made available for a 90-day public comment period on June 25, 2010 (75 FR 36435).

The BLM received 1,348 comments and 30,617 form letters pertaining to wild horses and burros in response to the Draft RMP/Draft EIS. Substantive comments were reviewed and incorporated as appropriate into the proposed plan.

Notable issues raised in public comments include: Minerals, with an emphasis on areas available for minerals development; recreation management and designation of off-highway vehicle management areas; livestock grazing; fish and wildlife, including management of priority habitat; air quality; management of rights-of-way avoidance and exclusion areas; and management of wild horses and burros.

Copies of the Proposed Winnemucca District RMP/Final EIS have been sent to affected tribal, Federal, State, and local government agencies and to other stakeholders.

Instructions for filing a protest with the Director of the BLM regarding the Proposed RMP/Final EIS may be found in the ''Dear Reader'' letter of the Winnemucca District Proposed RMP/Final EIS and at 43 CFR 1610.5–2. All protests must be in writing and mailed to the appropriate address, as set forth in the **ADDRESSES** section above. Emailed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the emailed protest as an advance copy and it will receive full consideration. If you wish to provide the BLM with such advance notification, please direct emails to *Brenda_Hudgens-Williams@blm.gov.*

Before including your phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 40 CFR 1506.10, 43 CFR 1610.2, 43 CFR 1610.5

Amy Lueders,

State Director, Nevada.

[FR Doc. 2013–21766 Filed 9–5–13; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L1109AF13X. L17110000.PH0000.LXSS020H0000; HAG13–0270]

Notice of Public Meeting for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below:

DATES: The Southeast Oregon RAC will hold a public meeting Thursday and Friday, October 3 and 4, 2013. The exact meeting time, agenda, and location will be announced online at *www.blm.gov/or/rac/seorrac-minutes.php* prior to September 24, 2013. A public comment period will be available each day of the session. Unless otherwise approved by the Southeast Oregon RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the Southeast Oregon RAC for a maximum of 5 minutes. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the Southeast Oregon RAC.

ADDRESSES: The exact meeting time, agenda, and location will be announced online at *www.blm.gov/or/rac/seorrac-minutes.php* prior to September 24, 2013.

FOR FURTHER INFORMATION CONTACT: Tara Martinak, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738–9424, (541) 573–4519, or email *tmartina@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1(800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Southeast Oregon RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. Tentative agenda items for the October 3–4, 2013, meeting include: Lands with Wilderness Characteristics; the Wild Horse and Burro Program; travel management planning; forage management and grassbanks; and planning future meeting agendas, dates, and locations. Any other matters that may reasonably come before the Southeast Oregon RAC may also be addressed. This meeting is open to the public in its entirety. Information to be distributed to the Southeast Oregon RAC is requested prior to the start of each meeting.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Brendan Cain,

Burns District Manager.

[FR Doc. 2013–21719 Filed 9–5–13; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[A10–1523–2000–229–00–0–1, 3205000]

Notice of Intent To Prepare an Environmental Impact Statement and Public Scoping Meetings for the White Mountain Apache Tribe Rural Water System Project, Arizona

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent and public scoping meetings.

SUMMARY: The Bureau of Reclamation, the lead Federal agency, and the Bureau of Indian Affairs and White Mountain Apache Tribe (WMAT), cooperating

agencies, are intending to prepare an Environmental Impact Statement (EIS) for the proposed WMAT Rural Water System. Pursuant to the WMAT Water Rights Quantification Act (Title III of the Claims Resolution Act of 2010), the United States Congress authorized and directed Reclamation to plan, design, and construct the WMAT Rural Water System to divert, store, and distribute water from the North Fork of the White River for the use and benefit of the WMAT. The proposed action would fulfill the Bureau of Reclamation's statutory mandate under the WMAT Water Rights Quantification Act. The Rural Water System would also serve the purpose of providing a long-term, dependable, and sustainable water supply for residents and businesses on the Fort Apache Indian Reservation.

DATES: Submit written comments on the scope of the EIS on or before October 28, 2013. Two scoping meetings will be held to solicit public input on the scope of the environmental document, alternatives, concerns, and issues to be addressed in the EIS.

The scoping meetings dates are:

1. Friday, September 20, 2013, 6:00 p.m. to 9:00 p.m., Cibecue, AZ.
2. Saturday, September 21, 2013, 9:00 a.m.–12:00 p.m., Whiteriver, AZ.

ADDRESSES: Send written comments to Mr. John McGlothlen, Phoenix Area Office, Bureau of Reclamation, 6150 West Thunderbird Road, Glendale, Arizona, 85306–4001; or email *jmcglothlen@usbr.gov.*

The public scoping meetings will be held at:

1. Cibecue Complex—Feeding Center, 10 West 3rd North Cromwell Road, Cibecue, AZ.
2. Whiteriver—Whiteriver Unified School District Office Training Room II, 963 South Chief Avenue, Whiteriver, AZ.

FOR FURTHER INFORMATION CONTACT: Mr. John McGlothlen, 623–773–6256; *jmcglothlen@usbr.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the National Environmental Policy Act (NEPA), the Bureau of Reclamation will prepare the EIS.

Background

The WMAT Water Rights Quantification Agreement was confirmed by the United States Congress in the Claims Resolution Act of 2010 (Pub. L. 111–291, Title III, 124 STAT 3064, 3073 [2010]). This Act authorized and directed the Bureau of Reclamation to construct the WMAT Rural Water System to divert, store, and distribute water from the North Fork of the White River to the WMAT. Section 304(c) of the Act designated Reclamation as the lead Federal agency with respect to ensuring compliance with applicable environmental laws and regulations associated with implementation of the WMAT Rural Water System.

The proposed action would include construction and operation of the WMAT Rural Water System, including a dam and storage reservoir on the North Fork of the White River, water treatment facilities, and a distribution system (i.e., pipelines, pumping stations and water tanks) that would provide water to communities located on the Fort Apache Indian Reservation, including Whiteriver, Fort Apache, Canyon Day, Cedar Creek, Carrizo, and Cibecue. The construction of the Miner Flat Dam, a roller compacted concrete dam, would create a new reservoir called the Miner Flat Reservoir. Water from the Miner Flat Reservoir would be released to the North Fork of the White River, diverted from the stream channel upstream from the community of Whiteriver, and subsequently treated and conveyed via pipeline to Fort Apache Indian Reservation communities. Storage on the North Fork of the White River at Miner Flat Dam could provide multipurpose benefits, including domestic and commercial water supply, recreation, hydropower potential, limited flood control, irrigation, improved in-stream flows for riparian and aquatic habitat, and improved stream temperatures for production of trout at the Alchesay National Fish Hatchery.

The WMAT would become the titled owner and operator of the completed water system after the Bureau of Reclamation completes construction, operates the new facilities for a period of three years, and provides technical assistance to WMAT on the operation and maintenance of the system. The proposed action would fulfill Reclamation's statutory mandate under the Act to plan, design, construct, operate and maintain the WMAT Rural Water System until the date on which title is transferred to the WMAT. For the WMAT, the purpose of the proposed action is to provide multi-purpose water uses, including a secure, safe and dependable, good-quality, fresh water supply for its communities and tribal members.

Indian Trust Assets issues that are expected to be addressed in the EIS include water rights, trust lands, and resources associated with the Fort Apache Indian Reservation. The WMAT has full beneficial title, with legal title held by the United States, to 1.66 million acres of trust land within the Fort Apache Indian Reservation. The WMAT has retained all property rights related to its trust land, including the right to use water that underlies, borders and traverses it.

Special Assistance for Public Scoping Meetings

If special assistance is required at the scoping meetings, please contact Ms. Jessie Haragara at 623–773–6251, or email at *jharagara@usbr.gov.* Please notify Ms. Haragara at least two weeks in advance of the meeting to enable the Bureau of Reclamation to secure the needed services. If a request cannot be honored, the requestor will be notified.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in our 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: August 29, 2013.

Terrance J. Fulp,

Regional Director, Lower Colorado Region.

[FR Doc. 2013–21717 Filed 9–5–13; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

[Docket No. 2976]

Certain Thermal Support Devices for Infants, Infant Incubators, Infant Warmers and Components Thereof; Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Thermal Support Devices for Infants, Infant Incubators, Infant Warmers and Components Thereof,* DN 2976; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.8(b)).

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Acting Secretary to the Commission, U.S. International Trade

Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at EDIS,[1] and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at USITC.[2] The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at EDIS.[3] Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to section 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Draeger Medical Systems, Inc. on August 29, 2013. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain thermal support devices for infants, infant incubators, infant warmers and components thereof. The complaint names as respondent Atom Medical International, Inc. of Japan. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and a bond upon respondents' alleged infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or section 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 2976'') in a prominent place on the cover page and/or the first page. (*See* Handbook for *Electronic Filing Procedures, Electronic Filing Procedures*[4]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR § 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[5]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR §§ 201.10, 210.8(c)).

By order of the Commission.

Issued: August 30, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–21646 Filed 9–5–13; 8:45 am]

BILLING CODE 7020–02–P

[1] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[2] United States International Trade Commission (USITC): *http://edis.usitc.gov.*

[3] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

[4] Handbook for Electronic Filing Procedures: *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.*

[5] Electronic Document Information System (EDIS): *http://edis.usitc.gov.*

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–494 and 496 (Final)]

Frozen Warmwater Shrimp from Indonesia and Thailand; Termination of Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: On August 19, 2013, the Department of Commerce published notices in the **Federal Register** of negative final determinations of subsidies in connection with the subject investigations concerning Indonesia (78 FR 50379) and Thailand (78 FR 50383). Accordingly, pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the countervailing duty investigations concerning frozen warmwater shrimp from Indonesia and Thailand (investigation Nos. 701–TA–494 and 496 (Final)) are terminated.

DATES: *Effective Date:* August 19, 2013.

FOR FURTHER INFORMATION CONTACT: Edward Petronzio (202–205–3176), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the

Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

Authority: These investigations are being terminated under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: September 3, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–21725 Filed 9–5–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Application; Clinical Supplies Management, Inc.

Pursuant to Title 21 Code of Federal Regulations 1301.34 (a), this is notice that on July 22, 2013, Clinical Supplies Management, Inc., 342 42nd Street South, Fargo, North Dakota 58103, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Sufentanil (9740), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance with the sole purpose of packaging, labeling, and distributing to customers which are qualified clinical sites, conducting FDA-approved clinical trials.

Any bulk manufacturer who is presently, or is applying to be, registered with D listed in schedule II, which falls under the authority of section 1002(a)(2)(B) of the Act 21 U.S.C. 952 (a)(2)(B) may, in the circumstances set forth in 21 U.S.C. 958(i), file comments or objections to the issuance of the proposed registration and may, at the same time, file a written request for a hearing on such application pursuant to 21 CFR 1301.43, and in such form as prescribed by 21 CFR 1316.47.

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, Federal Register Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than October 7, 2013.

This procedure is to be conducted simultaneously with, and independent of, the procedures described in 21 CFR § 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice published in the **Federal Register** on September 23, 1975, 40 FR 43745–46, all applicants for registration to import a basic class of any controlled substance in schedules I or II are, and will continue to be, required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, that the requirements for such registration pursuant to 21 U.S.C. 958(a); 21 U.S.C. 823(a); and 21 CFR 1301.34(b), (c), (d), (e), and (f) are satisfied.

Dated: August 29, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–21735 Filed 9–5–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; United States Pharmacopeial Convention

By Notice dated May 22, 2013, and published in the **Federal Register** on May 30, 2013, 78 FR 32457, United States Pharmacopeial Convention, 12601 Twinbrook Parkway, Rockville, Maryland 20852, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Cathinone (1235)	I
Methaqualone (2565)	I
Lysergic acid diethylamide (7315)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
3,4-Methylenedioxyamphetamine (7400)	I
Codeine-N-oxide (9053)	I
Difenoxin (9168)	I
Heroin (9200)	I
Morphine-N-oxide (9307)	I
Norlevorphanol (9634)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Phencyclidine (7471)	II
4-Anilino-N-phenethyl-4-piperidine (8333)	II
Phenylacetone (8501)	II
Alphaprodine (9010)	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II

Drug	Schedule
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Meperidine (9230)	II
Methadone (9250)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Oxymorphone (9652)	II
Alfentanil (9737)	II
Sufentanil (9740)	II

The company plans to import reference standards for sale to researchers and analytical labs.

The company plans to import the listed controlled substances in bulk powder form from foreign sources for the manufacture of analytical reference standards for sale to their customers.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of United States Pharmacopeial Convention to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated United States Pharmacopeial Convention to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and § 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: August 29, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–21742 Filed 9–5–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; GE Healthcare

By Notice dated June 7, 2013, and published in the **Federal Register** on June 18, 2013, 78 FR 36594, GE Healthcare, 3350 North Ridge Avenue, Arlington Heights, Illinois 60004–1412, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of Cocaine (9041), a basic class of controlled substance listed in schedule II.

The company plans to import small quantities of ioflupane, in the form of three separate analogues of Cocaine, to validate production and quality control systems, for a reference standard, and for producing material for a future investigational new drug (IND) submission.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of GE Healthcare to import the basic class of controlled substance is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated GE Healthcare to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic class of controlled substance listed.

Dated: August 29, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–21743 Filed 9–5–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration; Lipomed, Inc.

By Notice dated June 7, 2013, and published in the **Federal Register** on June 18, 2013, 78 FR 36591, Lipomed, Inc., One Broadway, Cambridge, Massachusetts 02142, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the following basic classes of controlled substances:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
4-Mephedrone (1248)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Fenethylline (1503)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590)	I
Gamma Hydroxybutyric Acid (2010)	I
Methaqualone (2565)	I

Drug	Schedule
Mecloqualone (2572)	I
JWH–250 (6250)	I
SR–18 (Also known as RCS–8) (7008)	I
JWH–019 (7019)	I
JWH–081 (7081)	I
SR–19 (Also known as RCS–4) (7104)	I
JWH–018 AND AM–678 (7118)	I
JWH–122 (7122)	I
JWH–073 (7173)	I
JWH–200 (7200)	I
AM–2201 (7201)	I
JWH–203 (7203)	I
Alpha-ethyltryptamine (7249)	I
Ibogaine (7260)	I
CP–47497 (7297)	I
CP–47497 C8 Homologue (7298)	I
Lysergic acid diethylamide (7315)	I
2C–T–7 (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Parahexyl (7374)	I
Mescaline (7381)	I
2C–T–2 (7385)	I
3,4,5-Trimethoxyamphetamine (7390)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
JWH–398 (7398)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N-N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (7473)	I
N-Ethyl-3-piperidyl benzilate (7482)	I
N-Methyl-3-piperidyl benzilate (7484)	I
N-Benzylpiperazine (7493)	I
2C–D (7508)	I
2C–E (7509)	I
2C–H (7517)	I
2C–I (7518)	I
2C–C (7519)	I
2C–N (7521)	I
2C–P (7524)	I
2C–T–4 (7532)	I
MDPV (7535)	I
Methylone (7540)	I
AM–694 (7694)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Cyprenorphine (9054)	I
Desomorphine (9055)	I
Etorphine (except HCl) (9056)	I
Codeine methylbromide (9070)	I
Dihydromorphine (9145)	I
Difenoxin (9168)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldesorphine (9302)	I
Methyldihydromorphine (9304)	I
Morphine methylbromide (9305)	I
Morphine methylsulfonate (9306)	I

Drug	Schedule
Morphine-N-oxide (9307)	I
Myrophine (9308)	I
Nicocodeine (9309)	I
Nicomorphine (9312)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Thebacon (9315)	I
Acetorphine (9319)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetyl-methadol (9603)	I
Alphamethadol (9605)	I
Dioxaphetyl butyrate (9621)	I
Dipipanone (9622)	I
Elhylmethylthiambutene (9623)	I
Etonitazene (9624)	I
Etoxeridine (9625)	I
Furethidine (9626)	I
Hydroxypethidine (9627)	I
Ketobemidone (9628)	I
Levomoramide (9629)	I
Levophenacylmorphan (9631)	I
Morpheridine (9632)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Norpipanone (9636)	I
Phenadoxone (9637)	I
Phenampromide (9638)	I
Phenoperidine (9641)	I
Piritramide (9642)	I
Proheptazine (9643)	I
Properidine (9644)	I
Racemoramide (9645)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
Propiram (9649)	I
Tilidine (9750)	I
Para-Flouorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
4-Anilino-N-phenethyl-4-piperidine (8333)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Anileridine (9020)	II
Cocaine (9041)	II
Codeine (9050)	II
Etorphine HCl (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-B (9233)	II

Drug	Schedule
Metazocine (9240)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Metopon (9260)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Dihydroetorphine (9334)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Phenazocine (9715)	II
Piminodine (9730)	II
Racemethorphan (9732)	II
Racemorphan (9733)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II
Bezitramide (9800)	II
Fentanyl (9801)	II

The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and 952(a) and determined that the registration of Lipomed, Inc., to import the basic classes of controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971. DEA has investigated Lipomed, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 952(a) and 958(a), and in accordance with 21 CFR 1301.34, the above named company is granted registration as an importer of the basic classes of controlled substances listed.

Dated: August 29, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–21741 Filed 9–5–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application; Cerilliant Corporation

Pursuant to § 1301.33(a), Title 21 of the Code of Federal Regulations (CFR), this is notice that on July 10, 2013, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Cathinone (1235)	I
Methcathinone (1237)	I
4-Methyl-N-methylcathinone (1248)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
Fenethylline (1503)	I
Aminorex (1585)	I
4-Methylaminorex (cis isomer) (1590)	I
Gamma Hydroxybutyric Acid (2010)	I
Methaqualone (2565)	I
XLR11 (7011)	I
AKB48 (7048)	I
1-Pentyl-3-(1-naphthoyl)indole (7118)	I
UR-144 (7144)	I
1-Butyl-3-(1-naphthoyl)indole (7173)	I
1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (7200)	I
Alpha-ethyltryptamine (7249)	I
5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol] (7297)	I
5-(1,1-Dimethyloctyl)-2-[(1R,3S)3-hydroxycyclohexyl-phenol] (7298)	I
Lysergic acid diethylamide (7315)	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (7348)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Parahexyl (7374)	I
Mescaline (7381)	I
3,4,5-Trimethoxyamphetamine (7390)	I

Drug	Schedule
4–Bromo-2,5-dimethoxyamphetamine (7391)	I
4–Bromo-2,5-dimethoxyphenethylamine (7392)	I
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
5-Methoxy-3,4-methylenedioxyamphetamine (7401)	I
N-Hydroxy-3,4-methylendioxyamphetamine (7402)	I
3,4-Methylendioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N-N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
N-Benzylpiperazine (7493)	I
Acetyldihydrocodeine (9051)	I
Benzylmorphine (9052)	I
Codeine-N-oxide (9053)	I
Codeine methylbromide (9070)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Hydromorphinol (9301)	I
Methyldesorphine (9302)	I
Methyldihydromorphine (9304)	I
Morphine methylbromide (9305)	I
Morphine methylsulfonate (9306)	I
Morphine-N-oxide (9307)	I
Normorphine (9313)	I
Pholcodine (9314)	I
Acetylmethadol (9601)	I
Allylprodine (9602)	I
Alphacetylmethadol except levo-alphacetylmethadol (9603)	I
Alphameprodine (9604)	I
Alphamethadol (9605)	I
Betacetylmethadol (9607)	I
Betameprodine (9608)	I
Betamethadol (9609)	I
Betaprodine (9611)	I
Dipipanone (9622)	I
Hydroxypethidine (9627)	I
Noracymethadol (9633)	I
Norlevorphanol (9634)	I
Normethadone (9635)	I
Trimeperidine (9646)	I
Phenomorphan (9647)	I
1-Methyl-4-phenyl-4-propionoxypiperidine (9661)	I
Tilidine (9750)	I
Para-Fluorofentanyl (9812)	I
3-Methylfentanyl (9813)	I
Alpha-Methylfentanyl (9814)	I
Acetyl-alpha-methylfentanyl (9815)	I
Beta-hydroxyfentanyl (9830)	I
Beta-hydroxy-3-methylfentanyl (9831)	I
Alpha-methylthiofentanyl (9832)	I
3-Methylthiofentanyl (9833)	I
Thiofentanyl (9835)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Lisdexamfetamine (1205)	II
Phenmetrazine (1631)	II
Methylphenidate (1724)	II
Amobarbital (2125)	II
Pentobarbital (2270)	II
Secobarbital (2315)	II
Glutethimide (2550)	II
Nabilone (7379)	II

Drug	Schedule
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Alphaprodine (9010)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Ecgonine (9180)	II
Ethylmorphine (9190)	II
Hydrocodone (9193)	II
Levomethorphan (9210)	II
Levorphanol (9220)	II
Isomethadone (9226)	II
Meperidine (9230)	II
Meperidine intermediate-A (9232)	II
Meperidine intermediate-B (9233)	II
Meperidine intermediate-C (9234)	II
Metazocine (9240)	II
Methadone (9250)	II
Methadone intermediate (9254)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Levo-alphacetylmethadol (9648)	II
Oxymorphone (9652)	II
Noroxymorphone (9668)	II
Racemethorphan (9732)	II
Alfentanil (9737)	II
Remifentanil (9739)	II
Sufentanil (9740)	II
Carfentanil (9743)	II
Tapentadol (9780)	II
Fentanyl (9801)	II

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to their customers.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the proposed registration pursuant to 21 CFR 1301.33(a).

Any such written comments or objections should be addressed, in quintuplicate, to the Drug Enforcement Administration, Office of Diversion Control, **Federal Register** Representative (ODL), 8701 Morrissette Drive, Springfield, Virginia 22152; and must be filed no later than November 5, 2013.

Dated: August 29, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–21744 Filed 9–5–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Alltech Associates, Inc.

By Notice dated May 14, 2013 and published in the **Federal Register** on May 22, 2013, 78 FR 30331, Alltech Associates, Inc., 2051 Waukegan Road, Deerfield, Illinois 60015, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Drug	Schedule
Methcathinone (1237)	I
N-Ethylamphetamine (1475)	I
N,N-Dimethylamphetamine (1480)	I
4-Methylaminorex (cis isomer) (1590)	I
Alpha-ethyltryptamine (7249)	I
Lysergic acid diethylamide (7315)	I
2C–T–7 (2,5-Dimethoxy-4-(n)-Propylthiophenethylamine) (7348)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
2C–T–2 (2-(4-Ethylthio-2,5-dimethoxyphenyl)ethanamine) (7385)	I
4-Bromo-2,5-dimethoxyamphetamine (7391)	I
4-Bromo-2,5-dimethoxyphenethylamine (7392)	I

Drug	Schedule
4-Methyl-2,5-dimethoxyamphetamine (7395)	I
2,5-Dimethoxyamphetamine (7396)	I
2,5-Dimethoxy-4-ethylamphetamine (7399)	I
3,4-Methylenedioxyamphetamine (7400)	I
N-Hydroxy-3,4-methylenedioxyamphetamine (7402)	I
3,4-Methylenedioxy-N-ethylamphetamine (7404)	I
3,4-Methylenedioxymethamphetamine (7405)	I
4-Methoxyamphetamine (7411)	I
5-Methoxy-N-N-dimethyltryptamine (7431)	I
Alpha-methyltryptamine (7432)	I
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Psilocybin (7437)	I
Psilocyn (7438)	I
5-Methoxy-N,N-diisopropyltryptamine (7439)	I
N-Ethyl-1-phenylcyclohexylamine (7455)	I
1-(1-Phenylcyclohexyl)pyrrolidine (7458)	I
1-[1-(2-Thienyl)cyclohexyl]piperidine (7470)	I
2C–E (2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine) (7509)	I
2C–H (2-(2,5-Dimethoxyphenyl)ethanamine) (7517)	I
2C–1(2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine) (7518)	I
2C–C (2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (7519)	I
2C–T–4 (2-4-isopropylthio)-2,5-dimethoxyphenyl ethanamine) (7532)	I
Dihydromorphine (9145)	I
Heroin (9200)	I
Normorphine (9313)	I
Methamphetamine (1105)	II
1-Phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-Piperidinocyclohexanecarbonitrile (8603)	II
Cocaine (9041)	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Ecgonine (9180)	II
Meperidine intermediate-B (9233)	II
Noroxymorphone (9668)	II

The company plans to manufacture high purity drug standards used for analytical applications only in clinical, toxicological, and forensic laboratories.

No comments or objections have been received. DEA has considered the factors in 21 U.S.C. 823(a) and determined that the registration of Alltech Associates, Inc., to manufacture the listed basic classes of controlled substances is consistent with the public interest at this time. DEA has investigated Alltech Associates, Inc., to ensure that the company's registration is consistent with the public interest. The investigation has included inspection and testing of the company's physical security systems, verification of the company's compliance with state and local laws, and a review of the company's background and history.

Therefore, pursuant to 21 U.S.C. 823(a), and in accordance with 21 CFR 1301.33, the above named company is granted registration as a bulk manufacturer of the basic classes of controlled substances listed.

Dated: August 29, 2013.

Joseph T. Rannazzisi,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 2013–21750 Filed 9–5–13; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB #1121–0249]

Agency Information Collection Activities; Proposed Collection; Revision of a Currently Approved Collection; Comment Requested: Deaths in Custody—Series of Collections from State-Level Law Enforcement Respondents, Local Jails and State Prisons

ACTION: 30-day notice.

The Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 77, Number 179, pages 56863–56865, on September 14, 2012, allowing for a 30 day comment period. Since the originally posted 30-day notice, the burden estimate for the 2013 local jail annual summaries collection (CJ–9A and CJ–10A) increased from 750 burden hours as indicated in the 30 day notice to 4,347 burden hours. This change is the result of collecting additional critical items in the survey at the jail facility level, which will better inform the Deaths in Custody Reporting Program (DCRP) and other BJS establishment and inmate surveys, such as the Annual Survey of Jails (ASJ) and the National Inmate Survey (NIS). The DCRP currently provides a sampling frame for the NIS and will be used to update and enhance the existing sampling frame for the ASJ. This burden

increase is for a one-time 2013 jail collection only. Comments are encouraged and should be submitted by October 7, 2013. This process is in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Margaret Noonan, Statistician, (202) 353–2060, Bureau of Justice Statistics, 810 Seventh St. NW., Washington, DC 20531. We request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumption used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

Overview of this information collection:

(1) *Type of information collection:* Renewal of existing collection.

(2) *The title of the Form/Collection:* Deaths in Custody Reporting Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Forms—Death Report on Inmates Under Jail Jurisdiction (CJ–9); Annual Summary on Inmates Under Jail Jurisdiction (CJ–9A); Death Report on Inmates In Private and Multi-Jurisdictional Jails (CJ–10); Annual Summary on Inmates in Private and Multi-Jurisdictional Jails (CJ–10A); State Prison Inmate Death Report (NPS–4A); Annual Summary of Inmate Deaths in State Prisons (NPS–4); Summary of Arrest-Related Deaths (CJ–11); Arrest-Related Death Report (CJ–11A). The Bureau of Justice Statistics, Office of Justice Programs, Department of Justice is the sponsor for the collection.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: Local jail administrators, state prison administrators, and state-level law enforcement respondents. One reporter from each of the estimated 3,000 local jail jurisdictions and one reporter from each of the 50 state prison systems in the United States are asked to provide information on the following categories:

Years 2012 and 2014 for Jails; Years 2012–2014 for Prison and Arrests:

(a) The number of inmates confined in jail facilities on December 31 of the previous year, by sex, either actual or estimated (local jails only);

(b) The number of inmates admitted to jail facilities in the previous year, by sex, either actual or estimated (local jails only);

(c) The number of inmates confined in local jails on the behalf of U.S. Immigration and Customs Enforcement, the U.S. Marshals Service or any other hold for another jurisdiction (local jails only);

(d) The average daily population of all jail confinement facilities operated by the jurisdiction in the previous year, by sex, either actual or estimated (local jails only);

(e) The number of persons who died while under the supervision of the jurisdiction in the previous year, by sex, either actual or estimated (local jails only);

(f) The number of persons who died while in custody of state correctional facility during the previous year (state prisons only);

(g) The full name, date of death, date of birth, sex, and race/ethnic origin for each inmate who died during the reporting year;

(h) Whether the deceased inmate was being held in the local jail or under the authority of the state department of correction on the behalf of U.S. Immigration and Customs Enforcement, U.S. Marshals Service, or other counties, jurisdictions or correctional authorities;

(i) The name and location of the correctional facility involved for each inmate who died during the reporting year (state prisons only);

(j) The admission date and current offense(s) for each inmate who died during the reporting year;

(k) The legal status for each inmate who died during the reporting year (local jails only);

(l) Whether the inmate ever stayed overnight in a mental health observation unit or outside mental health facility;

(m) The location and cause of death of each inmate death that took place during the reporting year;

(n) The time of day that the incident causing the inmate's death occurred and where the incident occurred (limited to accidents, suicides, and homicides only);

(o) Whether the cause of death was a preexisting medical condition or a condition that developed after admission to the facility and whether the inmate received treatment for the medical condition after admission and if so, the kind of treatment received (deaths due to accidental injury, intoxication, suicide, or homicide do not apply);

(p) Whether an autopsy/postmortem exam/review of medical records to determine the cause of death of the inmate was performed and the availability of those results;

(q) The survey ends with a box in which respondents can enter notes;

(r) Confirmation or correction of the agency and agency head's name, phone number, email address, and mailing address;

(s) Confirmation or correction of the agency's primary point of contact for data collection, title, phone number, email address, and mailing address;

(t) Confirmation or correction of the names of facilities within the jurisdiction.

Year 2013 for Jails Only (Including the Federal Bureau of Prison Detention Centers)

(a) The number of persons who died while under the supervision of the jurisdiction in the previous year, by sex, either actual or estimated (local jails only);

(b) On December 31, 2013, the number of inmates confined in jail facilities including male and female adult and juvenile inmates; persons under age 18 held as adults; race/ethnicity categories; held for Federal authorities, State prison authorities, American Indian/Alaska Native Tribal governments, and other local jail jurisdictions.

(c) On December 31, 2013, the number of inmates held for a felony or misdemeanor, convicted inmates that are unsentenced or sentenced and the number of unconvicted inmates awaiting trial/arraignment, or transfers/holds for other authorities.

(d) On December 31, 2013, the number of persons confined in jail facilities who were not U.S. citizens.

(e) Whether the jail facilities have a weekend incarceration program prior to December 31, 2013 and the number of inmates participating.

(f) The number of new admissions into and final discharges from jail facilities between January 1, 2013 and

December 31, 2013, by male and female inmates.

(g) The date and count for the greatest number of confined inmates during the 31-day period in December 2013.

(h) The average daily population of jail facilities between January 1, 2013 and December 31, 2013, by male and female inmates.

(i) Jail rated capacity on December 31, 2013.

(j) On December 31, 2013, the number of persons under jail supervision but not confined (e.g., electronic monitoring, day reporting, etc.)

(k) On December 31, 2013, the number of correctional officers and other staff employed by jail facilities;

(l) On December 31, 2013, the number of correctional officers and other staff employed by jail facilities, by male and female staff;

(m) On December 31, 2013, the number of correctional officers employed by jail facilities, by race/ethnicity categories;

(n) Between January 1, 2013 and December 31, 2013, the total facility operating expenditures.

A total of 52 respondents, comprising of 50 state-level respondents, representing each state, and two local-level law enforcement agencies representing the District of Columbia and New York City are asked to provide information on the number of persons who died during the process of arrest by state or local law enforcement in the reporting year. In addition, state-level law enforcement respondents are asked to provide the following information for each person who died during the process of arrest in the reporting year:

(a) The full name, date of death, date of birth, sex, and race/ethnic origin;

(b) The name and ORI number of the law enforcement agency involved;

(c) The address, and location type, of the incident that caused the death;

(d) The reason for the initial contact between law enforcement and the deceased, as well as whether specialize units responded during the incident;

(e) Whether the deceased engaged in non-compliant or aggressive behavior during the process of arrest;

(f) Whether the deceased possessed, threaten to use, or used any weapons during the process of arrest;

(g) Whether law enforcement personnel engage in tactics to restrain or used restraints or weapons during the process of arrest;

(h) Whether the deceased sustained injuries during the incident and whether law enforcement personnel, the decedent, or another civilian was responsible for inflicting injuries;

(i) The type of weapon that caused the death;

(j) The location, date, time, manner, and cause of death;

(k) Whether the autopsy or post-mortem evaluation indicated the presences of alcohol, other drugs, or confirmed psychological diagnosis;

(l) The survey ends with a box in which respondents can enter notes.

The Bureau of Justice Statistics uses this information in published reports and statistics. The reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, others interested in criminal justice statistics, and the general public.

(5) *Estimate of the total number of respondents and the amount of time needed for an average respondent to respond:* An approximate 3,102 total respondents will be asked to submit an estimated 11,152 responses to this collection program for years 2012 and 2014. An approximate 3,102 total respondents will be asked to submit an estimated 11,412 responses to this collection program for 2013 only. The typical amount of time needed for a respondent to complete each form is broken down as follows:

Local jails/death reports (forms CJ–9 and CJ–10)—600 respondents will have an average response time of 30 minutes per form, for a total of 451 hours. Analysis of data from past years shows that approximately 80% of jails nationwide have zero deaths in a given calendar year. Thus, based on the 2010 data, approximately 20% of the 3,000 jails will complete death reports, resulting in 600 respondents. Respondents reporting zero deaths will not need to complete a death report form. Based on 2009 and 2010 data, approximately 22% of the total 4,100 death reports received was from jail respondents; thus, we expect to receive approximately 902 death reports from jails. For jurisdictions reporting a death, the average response time is estimated at 30 minutes per death, for a total of 451 hours devoted to reporting data on deaths in jails. The estimated time is based on feedback from jail staff.

2012 and 2014 Local jails/annual (forms CJ–9A and CJ–10A)—an estimated 3,000 jail respondents will have an average response time of 15 minutes per form, for a total of 750 hours. The estimated time is based on feedback from jail staff.

2013 Local jails/annual (form CJ–9A/10A)—an estimated 3,000 central jail respondents providing data for approximately 3,260 facilities will have an average response time of 80 minutes per form, for a total of 4,347 hours. The estimated number of respondents also includes approximately 12 Federal Bureau of Prison Detention Centers. The estimated time is based on feedback from jail staff on similar questionnaire items collected in the 2012 Annual Survey of Jails (forms CJ–5/5A–OMB No. 1121–0094), the 2006 Census of Jail Facilities (CJ–3F–OMB No. 1121–0305), and the 2005 Census of Jail Inmates (form CJ–3I–OMB No. 1121–0100).

State prison/death reports (form NPS–A)—50 state prison respondents are estimated to have an average response time of 30 minutes per death, across 3,198 deaths each year, for a total of 1,599 hours. Based on 2009 and 2010 data, 78% of the total 4,100 death reports received was from state prisons; thus, we expect to receive approximately 3,198 death reports from state prisons. The estimated time is based on feedback from state prison staff.

State prison/annual (form NPS–4)—50 state prison respondents are estimated to have an average response time of 5 minutes per form, for a total of 4 hours. Based on 2010 data, we expect approximately 50 respondents. The estimated time is based on feedback from state prison staff.

Local jail and state prisons (verification call)—3,050 respondents (3,000 jail jurisdiction respondents and 50 state department of corrections respondents) will be asked to participate in the verification call, which has an average response time of 8 minutes per call, for a total of 407 hours (400 for jail respondents and 7 for state prison respondents). The estimated time is based on the average time to complete a verification call with a respondent.

Arrest-Related/death reports (CJ–11A)—50 state-level respondents and 2 local law enforcement agencies are estimated to have an average response time of 60 minutes per death, across 900 deaths each year, for a total of 900 hours.

Arrest-Related/summary (CJ–11)—50 state-level respondents and 2 local law enforcement agencies are estimated to have an average response time of 5 minutes per form, for a total of 4 hours per quarter or 18 hours per year. Based on 2010 data, we expect approximately 50 respondents. The estimated time is based on feedback from state-level respondents.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 4,129 annual burden hours for years 2012 and 2014, and 7,712 annual burden hours for year 2013. The estimates contributing to this calculation are provided in the table below.

SUMMARY OF TOTAL RESPONDENT BURDEN FOR DCRP DATA COLLECTION

Reporting Method	Type of Data Supplier	Number of Data Suppliers	Number of Responses	Average Reporting Time	Total Burden Hours
Mail and Online Data Entry……	Local Jails – Death Records [1]…….	600	902	30 minutes per death……	451
Mail and Online Data Entry……	Local Jails – Annual Summary [2a]……..	3,000	3,000	15 minutes…….	750
Mail and Online Data Entry……	Local Jails – Annual Summary [2b]……..	3,000	3,260	80 minutes…….	4,347
Mail and Online Data Entry……	State Prison – Death Records [3].....	50	3,198	30 minutes per death……..	1,599
Mail and Online Data Entry……	State Prison – Annual Summary [4]…….	50	50	5 minutes……..	4
Telephone……	Local Jails– Verification Call ……..	3,000	3,000	8 minutes……..	400
Tèlephone……	State Prisons – Verification Call ..…..	50	50	8 minutes……..	7
Mail, E-mail, and Fax……	Arrest-Related Death Record [5]……..	52	900	60 minutes per death……..	900
Mail, E-mail, and Fax……	Arrest-Related Death Summary [6]……..	52	208	5 minutes……..	18
TOTAL 2012 and 2014…..	……	3,102	11,152	……	4,129
TOTAL 2013……	……	3,102	11,412	……	7,712

[1]The forms associated with local jail death records are forms CJ–9 and CJ–10.
[2a]The forms associated with the 2012 and 2014 local jail annual summaries are forms CJ–9A and CJ–10A.
[2b]The form associated with the expanded 2013 local jail annual summaries are forms CJ–9A/10A.
[3]The form associated with the state prison death records is form NPS–4A.
[4]The form associated with the state prison annual summary form is form NPS–4.
[5]The form associated with arrest-related death records is form CJ–11A.
[6]The form associated with arrest-related death summary is form CJ–11.

If additional information is required contact: Ms. Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 1407–B, Washington, DC 20530.

Dated: September 3, 2013.

Jerri Murray,

Department Clearance Officer, PRA, U.S., U.S. Department of Justice.

[FR Doc. 2013–21689 Filed 9–5–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0013]

Federal Advisory Council on Occupational Safety and Health

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for nominations to serve on the Federal Advisory Council on Occupational Safety and Health (FACOSH).

SUMMARY: The Assistant Secretary of Labor for Occupational Safety and Health invites interested individuals to submit nominations for membership on FACOSH.

DATES: Nominations for FACOSH must be submitted (postmarked, sent, transmitted, or received) by November 5, 2013.

ADDRESSES: You may submit nominations and supporting materials using one of the following methods:

Electronically: You may submit nominations, including attachments, electronically at *http://www.regulations.gov*, the federal eRulemaking portal. Follow the online instructions for submitting nominations;

Facsimile: If your nominations and supporting materials and attachments do not exceed 10 pages, you may FAX them to the OSHA Docket Office at (202) 693–1648;

Mail, express delivery, hand delivery, messenger or courier service: You may send nominations and supporting materials to the OSHA Docket Office, Docket No. OSHA–2013–0013, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY number (877) 889–5627). Deliveries by hand, express mail, messenger, and courier service are accepted during the Department of Labor's and OSHA Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., E.S.T.

Instructions: Your submissions and supporting materials must include the agency name and docket number for this **Federal Register** notice (OSHA–2013–0013). Due to security-related procedures, submissions by regular mail may experience significant delays. Please contact the OSHA Docket Office for information about special security procedures for submitting nominations and supporting materials. For additional information on submitting nominations and supporting materials, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OSHA will post all submissions, including any personal information you provide, without change on *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates.

To read or download submissions in response to this **Federal Register** notice, go to Docket No. OSHA–2013–0013 at *http://www.regulations.gov.* All documents in the docket are listed in the index of that Web site; however, some documents (e.g., copyrighted) are not publicly available to read or download from that Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

For Additional Information

For press inquiries: Mr. Francis Meilinger, 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: Mr. Francis Yebesi, OSHA, Office of Federal Agency Programs, Directorate of Enforcement Programs, Room N–3622, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210;

telephone (202) 693–2122; email *ofap@dol.gov.*

SUPPLEMENTARY INFORMATION: The Assistant Secretary of OSHA invites interested individuals to submit nominations for membership on FACOSH.

Background. FACOSH is authorized to advise the Secretary of Labor (Secretary) on all matters relating to the occupational safety and health of federal employees (Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, Executive Orders 12196 and 13511). This includes providing advice on how to reduce and keep to a minimum the number of injuries and illnesses in the federal workforce, and how to encourage the establishment and maintenance of effective occupational safety and health programs in each federal agency.

FACOSH membership. FACOSH is comprised of 16 members, who the Secretary appoints to staggered terms not to exceed 3 years. OSHA is seeking nominations to fill five positions on FACOSH that will become vacant on January 1, 2014.

The categories of FACOSH membership and the number of new members to be appointed to three-year terms include:

- Eight members who are federal agency management representatives—Two management representatives will be appointed.
- Eight members who are representatives of labor organizations that represent federal employees—Three federal employee representatives will be appointed.

FACOSH members serve at the pleasure of the Secretary and the Secretary may appoint FACOSH members to successive terms. FACOSH meets at least two times a year.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse FACOSH membership. Any interested federal agency, labor organization, or individual(s) may nominate one or more qualified persons for membership on FACOSH. Interested individuals also are invited and encouraged to submit statements in support of particular nominees.

Nomination requirements. Submission of nominations must include the following information:

1. The nominee's name, contact information and current occupation or position;
2. The nominee's resume or curriculum vitae, including prior membership on FACOSH and other relevant organizations, associations and committees;
3. Category of membership (management, labor) the nominee is qualified to represent;
4. A summary of the nominee's background, experience and qualifications that address the nominee's suitability to serve on FACOSH;
5. Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience and expertise in occupational safety and health, particularly as it pertains to the federal workforce; and
6. A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in FACOSH meetings, and has no apparent conflicts of interest that would preclude membership on FACOSH.

Member selection. The Secretary appoints FACOSH members based upon criteria that include the nominee's level of responsibility for occupational safety and health matters involving the federal workforce; experience and competence in occupational safety and health; and willingness and ability to regularly and fully participate in FACOSH meetings. Federal agency management nominees who serve as their agency's Designated Agency Safety and Health Official (DASHO), or at an equivalent level of responsibility within their respective federal agencies, are preferred as management members. Labor nominees who are responsible for federal employee occupational safety and health matters within their respective labor organizations are preferred as labor members.

The information received through the nomination process, along with other relevant sources of information, will assist the Secretary in making appointments to FACOSH. In selecting FACOSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals. OSHA will publish a list of the new FACOSH members in the **Federal Register**.

Public Participation

Instructions for submitting nominations. Interested individuals may submit nominations and supplemental materials using one of the methods listed in the **ADDRESSES** section. All nominations, attachments and other materials must identify the agency/labor organization name and the docket number for this **Federal Register** notice (Docket No. OSHA–2013–0013). You may supplement electronic nominations by uploading document files electronically. If, instead, you wish to submit additional materials in reference to an electronic or FAX submission, you must submit them to the OSHA Docket Office (see **ADDRESSES** section). The additional material must clearly identify your electronic or FAX submission by name and docket number (Docket No. OSHA–2013–0013) so that the materials can be attached to your submission.

Because of security-related procedures, the use of regular mail may cause a significant delay in the receipt of nominations. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger or courier service, please contact the OSHA Docket Office (see **ADDRESSES** section).

All submissions in response to this **Federal Register** notice are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions interested parties about submitting personal information, such as Social Security numbers and birthdates. Guidance on submitting nominations and materials in response to this **Federal Register** notice is available at *http://www.regulations.gov* and from the OSHA Docket Office.

Access to docket and other materials. To read or download nominations and additional materials submitted in response to this **Federal Register** notice, go to Docket No. OSHA–2013–0013 at *http://www.regulations.gov.* All submissions are listed in the index of that docket. However, some documents (*e.g.*, copyrighted material) are not publicly available to read or download through that Web page. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for information about materials not available through *http://www.regulations.gov* and for assistance in using the internet to locate submissions.

Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This document, as well as news releases and other relevant information, also is available at OSHA's Web page at *http://www.osha.gov.*

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), 5 U.S.C. 7902, the Federal Advisory Committee Act (5 U.S.C. App. 2), Executive Order 12196 and 13511, Secretary of Labor's Order 1–2012 (77 FR 3912 (1/25/2012)), 29 CFR Part 1960 (Basic Program Elements of for Federal

Employee Occupational Safety and Health Programs), and 41 CFR Part 102–3.

Signed at Washington, DC on August 30, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–21663 Filed 9–5–13; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Submission for OMB Review; Comment Request

The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: *Blanket Justification for NEA Funding Application Guidelines and Reporting Requirements.* Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov.*

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 202/395–7316, within 30 days from the date of this publication in the **Federal Register**.

The Office of Management and Budget (OMB) is particularly interested in comments which:

- 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
- Could help minimize the burden of the collection of information on those who are to respond, including through the use of electronic submission of responses through Grants.gov.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of all of its funding application guidelines and grantee reporting requirements. This entry is issued by the Endowment and contains the following information: (1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Agency: National Endowment for the Arts.

Title: Blanket Justification for NEA Funding Application Guidelines and Reporting Requirements.

OMB Number: 3135–0112.

Frequency: Annually.

Affected Public: Nonprofit organizations, government agencies, and individuals.

Estimated Number of Respondents: 5,465.

Estimated Time per Respondent: 22 hours (applications)/8 hours (reports).

Total Burden Hours: 138,218.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): 0.

Description: Guideline instructions and applications elicit relevant information from individuals, nonprofit organizations, and government arts agencies that apply for funding from the NEA. This information is necessary for the accurate, fair, and thorough consideration of competing proposals in the review process. According to OMB Circulars A–102 and A–110, recipients of federal funds are required to report on project activities and expenditures. Reporting requirements are necessary to ascertain that grant projects have been completed, and that all terms and conditions have been fulfilled.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2013–21682 Filed 9–5–13; 8:45 am]

BILLING CODE 7537–01–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Audit Committee Meeting of The Board of Directors; Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Monday, September 23, 2013.

PLACE: 999 North Capitol St. NE., Suite 900, Gramlich Boardroom, Washington, DC 20002.

STATUS: Open.

CONTACT PERSON FOR MORE INFORMATION: Erica Hall, Assistant Corporate Secretary, (202) 760–4104; *ehall@nw.org.*

AGENDA:

I. CALL TO ORDER
II. Executive Session With Internal Audit Director
III. Title Change of the Internal Audit Director
IV. Executive Session With Officers: Pending Litigation
V. FY14 Risk Assessment & Internal Audit Plan
VI. Internal Audit Reports With Management's Response
VII. Internal Audit Report Posting & FOIA Protocol
VIII. Internal Audit Status Reports
IX. MHA Compliance Update
X. NFMC/EHLP Compliance Update
XI. OHTS Watch List Review
XII. External Audit Reports—California & the Internal Revenue Service
XIII. Adjournment

Erica Hall,

Assistant Corporate Secretary.

[FR Doc. 2013–21853 Filed 9–4–13; 4:15 pm]

BILLING CODE 7570–02–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0199; EA–13–065]

In the Matter of Certain Panoramic and Underwater Irradiators Authorized to Possess Greater Than 370 Terabecquerels (10,000 Curies) Byproduct Material in the Form of Sealed Sources; Order Imposing Compensatory Measures (Effective Immediately)

I

The Licensee identified in Attachment 1 to this Order holds a license issued in accordance with the Atomic Energy Act of 1954 and part 36 of Title 10 of the *Code of Federal Regulations* (10 CFR) by the U.S. Nuclear Regulatory Commission (NRC) authorizing possession of greater than 370 terabecquerels (10,000 curies) of byproduct material in the form of sealed sources in panoramic irradiators that have dry or wet storage of the sealed sources, or in underwater irradiators in which both the source and the product being irradiated are under water. The Commission's regulations in 10 CFR 20.1801 or equivalent Agreement State regulations require Licensees to secure, from unauthorized removal or access, licensed materials that are stored in controlled or unrestricted areas. The Commission's regulations in 10 CFR 20.1802 or equivalent Agreement State regulations require Licensees to control

and maintain constant surveillance of licensed material that is in a controlled or unrestricted area and that is not in storage.

II

On September 11, 2001, terrorists simultaneously attacked targets in New York, NY, and Washington, DC, utilizing large commercial aircraft as weapons. In response to the attacks and intelligence information subsequently obtained, the Commission issued a number of Safeguards and Threat Advisories to its licensees in order to strengthen licensees' capabilities and readiness to respond to a potential attack on a nuclear facility. The Commission has also communicated with other Federal, State and local government agencies and industry representatives to discuss and evaluate the current threat environment in order to assess the adequacy of security measures at licensed facilities. In addition, the Commission has been conducting a review of its safeguards and security programs and requirements.

As a result of its consideration of current safeguards and license requirements, as well as a review of information provided by the intelligence community, the Commission has determined that certain compensatory measures are required to be implemented by licensees as prudent measures to address the current threat environment. Therefore, the Commission is imposing requirements, as set forth in Attachment 2 [1] on the Licensee identified in Attachment 1 [2] of this Order who currently possesses, or has near term plans to possess, greater than 370 terabecquerels (10,000 curies) of byproduct material in the form of sealed sources. These requirements, which supplement existing regulatory requirements, will provide the Commission with reasonable assurance that the public health and safety and common defense and security continue to be adequately protected in the current threat environment.

Attachment 3 of this Order contains the requirements for fingerprinting and criminal history record checks for individuals when the licensee's reviewing official is determining access to Safeguards Information or unescorted access to the panoramic or underwater irradiator sealed sources. These requirements will remain in effect until the Commission determines otherwise.

The Commission concludes that these security measures must be embodied in an Order, consistent with the established regulatory framework. The Commission has broad statutory authority to protect and prohibit the unauthorized disclosure of Safeguards Information. Section 147 of the Atomic Energy Act of 1954, as amended, grants the Commission explicit authority to ''issue such orders, as necessary to prohibit the unauthorized disclosure of safeguards information. . . .'' This authority extends to information concerning special nuclear material, source material, and byproduct material, as well as production and utilization facilities. Licensees must ensure proper handling and protection of Safeguards Information to avoid unauthorized disclosure in accordance with the specific requirements for the protection of Safeguards Information contained in Attachment 2 to the NRC's ''Order Imposing Requirements for the Protection of Certain Safeguards Information'' (EA–12–147). The Commission hereby provides notice that it intends to treat all violations of the requirements contained in Attachment 2 to the NRC's ''Order Imposing Requirements for the Protection of Certain Safeguards Information'' (EA–12–147), applicable to the handling and unauthorized disclosure of Safeguards Information as serious breaches of adequate protection of the public health and safety and the common defense and security of the United States.

Access to Safeguards Information is limited to those persons who have established a need-to-know the information, are considered to be trustworthy and reliable, have been fingerprinted and undergone a Federal Bureau of Investigation (FBI) identification and criminal history records check in accordance with the NRC's ''Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information'' (EA–12–148). A need-to-know means a determination by a person having responsibility for protecting Safeguards Information that a proposed recipient's access to Safeguards Information is necessary in the performance of official, contractual, or licensee duties of employment. Individuals who have been fingerprinted and granted access to Safeguards Information by the reviewing official under the NRC Order EA–12–148, dated October 16, 2012, do not need to be fingerprinted again for purposes of being considered for unescorted access.

This Order also requires that a reviewing official must consider the results of the FBI criminal history records check in conjunction with other applicable requirements to determine whether an individual may be granted or allowed continued unescorted access. The reviewing official may be one that has previously been approved by NRC in accordance with the NRC Order EA–12–148 dated October 16, 2012. Licensees may nominate additional reviewing officials for making unescorted access determinations in accordance with the EA–12–148 Order. The nominated reviewing officials must have access to Safeguards Information or require unescorted access to the radioactive material as part of their job duties.

In order to provide assurance that the Licensees are implementing prudent measures to achieve a consistent level of protection to address the current threat environment, all licensees who hold licenses issued by the NRC or an Agreement State authorizing possession greater than 370 terabecquerels (10,000 curies) of byproduct material in the form of sealed sources in a panoramic or underwater irradiator shall implement the requirements identified in Attachments 2 and 3 to this Order. In addition, pursuant to 10 CFR 2.202, I find that in light of the common defense and security matters identified above, which warrant the issuance of this Order, the public health, safety and interest require that this Order be effective immediately.

III

Accordingly, pursuant to Sections 81, 147, 149, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR Part 30, Part 36, and Part 73, *it is hereby ordered, effective immediately, that all licensees identified in attachment 1 to this order shall comply with the requirements of this order as follows:*

A. The Licensee shall, notwithstanding the provisions of any Commission or Agreement State regulation or license to the contrary, comply with the requirements described in Attachments 2 and 3 to this Order. This order is effective immediately.

B. 1. The Licensee shall, within twenty (20) days of the date of this Order, notify the Commission, (1) if it is unable to comply with any of the requirements described in Attachments 2 or 3, (2) if compliance with any of the requirements is unnecessary in its specific circumstances, or (3) if

[1] Attachment 2 contains some requirements that are SAFEGUARDS INFORMATION, and cannot be released to the public. The remainder of the requirements contained in Attachment 2 that are not SAFEGUARDS INFORMATION are being released to the public.

[2] Attachment 1 contains sensitive information and will not be released to the public.

implementation of any of the requirements would cause the Licensee to be in violation of the provisions of any Commission or Agreement State regulation or its license. The notification shall provide the Licensee's justification for seeking relief from or variation of any specific requirement.

2. If the Licensee considers that implementation of any of the requirements described in Attachments 2 or 3 to this Order would adversely impact safe operation of the facility, the Licensee must notify the Commission, within twenty (20) days of this Order, of the adverse safety impact, the basis for its determination that the requirement has an adverse safety impact, and either a proposal for achieving the same objectives specified in the Attachments 2 or 3 requirement in question, or a schedule for modifying the facility to address the adverse safety condition. If neither approach is appropriate, the Licensee must supplement its response to Condition B.1 of this Order to identify the condition as a requirement with which it cannot comply, with attendant justifications as required in Condition B.1.

C. 1. In accordance with the NRC's ''Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information'' (EA–12–148) issued on October 16, 2012, only the NRC-approved reviewing official shall review results from an FBI criminal history records check. The licensee may use a reviewing official previously approved by the NRC as its reviewing official for determining access to Safeguards Information or the licensee may nominate another individual specifically for making unescorted access to radioactive material determinations, using the process described in EA–12–148. The reviewing official must have access to Safeguards Information or require unescorted access to the radioactive material as part of their job duties. The reviewing official shall determine whether an individual may have, or continue to have, unescorted access to the panoramic or underwater irradiator sealed sources that equal or exceed 370 Terabecquerels (10,000 curies).

Fingerprinting and the FBI identification and criminal history records check are not required for individuals exempted from fingerprinting requirements under 10 CFR 73.61 [72 FR 4948 (February 2, 2007)]. In addition, individuals who have a favorably decided U.S. Government criminal history records check within the last five (5) years, or have an active Federal security clearance (provided in each case that the appropriate documentation is made available to the Licensee's reviewing official), have satisfied the Energy Policy Act of 2005 fingerprinting requirement and need not be fingerprinted again for purposes of being considered for unescorted access.

2. No person may have access to Safeguards Information or unescorted access to the panoramic or underwater irradiator sealed sources if the NRC has determined, in accordance with its administrative review process based on fingerprinting and an FBI identification and criminal history records check, either that the person may not have access to Safeguards Information or that the person may not have unescorted access to a utilization facility or radioactive material subject to regulation by the NRC.

D. Fingerprints shall be submitted and reviewed in accordance with the procedures described in Attachment 3 to this Order. Individuals who have been fingerprinted and granted access to Safeguards Information by the reviewing official under Order EA–12–148 do not need to be fingerprinted again for purposes of being considered for unescorted access.

E. The Licensee may allow any individual who currently has unescorted access to the panoramic or underwater irradiator sealed sources, in accordance with this Order, to continue to have unescorted access during the pendency of a decision by the reviewing official (based on fingerprinting, an FBI criminal history records check and a trustworthiness and reliability determination) that the individual may continue to have unescorted access to the panoramic or underwater irradiator sealed sources.

F. 1. The Licensee shall, within twenty (20) days of the date of this Order, submit to the Commission a schedule for completion of each requirement described in Attachments 2 and 3.

2. The Licensee shall report to the Commission when they have achieved full compliance with the requirements described in Attachments 2 and 3.

G. Notwithstanding any provisions of the Commission's or Agreement State's regulations to the contrary, all measures implemented or actions taken in response to this Order shall be maintained until the Commission determines otherwise.

Licensee response to Conditions B.1, B.2, F.1, and F.2 above shall be submitted to the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. In addition, Licensee submittals that contain specific physical protection or security information considered to be Safeguards Information shall be put in a separate enclosure or attachment and, marked as ''SAFEGUARDS INFORMATION—MODIFIED HANDLING'' and mailed. No electronic transmittals (i.e., no email or FAX) to the NRC in accordance with Attachment 2 to the NRC's ''Order Imposing Requirements for the Protection of Certain Safeguards Information'' (EA–12–147).

The Director, Office of Federal and State Materials and Environmental Management Programs, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

IV

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order within twenty (20) days of the date of this Order. In addition, the Licensee and any other person adversely affected by this Order may request a hearing of this Order within twenty (20) days of the date of the Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made, in writing, to the Director, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension.

The answer may consent to this Order. If the answer includes a request for a hearing, it shall, under oath or affirmation, specifically set forth the matters of fact and law on which the Licensee relies and the reasons as to why the Order should not have been issued. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d).

All documents filed in the 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's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to

submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the 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's 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, MD 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. 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.

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), the Licensee may, in addition to requesting a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section III above shall be final twenty (20) days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section III shall be final when the extension expires if a hearing request has not been received. *An answer or a request for hearing shall not stay the immediate effectiveness of this order.*

Dated this 16th day of August 2013.

For the Nuclear Regulatory Commission.

Mark A. Satorius,

Director, Office of Federal and State Materials and Environmental Management Programs.

Attachment 1: List of Licensees—Redacted

Attachment 2: Compensatory Measures for Panoramic and Underwater Irradiator Licensees Revision 2

These compensatory measures (CMs) are established to delineate licensee responsibility in response to the current threat environment in the aftermath of the terrorist attacks of September 11, 2001. The following security measures apply to Licensees who, now and in the future, possess greater than 370 TeraBecquerels (TBq) [10,000 Ci] of byproduct material in the form of sealed sources in panoramic irradiators that have dry or wet storage of the sealed sources, or in underwater irradiators in which both the source and the product being irradiated are underwater.

1. Use and store the radioactive material only within a security zone that isolates the material from unauthorized access and facilitates detection if such access occurs. The security zone is an area, defined by the licensee that provides for both isolation of radioactive material and access control. The licensee must demonstrate for this area a means to detect any attempt of unauthorized access to licensed material. ''Isolation'' means to deter persons, materials, or vehicles from entering or leaving through other than established access control points. ''Access control'' means to allow only approved individuals into the security zone. Thus, isolation and access control aid in the detection of unauthorized access or activities deemed by the licensee to be indicative of, or contributory to, the loss, theft, or release of material. The security zone does not have to be the same as the restricted area or controlled area, as defined in 10 CFR Part 20. Security zones can be permanent or temporary to meet transitory or intermittent business activities (such as during periods of maintenance, source delivery and source replacement). Different isolation/access control measures may be used for periods during which the security zone is occupied versus unoccupied.

2. Continuously control access to the security zone and limit admittance to those individuals who are approved and require access to perform their duties.

A. For individuals granted access to safeguards information or unescorted access to the security zone, Licensees must provide reasonable assurance that individuals are trustworthy and reliable, and do not constitute an unreasonable risk to the common defense and security. ''Access'' means that an individual could exercise some physical control over the material or device containing radioactive material.

i. The trustworthiness and reliability of individuals shall be determined based on a background investigation. The background investigation shall address at least the past 3 years and, as a minimum, include fingerprinting and a Federal Bureau of Investigation (FBI) criminal history check, verification of work or education references as appropriate to the length of employment, and confirmation of eligibility for employment in the United States.

ii. Fingerprints shall be submitted and reviewed in accordance with the procedures described in Attachment 3 to this Order.

iii. A reviewing official that the licensee nominated and has been approved by the NRC, in accordance with NRC ''Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information,'' may continue to make trustworthiness and reliability determinations. The licensee may also nominate another individual specifically for making unescorted access determinations using the process identified in the NRC ''Order Imposing Fingerprinting and Criminal History Records Check Requirements for Access to Safeguards Information.''

B. [This paragraph contains SAFEGUARDS INFORMATION and will not be publicly disclosed.]

3. Implement a system (i.e., devices and/or trained individuals) to monitor, detect, assess and respond to unauthorized entries into or activities in the security zone.

A. [This paragraph contains SAFEGUARDS INFORMATION and will not be publicly disclosed.]

B. Provide enhanced security measures when temporary security zones are established, during periods of maintenance, source delivery and shipment, and source replacement, that will provide additional assurance for enhanced detection and assessment of and response to unauthorized individuals or activities involving the radioactive material. Such security measures shall include, but not be limited to:

i. Advanced notification to the local law enforcement agency (LLEA) for radioactive source exchanges, deliveries, and shipments.

ii. For shipments of sources, establish a positive means of transferring the security responsibility, between the shipper/carrier and the consignee (receiver), for communicating with the LLEA.

C. Provide a positive measure to validate that there has been no unauthorized removal of the radioactive material from the security zone.

D. Maintain continuous communications capability among the various components for intrusion detection and assessment to bring about a timely response.

E. [This paragraph contains SAFEGUARDS INFORMATION and will not be publicly disclosed.]

4. [This paragraph contains SAFEGUARDS INFORMATION and will not be publicly disclosed.]

Attachment 3: Requirements for Fingerprinting and Criminal History Checks of Individuals When Licensee's Reviewing Official Is Determining Access to Safeguards Information or Unescorted Access to the Panoramic or Underwater Irradiator Sealed Sources

General Requirements

Licensees shall comply with the following requirements of this attachment.

1. Each Licensee subject to the provisions of this attachment shall fingerprint each individual who is seeking or permitted access to safeguards information (SGI) or unescorted access to the panoramic or underwater irradiator sealed sources. The Licensee shall review and use the information received from the Federal Bureau of Investigation (FBI) and ensure that the provisions contained in the subject Order and this attachment are satisfied.

2. The Licensee shall notify each affected individual that the fingerprints will be used to secure a review of his/her criminal history record and inform the individual of the procedures for revising the record or including an explanation in the record, as specified in the ''Right to Correct and Complete Information'' section of this attachment.

3. Fingerprints for access to SGI or unescorted access need not be taken if an employed individual (e.g., a Licensee employee, contractor, manufacturer, or supplier) is relieved from the fingerprinting requirement by 10 CFR 73.59 for access to SGI or 10 CFR 73.61 for unescorted access, has a favorably-decided U.S. Government criminal history check (e.g. National Agency Check, Transportation Worker Identification Credentials in accordance with 49 CFR Part 1572, Bureau of Alcohol Tobacco Firearms and Explosives background checks and

clearances in accordance with 27 CFR Part 555, Health and Human Services security risk assessments for possession and use of select agents and toxins in accordance with 27 CFR Part 555, Hazardous Material security threat assessments for hazardous material endorsement to commercial drivers license in accordance with 49 CFR Part 1572, Customs and Border Patrol's Free and Secure Trace Program [1]) within the last five (5) years, or has an active federal security clearance. Written confirmation from the Agency/employer which granted the federal security clearance or reviewed the criminal history check must be provided for either of the latter two cases. The Licensee must retain this documentation for a period of three (3) years from the date the individual no longer requires access to SGI or unescorted access to radioactive materials associated with the Licensee's activities.

4. All fingerprints obtained by the Licensee pursuant to this Order must be submitted to the Commission for transmission to the FBI.

5. The Licensee shall review the information received from the FBI and consider it, in conjunction with the trustworthiness and reliability requirements of this Order, in making a determination whether to grant, or continue to allow, access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources.

6. The Licensee shall use any information obtained as part of a criminal history records check solely for the purpose of determining an individual's suitability for access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources.

7. The Licensee shall document the basis for its determination whether to grant, or continue to allow, access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources.

Prohibitions

A Licensee shall not base a final determination to deny an individual access to radioactive materials solely on the basis of information received from the FBI involving an arrest more than one (1) year old for which there is no information of the disposition of the case, or an arrest that resulted in dismissal of the charge or an acquittal.

A Licensee shall not use information received from a criminal history check obtained pursuant to this Order in a manner that would infringe upon the rights of any individual under the First Amendment to the Constitution of the United States, nor shall the Licensee use the information in any way which would discriminate among individuals on the basis of race, religion, national origin, sex, or age.

Procedures for Processing Fingerprint Checks

For the purpose of complying with this Order, Licensees shall, using an appropriate method listed in 10 CFR 73.4, submit to the NRC's Division of Facilities and Security, Mail Stop T–03B46M, one completed, legible standard fingerprint card (Form FD–258, ORIMDNRCOOOZ) or, where practicable, other fingerprint records for each individual seeking access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources, to the Director of the Division of Facilities and Security, marked for the attention of the Division's Criminal History Check Section. Copies of these forms may be obtained by writing the Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, by calling (301) 415–7232, or by email to *forms@nrc.gov.* Practicable alternative formats are set forth in 10 CFR 73.4. The Licensee shall establish procedures to ensure that the quality of the fingerprints taken results in minimizing the rejection rate of fingerprint cards due to illegible or incomplete cards.

The NRC will review submitted fingerprint cards for completeness. Any Form FD–258 fingerprint record containing omissions or evident errors will be returned to the Licensee for corrections. The fee for processing fingerprint checks includes one re-submission if the initial submission is returned by the FBI because the fingerprint impressions cannot be classified. The one free re-submission must have the FBI Transaction Control Number reflected on the re-submission. If additional submissions are necessary, they will be treated as initial submittals and will require a second payment of the processing fee.

Fees for processing fingerprint checks are due upon application (Note: other fees may apply to obtain fingerprints from your local law enforcement agency). Licensees should submit payments electronically via *http://www.pay.gov.* Payments through Pay.gov can be made directly from the Licensee's credit/debit card. Licensees will need to establish a password and user ID before they can access Pay.gov. To establish an account, Licensee requests must be sent to *paygo@nrc.gov.* The request must include the Licensee's name, address, point of contact, email address, and phone number. The NRC will forward each request to Pay.gov and someone from Pay.gov will contact the Licensee with all of the necessary account information.

Licensees shall make payments for processing before submitting applications to the NRC. Combined payment for multiple applications is acceptable. Licensees shall include the Pay.gov payment receipt(s) along with the application(s). For additional guidance on making electronic payments, contact the Facilities Security Branch, Division of Facilities and Security, at (301) 415–7513. The application fee (currently $26) is the sum of the user fee charged by the FBI for each fingerprint card or other fingerprint record submitted by the NRC on behalf of a Licensee, and an NRC processing fee, which covers administrative costs associated with NRC handling of Licensee fingerprint submissions.

The Commission will directly notify Licensees subject to this regulation of any fee changes.

The Commission will forward to the submitting Licensee all data received from the FBI as a result of the Licensee's application(s) for criminal history checks, including the FBI fingerprint record.

Right To Correct and Complete Information

Prior to any final adverse determination, the Licensee shall make available to the individual the contents of any criminal records obtained from the FBI for the purpose of assuring correct and complete information. Written confirmation by the individual of receipt of this notification must be maintained by the Licensee for a period of one (1) year from the date of the notification.

If, after reviewing the record, an individual believes that it is incorrect or incomplete in any respect and wishes to change, correct, or update the alleged deficiency, or to explain any matter in the record, the individual may initiate challenge procedures. These procedures include either direct application by the individual challenging the record to the agency (i.e., law enforcement agency) that contributed the questioned information, or direct challenge as to the accuracy or completeness of any entry on the criminal history record to the

[1] The FAST program is a cooperative effort between the Bureau of Customs and Border Patrol and the governments of Canada and Mexico to coordinate processes for the clearance of commercial shipments at the U.S.-Canada and U.S.-Mexico borders. Participants in the FAST program, which requires successful completion of a background records check, may receive expedited entrance privileges at the northern and southern borders.

Assistant Director, Federal Bureau of Investigation Identification Division, Washington, DC 20537–9700 (as set forth in 28 CFR Part 16.30 through 16.34). In the latter case, the FBI forwards the challenge to the agency that submitted the data and requests that agency to verify or correct the challenged entry. Upon receipt of an official communication directly from the agency that contributed the original information, the FBI Identification Division makes any changes necessary in accordance with the information supplied by that agency. The Licensee must provide at least ten (10) days for an individual to initiate an action challenging the results of an FBI criminal history records check after the record is made available for his/her review. The Licensee may make a final determination on access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources based upon the criminal history record only upon receipt of the FBI's ultimate confirmation or correction of the record. Upon a final adverse determination on access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources, the Licensee shall provide the individual its documented basis for denial. Access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources shall not be granted to an individual during the review process.

Protection of Information

1. Each Licensee who obtains a criminal history record on an individual pursuant to this Order shall establish and maintain a system of files and procedures for protecting the record and the personal information from unauthorized disclosure.

2. The Licensee may not disclose the record or personal information collected and maintained to persons other than the subject individual, his/her representative, or to those who have a need to access the information in performing assigned duties in the process of determining access to SGI or unescorted access to the panoramic or underwater irradiator sealed sources. No individual authorized to have access to the information may re-disseminate the information to any other individual who does not have a need-to-know.

3. The personal information obtained on an individual from a criminal history record check may be transferred to another Licensee if the Licensee holding the criminal history record receives the individual's written request to re-disseminate the information contained in his/her file, and the gaining Licensee verifies information such as the individual's name, date of birth, social security number, sex, and other applicable physical characteristics for identification purposes.

4. The Licensee shall make criminal history records, obtained under this section, available for examination by an authorized representative of the NRC to determine compliance with the regulations and laws.

5. The Licensee shall retain all fingerprint and criminal history records received from the FBI, or a copy if the individual's file has been transferred, for three (3) years after termination of employment or denial to access SGI or unescorted access to the panoramic or underwater irradiator sealed sources. After the required three (3) year period, these documents shall be destroyed by a method that will prevent reconstruction of the information in whole or in part.

[FR Doc. 2013–21776 Filed 9–5–13; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–30683]

Notice of Applications for Deregistration Under the Investment Company Act of 1940

August 30, 2013.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of August 2013. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 24, 2013, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus at (202) 551–6810, SEC, Division of Investment Management, Exemptive Applications Office, 100 F Street NE., Washington, DC 20549–8010.

Morgan Stanley Frontier Emerging Markets Fund, Inc. [File No. 811–22202]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to Frontier Emerging Markets Portfolio, a series of Morgan Stanley Institutional Fund, Inc. and, on September 17, 2012, made a final distribution to its shareholders based on net asset value. Expenses of $135,070 incurred in connection with the reorganization were paid by applicant.

Filing Dates: The application was filed on May 21, 2013, and amended on July 26, 2013.

Applicant's Address: c/o Morgan Stanley Investment Management Inc., 522 Fifth Ave., New York, NY 10036.

Clarity Fund, Inc. [File No. 811–22372]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On July 11, 2013, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of $5,125 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on July 15, 2013, and amended on July 26, 2013.

Applicant's Address: 2001 Westown Parkway, Suite 110, West Des Moines, IA 50265.

Malaysia Fund, Inc. [File No. 811–5082]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. On August 17, 2012, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant states that it has transferred approximately $13,326 to Computershare, applicant's transfer agent, representing amounts owed to shareholders whose current addresses are unknown or who have not cashed distribution checks. Applicant represents that Computershare will continue attempting to contact the outstanding shareholders for the period specified by state law. Expenses of $70,086 incurred in connection with the liquidation were paid by applicant.

Filing Dates: The application was filed on May 21, 2013, and amended on July 26, 2013.

Applicant's Address: c/o Morgan Stanley Investment Management Inc., 522 Fifth Ave., New York, NY 10036.

Mill City Ventures III, Ltd. [File No. 811–22778]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company as of February 7, 2013, the date applicant elected to be regulated as a business development company.

Filing Dates: The application was filed on May 15, 2013, and amended on August 12, 2013.

Applicant's Address: 130 West Lake Street, Suite 300, Wayzata, MN 55391.

UBS Municipal Money Market Series [File No. 811–6173]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. On November 22, 2011, applicant made a liquidating distribution to its shareholders, based on net asset value. Applicant has retained $437 in cash to cover outstanding debts and other liabilities. Expenses of approximately $65,886 incurred in connection with the liquidation were paid by UBS Global Asset Management (Americas) Inc., applicant's investment adviser.

Filing Dates: The application was filed on May 23, 2013, and amended on August 12, 2013.

Applicant's Address: 1285 Avenue of the Americas, 12th Floor, New York, NY 10019–6028.

Claymore Emerging Markets Opportunities Fund [File No. 811–22088]

Guggenheim Limited Duration Total Return Trust [File No. 811–22343]

Summary: Each applicant, a each a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicants have never made public offerings of their securities and do not propose to make public offerings or engage in business of any kind.

Filing Date: The applications were filed on July 29, 2013.

Applicant's Address: 2455 Corporate West Dr., Lisle, IL 60532.

Monetta Fund, Inc. [File No. 811–4466]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its asset to Monetta Fund, a series of Monetta Trust, and on April 30, 2013 made a distribution to its shareholders based on net asset value. Expenses of $9,198 incurred in connection with the reorganization were paid by applicant.

Filing Date: The application was filed on July 31, 2013.

Applicant's Address: 1776–A S Naperville Rd., Suite 100, Wheaton, IL 60189.

Seligman Pennsylvania Municipal Fund Series [File No. 811–4666]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to a corresponding series of Seligman Municipal Fund Series, Inc., and, on July 8, 2009, made a distribution to its shareholders based on net asset value. Expenses of $40,882 incurred in connection with the reorganization were paid by applicant and Columbia Management Investment Advisers, LLC, applicant's investment adviser, and its affiliates.

Filing Date: The application was filed on July 3, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

Seligman High Income Fund Series [File No. 811–4103]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to a corresponding series of RiverSource High Yield Income Series, Inc. and RiverSource Government Income Series, Inc., and, on August 26, 2009, made a distribution to its shareholders based on net asset value. Expenses of $269,608 incurred in connection with the reorganization were paid by applicant and Columbia Management Investment Advisers, LLC, applicant's investment adviser, and its affiliates.

Filing Date: The application was filed on July 3, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

Seligman Income and Growth Fund, Inc. [File No. 811–525]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to a corresponding series of RiverSource Investment Series, Inc., and, on August 26, 2009, made a distribution to its shareholders based on net asset value. Expenses of $93,072 incurred in connection with the reorganization were paid by applicant and Columbia Management Investment Advisers, LLC, applicant's investment adviser, and its affiliates.

Filing Date: The application was filed on July 3, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

Seligman New Jersey Municipal Fund, Inc. [File No. 811–5126]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to a corresponding series of Seligman Municipal Fund Series, Inc., and, on July 8, 2009, made a distribution to its shareholders based on net asset value. Expenses of $38,365 incurred in connection with the reorganization were paid by applicant and Columbia Management Investment Advisers, LLC, applicant's investment adviser, and its affiliates.

Filing Date: The application was filed on July 3, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2800, Minneapolis, MN 55402–3268.

Seligman Core Fixed Income Fund, Inc. [File No. 811–10423]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to a corresponding series of RiverSource Diversified Income Series, Inc., and, on August 26, 2009, made a distribution to its shareholders based on net asset value. Expenses of $60,387 incurred in connection with the reorganization were paid by Columbia Management Investment Advisers, LLC, applicant's investment adviser, and its affiliates.

Filing Date: The application was filed on July 3, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

Seligman Common Stock Fund, Inc. [File No. 811–234]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to s corresponding series of RiverSource Large Cap Series, Inc., and, on September 9, 2009, made a distribution to its shareholders based on net asset value. Expenses of $84,475 incurred in connection with the reorganization were paid by applicant and Columbia Management Investment Advisers, LLC, applicant's investment adviser, and its affiliates.

Filing Date: The application was filed on July 3, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

Seligman Municipal Series Trust [File No. 811–4250]

RiverSource California Tax-Exempt Trust [File No. 811–4646]

Summary: Each applicant seeks an order declaring that it has ceased to be an investment company. Each applicant has transferred its assets to a corresponding series of Columbia Funds Series Trust I, and, on May 31, 2011, each made a final distribution to its shareholders based on net asset value. Expenses of $77,332 and $48,550, respectively, were paid by applicants and applicants' investment adviser Columbia Management Investment Advisers, LLC, and its affiliates.

Filing Dates: The applications were filed on March 8, 2013, and amended on July 17, 2013.

Applicants' Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

Seligman Municipal Fund Series Inc. [File No. 811–3828]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant transferred its assets to corresponding series of Columbia Funds Series Trust I and Columbia Funds Series Trust II, and on May 31, 2011, made a final distribution to its shareholders based on net asset value. Expenses of $139,798 incurred in connection with the reorganization were paid by applicant and applicant's investment adviser, Columbia Management Investment Advisers, LLC.

Filing Dates: The application was filed on March 8, 2013, and amended on July 17, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

RiverSource Tax-Exempt Money Market Series, Inc. [File No. 811–3003]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. The applicant transferred its assets to RiverSource Government Money Market Fund, Inc., and, on March 22, 2010, made a final distribution to its shareholders based on net asset value. Expenses of $74,000 incurred in connection with the reorganization were paid by applicant's investment adviser, Columbia Management Investment Advisers, LLC, and its affiliates.

Filing Dates: The application was filed on March 8, 2013, and amended on July 17, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

American Israeli Shared Values Trust [File No. 811–22119]

Summary: Applicant seeks an order declaring that it has ceased to be an investment company. Between November 26, 2012, and November 29, 2012, applicant made liquidating distributions to its shareholders, based on net asset value. Expenses of $6,835 incurred in connection with the liquidation were paid by Amerisrael Capital Management, LLC, applicant's investment adviser.

Filing Dates: The application was filed on June 10, 2013, and amended on August 2, 2013.

Applicant's Address: 207 East 83rd St., Suite 3, New York, NY 10028.

RiverSource LaSalle International Real Estate Fund, Inc. [File No. 811–22031]

Summary: Applicant, a closed-end investment company, seeks an order declaring that it has ceased to be an investment company. Applicant transferred its assets to a corresponding series of Columbia Fund Series Trust I, and, on April 5, 2011, made a distribution to its shareholders based on net asset value. Expenses of $37,617 incurred in connection with the reorganization were paid by applicant and Columbia Management Investment Advisers, LLC, applicant's investment adviser.

Filing Dates: The application was filed on March 8, 2013, and amended on July 17, 2013.

Applicant's Address: 901 Marquette Ave. South, Suite 2810, Minneapolis, MN 55402–3268.

Separate Account VA EE [File No. 811–22182]

Separate Account VA W [File No. 811–21594]

Separate Account VA C [File No. 811–09503]

Separate Account VA Y [File No. 811–21858]

Separate Account VA X [File No. 811–21776]

Separate Account VA M [File No. 811–22622]

Summary: Each Applicant seeks an order declaring that it has ceased to be an investment company. The board of directors of the Applicants' depositor, Transamerica Life Insurance Company (''Transamerica''), approved the merger of each applicant into Separate Account VA B on January 21, 2013. The mergers occurred on April 30, 2013. Transamerica bore all of the expenses relating to the mergers.

Filing Dates: The applications were filed on July 3, 2103 and amended on July 26, 2013.

Applicants' Address: 4333 Edgewood Road NE., Cedar Rapids, IA 52499.

Separate Account VA HNY [File No. 811–22183]

Separate Account VA WNY [File No. 811–21663]

Separate Account VA YNY [File No. 811–22138]

Separate Account VA N [File No. 811–22623]

Separate Account VA PP [File No. 811–22531]

Summary: Each Applicant seeks an order declaring that it has ceased to be an investment company. The board of directors of the Applicants' depositor, Transamerica Financial Life Insurance Company (''Transamerica Financial''), approved the merger of each applicant into Separate Account VA BNY on March 25, 2013. The mergers occurred on April 30, 2013. Transamerica Financial bore all expenses relating to the mergers.

Filing Dates: The applications were filed on July 3, 2103 and amended on July 26, 2013.

Applicants' Address: 440 Mamaronek Avenue, Harrison, NY 10528.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21673 Filed 9–5–13; 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 Advisory Committee on Small and Emerging Companies will hold a public meeting on Tuesday, September 17, 2013 in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 9:30 a.m. (EDT) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:00 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

On August 23, 2013 the Commission published notice of the Committee

meeting (Release No. 33–9445), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging companies under the federal securities laws.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: September 3, 2013.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21790 Filed 9–4–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

In the Matter of K's Media, File No. 500–1; Order of Suspension of Trading

September 4, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of K's Media because it has not filed any periodic reports since the period ended April 30, 2010.

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 September 4, 2013, through 11:59 p.m. EDT on September 17, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–21839 Filed 9–4–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

China Lithium Technologies, Inc. and China Wi-Max Communications, Inc.; Order of Suspension of Trading

September 4, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Lithium Technologies, Inc. because it has not filed any periodic reports since the period ended March 31, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Wi-Max Communications, Inc. because it has not filed any periodic reports since the period ended June 30, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies. Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on September 4, 2013, through 11:59 p.m. EDT on September 17, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–21838 Filed 9–4–13; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–9447; 34–70298/August 30, 2013]

Order Making Fiscal Year 2014 Annual Adjustments to Registration Fee Rates

I. Background

The Commission collects fees under various provisions of the securities laws. Section 6(b) of the Securities Act of 1933 (''Securities Act'') requires the Commission to collect fees from issuers on the registration of securities.[1] Section 13(e) of the Securities Exchange Act of 1934 (''Exchange Act'') requires the Commission to collect fees on specified repurchases of securities.[2] Section 14(g) of the Exchange Act requires the Commission to collect fees on proxy solicitations and statements in corporate control transactions.[3]

The Investor and Capital Markets Fee Relief Act of 2002 (''Fee Relief Act'')[4] required the Commission to make annual adjustments to the fee rates applicable under these sections for each of the fiscal years 2003 through 2011 in an attempt to generate collections equal to yearly targets specified in the statute.[5] Under the Fee Relief Act, each year's fee rate was announced on the preceding April 30, and took effect five days after the date of enactment of the Commission's regular appropriation.

The Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act'')[6] changed many of the provisions related to these fees. The Dodd-Frank Act created new annual collection targets for FY 2012 and thereafter. It also changed the date by which the Commission must announce a new fiscal year's fee rate (August 31) and the date on which the new rate takes effect (October 1).

II. Fiscal Year 2014 Annual Adjustment to the Fee Rate

Section 6(b)(2) of the Securities Act, as amended by the Dodd-Frank Act, requires the Commission to make an annual adjustment to the fee rate applicable under Section 6(b).[7] The annual adjustment to the fee rate under Section 6(b) of the Securities Act also sets the annual adjustment to the fee rates under Sections 13(e) and 14(g) of the Exchange Act.[8]

Section 6(b)(2) sets forth the method for determining the annual adjustment to the fee rate under Section 6(b) for fiscal year 2014. Specifically, the Commission must adjust the fee rate under Section 6(b) to a ''rate that, when applied to the baseline estimate of the aggregate maximum offering prices for [fiscal year 2014], is reasonably likely to produce aggregate fee collections under [Section 6(b)] that are equal to the target fee collection amount for [fiscal year 2014].'' That is, the adjusted rate is determined by dividing the ''target fee collection amount'' for fiscal year 2014 by the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2014.

Section 6(b)(6)(A) specifies that the ''target fee collection amount'' for fiscal year 2014 is $485,000,000. Section 6(b)(6)(B) defines the ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2014 as ''the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during [fiscal year 2014] as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget. . . .''

[1] 15 U.S.C. 77f(b).

[2] 15 U.S.C. 78m(e).

[3] 15 U.S.C. 78n(g).

[4] Public Law 107–123, 115 Stat. 2390 (2002).

[5] *See* 15 U.S.C. 77f(b)(5), 77f(b)(6), 78m(e)(5), 78m(e)(6), 78n(g)(5) and 78n(g)(6).

[6] Public Law 111–203, 124 Stat.1376 (2010).

[7] 15 U.S.C. 77f(b)(2). The annual adjustments are designed to adjust the fee rate in a given fiscal year so that, when applied to the aggregate maximum offering price at which securities are proposed to be offered for the fiscal year, it is reasonably likely to produce total fee collections under Section 6(b) equal to the ''target fee collection amount'' specified in Section 6(b)(6)(A) for that fiscal year.

[8] 15 U.S.C. 78m(e)(4) and 15 U.S.C. 78n(g)(4).

To make the baseline estimate of the aggregate maximum offering price for fiscal year 2014, the Commission used a methodology similar to that developed in consultation with the Congressional Budget Office (''CBO'') and Office of Management and Budget (''OMB'') to project the aggregate offering price for purposes of the fiscal year 2012 annual adjustment (and identical to the methodology employed during fiscal year 2013).[9] Using this methodology, the Commission determines the ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2014 to be $3,766,638,654,272.[10] Based on this estimate, the Commission calculates the fee rate for fiscal 2014 to be $128.80 per million. This adjusted fee rate applies to Section 6(b) of the Securities Act, as well as to Sections 13(e) and 14(g) of the Exchange Act.

III. Effective Dates of the Annual Adjustments

The fiscal year 2014 annual adjustments to the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act will be effective on October 1, 2013.[11]

IV. Conclusion

Accordingly, pursuant to Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act,[12]

It is hereby ordered that the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act shall be $128.80 per million effective on October 1, 2013.

By the Commission.

Elizabeth M. Murphy,

Secretary.

Appendix A

With the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Congress has, among other things, established a target amount of monies to be collected from fees charged to issuers based on the value of their registrations. This appendix provides the formula for determining such fees, which the Commission adjusts annually. Congress has mandated that the Commission determine these fees based on the ''aggregate maximum offering prices,'' which measures the aggregate dollar amount of securities registered with the Commission over the course of the year. In order to maximize the likelihood that the amount of monies targeted by Congress will be collected, the fee rate must be set to reflect projected aggregate maximum offering prices. As a percentage, the fee rate equals the ratio of the target amounts of monies to the projected aggregate maximum offering prices.

For 2014, the Commission has estimated the aggregate maximum offering prices by projecting forward the trend established in the previous decade. More specifically, an ARIMA model was used to forecast the value of the aggregate maximum offering prices for months subsequent to July 2013, the last month for which the Commission has data on the aggregate maximum offering prices.

The following sections describe this process in detail.

A. Baseline Estimate of the Aggregate Maximum Offering Prices for Fiscal Year 2014

First, calculate the aggregate maximum offering prices (AMOP) for each month in the sample (July 2003–July 2013). Next, calculate the percentage change in the AMOP from month to month.

Model the monthly percentage change in AMOP as a first order moving average process. The moving average approach allows one to model the effect that an exceptionally high (or low) observation of AMOP tends to be followed by a more ''typical'' value of AMOP.

Use the estimated moving average model to forecast the monthly percent change in AMOP. These percent changes can then be applied to obtain forecasts of the total dollar value of registrations. The following is a more formal (mathematical) description of the procedure:

1. Begin with the monthly data for AMOP. The sample spans ten years, from July 2003 to July 2013.

2. Divide each month's AMOP (column C) by the number of trading days in that month (column B) to obtain the average daily AMOP (AAMOP, column D).

3. For each month t, the natural logarithm of AAMOP is reported in column E.

4. Calculate the change in log(AAMOP) from the previous month as $\Delta_t = \log(AAMOP_t) - \log(AAMOP_{t-1})$. This approximates the percentage change.

5. Estimate the first order moving average model $\Delta_t = \alpha + \beta e_{t-1} + e_t$, where e_t denotes the forecast error for month t. The forecast error is simply the difference between the one-month ahead forecast and the actual realization of Δ_t. The forecast error is expressed as $e_t = \Delta_t - \alpha - \beta e_{t-1}$. The model can be estimated using standard commercially available software. Using least squares, the estimated parameter values are $\alpha = -0.0003334$ and $\beta = -0.90946$.

6. For the month of August 2013 forecast $\Delta_{t=8/12} = \alpha + \beta e_{t=7/12}$. For all subsequent months, forecast $\Delta_t = \alpha$.

7. Calculate forecasts of log(AAMOP). For example, the forecast of log(AAMOP) for October 2013 is given by $FLAAMOP_{t=10/12} = \log(AAMOP_{t=\&7/12}) + \Delta_{t=8/12} + \Delta_{t=9/12} + \Delta_{t=10/12}$.

8. Under the assumption that e_t is normally distributed, the n-step ahead forecast of AAMOP is given by $\exp(FLAAMOP_t + \sigma_n^2/2)$, where σ_n denotes the standard error of the n-step ahead forecast.

9. For October 2013, this gives a forecast AAMOP of $14.93 billion (Column I), and a forecast AMOP of $343.4 billion (Column J).

10. Iterate this process through September 2014 to obtain a baseline estimate of the aggregate maximum offering prices for fiscal year 2014 of $3,766,638,654,272.

B. Using the Forecasts From A To Calculate the New Fee Rate

1. Using the data from Table A, estimate the aggregate maximum offering prices between 10/1/13 and 9/30/14 to be $3,766,638,654,272.

2. The rate necessary to collect the target $485,000,000 in fee revenues set by Congress is then calculated as: $485,000,000 ÷ $3,766,638,654,272 = 0.000128762.

3. Round the result to the seventh decimal point, yielding a rate of 0.0001288 (or $128.80 per million).

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[9] For the fiscal year 2011 estimate, the Commission used a ten-year series of monthly observations ending in March 2011. For fiscal year 2012, the Commission used a ten-year series ending in July 2011. For fiscal year 2013, the Commission used a ten-year series ending in July 2012. For fiscal year 2014, the Commission used a ten-year series ending in July 2013.

[10] Appendix A explains how we determined the ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2014 using our methodology, and then shows the purely arithmetical process of calculating the fiscal year 2014 annual adjustment based on that estimate. The appendix includes the data used by the Commission in making its ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2014.

[11] 15 U.S.C. 77f(b)(4), 15 U.S.C. 78m(e)(6) and 15 U.S.C. 78n(g)(6).

[12] 15 U.S.C. 77f(b), 78m(e) and 78n(g).

Table A. Estimation of baseline of aggregate maximum offering prices .

Fee rate calculation.

a. Baseline estimate of the aggregate maximum offering prices, 10/1/13 to 9/30/14 ($Millions)	3,766,639
b. Implied fee rate ($485 Million / a)	$128.80

Data

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Jul-03	22	304,383	13,836	23.351					
Aug-03	21	328,351	15,636	23.473	0.122				
Sep-03	21	459,563	21,884	23.809	0.336				
Oct-03	23	285,039	12,393	23.240	-0.569				
Nov-03	19	257,779	13,567	23.331	0.091				
Dec-03	22	244,998	11,136	23.133	-0.197				
Jan-04	20	369,784	18,489	23.640	0.507				
Feb-04	19	221,517	11,659	23.179	-0.461				
Mar-04	23	448,543	19,502	23.694	0.514				
Apr-04	21	260,029	12,382	23.240	-0.454				
May-04	20	227,239	11,362	23.154	-0.086				
Jun-04	21	370,668	17,651	23.594	0.441				
Jul-04	21	305,519	14,549	23.401	-0.193				
Aug-04	22	179,688	8,168	22.823	-0.577				
Sep-04	21	357,007	17,000	23.556	0.733				
Oct-04	21	254,489	12,119	23.218	-0.338				
Nov-04	21	363,406	17,305	23.574	0.356				
Dec-04	22	570,918	25,951	23.979	0.405				
Jan-05	20	375,484	18,774	23.656	-0.324				
Feb-05	19	338,922	17,838	23.605	-0.051				
Mar-05	22	590,862	26,857	24.014	0.409				

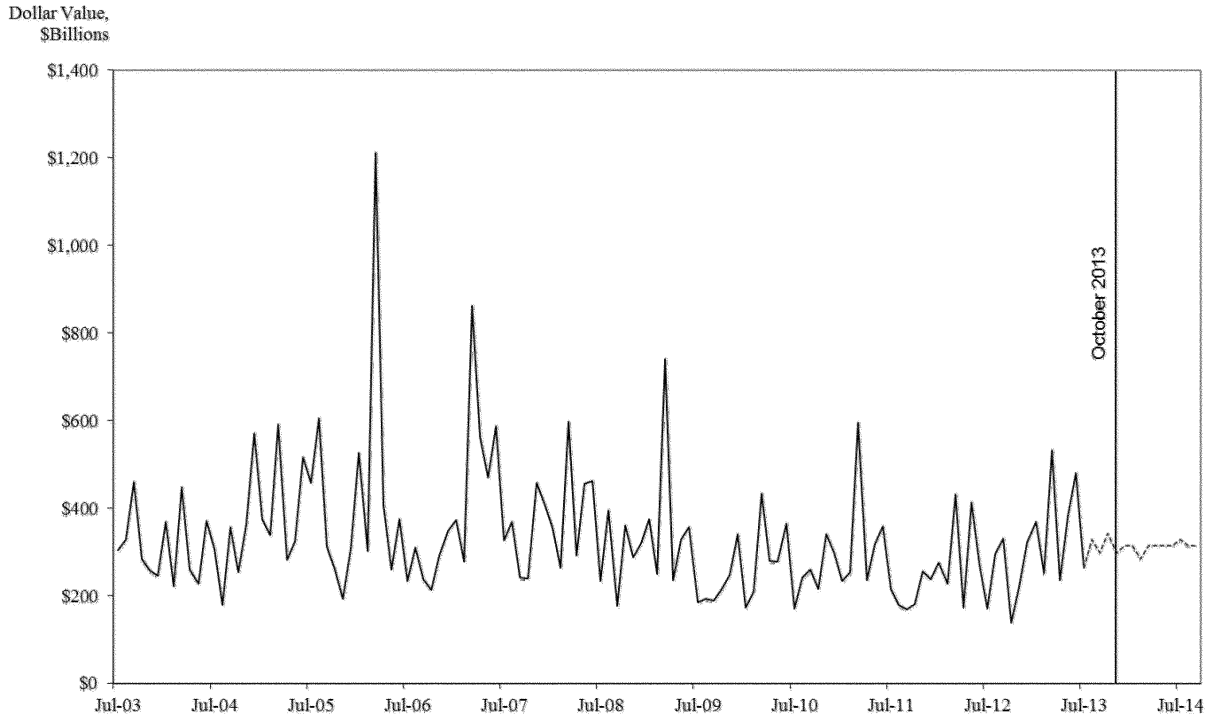
(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Apr-05	21	282,018	13,429	23.321	-0.693				
May-05	21	323,652	15,412	23.458	0.138				
Jun-05	22	517,022	23,501	23.880	0.422				
Jul-05	20	457,487	22,874	23.853	-0.027				
Aug-05	23	605,534	26,328	23.994	0.141				
Sep-05	21	312,281	14,871	23.423	-0.571				
Oct-05	21	258,956	12,331	23.235	-0.187				
Nov-05	21	192,736	9,178	22.940	-0.295				
Dec-05	21	308,134	14,673	23.409	0.469				
Jan-06	20	526,550	26,328	23.994	0.585				
Feb-06	19	301,446	15,866	23.487	-0.506				
Mar-06	23	1,211,344	52,667	24.687	1.200				
Apr-06	19	407,345	21,439	23.788	-0.899				
May-06	22	260,121	11,824	23.193	-0.595				
Jun-06	22	375,296	17,059	23.560	0.367				
Jul-06	20	232,654	11,633	23.177	-0.383				
Aug-06	23	310,050	13,480	23.325	0.147				
Sep-06	20	236,782	11,839	23.195	-0.130				
Oct-06	22	213,342	9,697	22.995	-0.200				
Nov-06	21	292,456	13,926	23.357	0.362				
Dec-06	20	349,512	17,476	23.584	0.227				
Jan-07	20	372,740	18,637	23.648	0.064				
Feb-07	19	278,753	14,671	23.409	-0.239				
Mar-07	22	862,786	39,218	24.392	0.983				
Apr-07	20	562,103	28,105	24.059	-0.333				
May-07	22	470,843	21,402	23.787	-0.272				
Jun-07	21	586,822	27,944	24.053	0.267				
Jul-07	21	326,612	15,553	23.468	-0.586				
Aug-07	23	369,172	16,051	23.499	0.032				

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Sep-07	19	241,059	12,687	23.264	-0.235				
Oct-07	23	239,652	10,420	23.067	-0.197				
Nov-07	21	458,654	21,841	23.807	0.740				
Dec-07	20	410,200	20,510	23.744	-0.063				
Jan-08	21	354,433	16,878	23.549	-0.195				
Feb-08	20	263,410	13,171	23.301	-0.248				
Mar-08	20	596,923	29,846	24.119	0.818				
Apr-08	22	292,534	13,297	23.311	-0.809				
May-08	21	456,077	21,718	23.801	0.491				
Jun-08	21	461,087	21,957	23.812	0.011				
Jul-08	22	232,896	10,586	23.083	-0.730				
Aug-08	21	395,440	18,830	23.659	0.576				
Sep-08	21	177,636	8,459	22.858	-0.800				
Oct-08	23	360,494	15,674	23.475	0.617				
Nov-08	19	288,911	15,206	23.445	-0.030				
Dec-08	22	319,584	14,527	23.399	-0.046				
Jan-09	20	375,065	18,753	23.655	0.255				
Feb-09	19	249,666	13,140	23.299	-0.356				
Mar-09	22	739,931	33,633	24.239	0.940				
Apr-09	21	235,914	11,234	23.142	-1.097				
May-09	20	329,522	16,476	23.525	0.383				
Jun-09	22	357,524	16,251	23.511	-0.014				
Jul-09	22	185,187	8,418	22.854	-0.658				
Aug-09	21	192,726	9,177	22.940	0.086				
Sep-09	21	189,224	9,011	22.922	-0.018				
Oct-09	22	215,720	9,805	23.006	0.085				
Nov-09	20	248,353	12,418	23.242	0.236				
Dec-09	22	340,464	15,476	23.463	0.220				
Jan-10	19	173,235	9,118	22.933	-0.529				

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Feb-10	19	209,963	11,051	23.126	0.192				
Mar-10	23	432,934	18,823	23.658	0.533				
Apr-10	21	280,188	13,342	23.314	-0.344				
May-10	20	278,611	13,931	23.357	0.043				
Jun-10	22	364,251	16,557	23.530	0.173				
Jul-10	21	171,191	8,152	22.822	-0.709				
Aug-10	22	240,793	10,945	23.116	0.295				
Sep-10	21	260,783	12,418	23.242	0.126				
Oct-10	21	214,988	10,238	23.049	-0.193				
Nov-10	21	340,112	16,196	23.508	0.459				
Dec-10	22	297,992	13,545	23.329	-0.179				
Jan-11	20	233,668	11,683	23.181	-0.148				
Feb-11	19	252,785	13,304	23.311	0.130				
Mar-11	23	595,198	25,878	23.977	0.665				
Apr-11	20	236,355	11,818	23.193	-0.784				
May-11	21	319,053	15,193	23.444	0.251				
Jun-11	22	359,727	16,351	23.518	0.073				
Jul-11	20	215,391	10,770	23.100	-0.418				
Aug-11	23	179,870	7,820	22.780	-0.320				
Sep-11	21	168,005	8,000	22.803	0.023				
Oct-11	21	181,452	8,641	22.880	0.077				
Nov-11	21	256,418	12,210	23.226	0.346				
Dec-11	21	237,652	11,317	23.150	-0.076				
Jan-12	20	276,965	13,848	23.351	0.202				
Feb-12	20	228,419	11,421	23.159	-0.193				
Mar-12	22	430,806	19,582	23.698	0.539				
Apr-12	20	173,626	8,681	22.884	-0.813				
May-12	22	414,122	18,824	23.658	0.774				
Jun-12	21	272,218	12,963	23.285	-0.373				

(A) Month	(B) # of Trading Days in Month	(C) Aggregate Maximum Offering Prices, in $Millions	(D) Average Daily Aggregate Max. Offering Prices (AAMOP) in $Millions	(E) log(AAMOP)	(F) Log (Change in AAMOP)	(G) Forecast log(AAMOP)	(H) Standard Error	(I) Forecast AAMOP, in $Millions	(J) Forecast Aggregate Maximum Offering Prices, in $Millions
Jul-12	21	170,462	8,117	22.817	-0.468				
Aug-12	23	295,472	12,847	23.276	0.459				
Sep-12	19	331,295	17,437	23.582	0.305				
Oct-12	21	137,562	6,551	22.603	-0.979				
Nov-12	21	221,521	10,549	23.079	0.476				
Dec-12	20	321,602	16,080	23.501	0.422				
Jan-13	21	368,488	17,547	23.588	0.087				
Feb-13	19	252,148	13,271	23.309	-0.279				
Mar-13	20	533,440	26,672	24.007	0.698				
Apr-13	22	235,779	10,717	23.095	-0.912				
May-13	22	382,950	17,407	23.580	0.485				
Jun-13	20	480,624	24,031	23.903	0.322				
Jul-13	22	263,869	11,994	23.208	-0.695				
Aug-13	22					23.361073	0.361	14,924	328,338
Sep-13	20					23.360740	0.363	14,927	298,549
Oct-13	23					23.360406	0.364	14,930	343,400
Nov-13	20					23.360073	0.366	14,933	298,669
Dec-13	21					23.359739	0.367	14,936	313,666
Jan-14	21					23.359406	0.368	14,939	313,729
Feb-14	19					23.359073	0.370	14,942	283,907
Mar-14	21					23.358739	0.371	14,945	313,855
Apr-14	21					23.358406	0.373	14,948	313,918
May-14	21					23.358073	0.374	14,951	313,981
Jun-14	21					23.357739	0.376	14,954	314,044
Jul-14	22					23.357406	0.377	14,957	329,065
Aug-14	21					23.357073	0.378	14,961	314,171
Sep-14	21					23.356739	0.380	14,964	314,234

Figure A
Aggregate Maximum Offering Prices Subject to Securities Act Section 6(b)
(Dashed Line Indicates Forecast Values)



[FR Doc. 2013–21642 Filed 9–5–13; 8:45 am]

BILLING CODE 8011–01–C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70295; File No. SR–BX–2013–016)

Self-Regulatory Organizations; NASDAQ OMX BX Inc.; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove the Proposed Rule Change To Adopt a Directed Order Process

August 30, 2013.

On February 21, 2013, NASDAQ OMX BX, Inc. (''Exchange'' or ''BX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to establish a directed order process. The proposed rule change was published for comment in the **Federal Register** on March 11, 2013.[3] The Commission received a comment letter from one commenter on the proposal,[4] a letter responding to the comment,[5] and a follow up comment letter from the same commenter.[6] In addition, on April 17, 2013, the Exchange filed Amendment No. 1 to the proposed rule change.[7] On April 22, 2013, the Exchange extended to June 6, 2013, the time period within which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change. On June 3, 2013, the Commission instituted proceedings to determine whether to approve or disapprove the proposed rule change.[8] On July 1, 2013, BX submitted a letter in further support of its proposed rule change.[9] On July 15, 2013, the Commission received a comment in response to BX's letter,[10] and on August 28, 2013, BX submitted a letter responding to the comment letter.[11]

Section 19(b)(2) of the Act[12] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of the notice of the filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on March 11, 2013. September 7, 2013 is 180 days from that date and November 6, 2013 is an additional 60 days from that date.

The Commission finds it is appropriate to designate a longer period within which to issue an order approving or disapproving the proposed

[1] 15 U.S.C. 78a.

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 69040 (March 5, 2013), 78 FR 15385 (March 11, 2013).

[4] *See* Letter, dated April 2, 2013, to Elizabeth M. Murphy, Secretary, Commission, from Janet McGuiness, Executive Vice President, Secretary and General Counsel, NYSE Euronext.

[5] *See* Letter, dated April 17, 2013, to Elizabeth M. Murphy, Secretary, Commission, from Edith Hallahan, Principal Associate General Counsel, BX.

[6] *See* Letter, dated May 10, 2013, to Elizabeth M. Murphy, Secretary, Commission, from Janet McGuiness, Executive Vice President, Secretary and General Counsel, NYSE Euronext.

[7] For a description of Amendment No. 1, *see* Securities Exchange Act Release No. 69684, 78 FR 34683 (June 10, 2013) (''Order Instituting Proceedings'').

[8] *See* Order Instituting Proceedings, *supra* note 7.

[9] *See* Letter, dated July 1, 2013 to Elizabeth M. Murphy, Secretary, Commission, from Edith Hallahan, Principal Associate General Counsel, BX.

[10] *See* Letter, dated July 15, 2013 to Elizabeth M. Murphy, Secretary, Commission, from Janet McGuiness, Executive Vice President, Secretary and General Counsel, NYSE Euronext.

[11] *See* Letter, dated August 28, 2013 to Elizabeth M. Murphy, Secretary, Commission, from Edith Hallahan, Principal Associate General Counsel, BX.

[12] 15. U.S.C. 78s(b)(2).

rule change so that it has sufficient time to consider the proposed rule change, the issues raised in the comment letters that have been submitted in connection with the proposed rule change, and the Exchange's response to such issues in its response letter.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[13] designates November 6, 2013, as the date by which the Commission shall either approve or disapprove the Proposal.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21632 Filed 9–5–13; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70296; File No. SR-Topaz-2013–03]

Self-Regulatory Organizations; Topaz Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

August 30, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 26, 2013, the Topaz Exchange, LLC (the ''Exchange'' or ''Topaz'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Topaz is proposing to amend its Schedule of Fees to establish a surcharge fee of $0.22 per contract for non-Priority Customer orders in options on the Nasdaq-100 Stock Index. The text of the proposed rule change is available on the Exchange's Internet Web site at *http://www.ise.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and the 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 self-regulatory organization has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has entered into a license agreement with The NASDAQ OMX Group, Inc. in connection with the listing and trading of options on the Nasdaq-100 Stock Index (''NDX''), and is proposing to adopt a surcharge fee of $0.22 per contract applicable to non-Priority Customer orders in these options to defray the licensing costs. Absent the license agreement, market participants would be unable to trade NDX options on the Exchange.

This fee reflects the pass-through charges associated with the licensing of this product, and the Exchange believes that charging the participants that trade these instruments is the most equitable means of recovering the costs of the license. The Exchange notes that the proposed surcharge fee does not apply to Priority Customer orders in this product.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[3] in general, and Section 6(b)(4) of the Act,[4] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The proposed surcharge fee is reasonable because it is a direct result of the licensing fee charged to the Exchange by the index provider that owns the intellectual property associated with the index, and reflects the pass-through charges associated with obtaining the license to trade NDX options, which the Exchange believes is the most equitable means of recovering the costs of the license. The proposed fee is equitable and not unfairly discriminatory in that it applies uniformly to all similarly situated Exchange participants, and is assessed only on those non-Priority Customer participants who choose to transact in NDX options. The Exchange believes it is equitable and not unfairly discriminatory to assess this surcharge on all participants except Priority Customers because the Exchange seeks to encourage Priority Customer order flow and the liquidity such order flow brings to the marketplace, which in turn benefits all market participants.

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(4).

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[5] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. By providing all participants on the Exchange with the ability to hedge via NDX options, the Exchange is not placing any burden on competition among its various participants. The Exchange further notes that the licensing agreement it has secured is not an exclusive agreement as many other option exchanges currently trade NDX options and charge a fee related to such license.[6] As such, there is no burden on competition among exchanges for the trading of NDX options.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on

[5] 15 U.S.C. 78f(b)(8).

[6] For example, NYSE Amex Options (''Amex''), NYSE Arca Options (''Arca''), BOX Options Exchange LLC (''BOX''), and the International Securities Exchange, LLC (''ISE'') each also charge a surcharge fee of $0.22 for trades in NDX options. *See* Amex Fee Schedule, Royalty Fees; Arca Fees and Charges, Royalty Fees; BOX Fee Schedule, Section I, Exchange Fees, Options Surcharge; and ISE Schedule of Fees, Section VI, Other Options Fees and Rebates, Non-Priority Customer License Surcharge for Index Options.

this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [7] and subparagraph (f)(2) of Rule 19b–4 thereunder,[8] because it establishes a due, fee, or other charge imposed by Topaz.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Topaz–2013–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Topaz–2013–03. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Topaz–2013–03, and should be submitted on or before September 27, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21659 Filed 9–5–13; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70294; File No. SR–NYSEMKT–2013–72]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delete Certain Obsolete Rules That Relate to Its Disciplinary Proceedings and Make a Conforming Change

August 30, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on August 23, 2013, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete certain obsolete rules that relate to its disciplinary proceedings and make a conforming change. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to delete certain obsolete rules that relate to its disciplinary proceedings and make a conforming change.

In September 2008, NYSE Euronext acquired the American Stock Exchange LLC, now known as NYSE MKT.[3] As part of the integration of the companies, in October 2008, the Exchange adopted disciplinary rules that were substantially the same as those of the New York Stock Exchange LLC (''NYSE'') and established certain transitional rules.[4] Thereafter, the Exchange relocated its trading floor from 86 Trinity Place in New York, New York to the NYSE's facilities at 11 Wall Street in New York, New York.

It is no longer necessary to maintain the transitional rules because all disciplinary proceedings under such rules have been completed. As such, the Exchange proposes to delete Part 1B of Rule 476A and mark it ''Reserved,'' and delete in their entirety Rules 478T and

[3] *See* Securities Exchange Act Release No. 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–Amex–2008–62 and SR–NYSE–2008–60).

[4] *See id.* and Securities Exchange Act Release Nos. 58705 (October 1, 2008), 73 FR 58995 (October 8, 2008) (SR–Amex–2008–63), and 58286 (August 1, 2008), 73 FR 46097 (August 7, 2008) (SR–Amex–2008–64).

590, Parts 1–3, because each of these rules is obsolete. Part 1B of Rule 476A sets forth minor rule violations and fines that were applicable only to trading activity and conduct on legacy Exchange trading systems located at 86 Trinity Place. Similarly, the minor rule violations and fines listed in Parts 1–3 of Rule 590 applied only to transactions and/or conduct that occurred on or through the legacy systems or facilities of the Exchange located at 86 Trinity Place.[5] Rule 478T sets forth temporary procedures that governed legacy disciplinary proceedings that were commenced by the Exchange and still pending as of October 1, 2008, the date when the Exchange adopted disciplinary rules substantially similar to those of the NYSE.[6] All legacy proceedings have been completed. The Exchange also proposes a conforming change to Rule 0 to remove references to these obsolete rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Section 6(b)(5) of the Act,[8] in particular, because it promotes just and equitable principles of trade, removes impediments to and perfects the mechanism of a free and open market and a national market system, and, in general, helps to protect investors and the public interest by providing transparency as to which rules are operable and reducing potential confusion that may result from having obsolete rules in the Exchange's rulebook. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the public can more easily navigate the Exchange's rulebook and better understand what obligations attach and when.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather to delete obsolete rules, thereby increasing transparency, reducing confusion, and making the Exchange's rules easier to understand.

[5] *See* Rule 590, Part 1.

[6] *See supra* n.3.

[7] 15 U.S.C. 78f(b).

[8] 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not significantly affect the protection of investors or the public interest, does not impose any significant burden on competition, and, by its terms, does not become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

The Exchange has requested that the Commission waive the 30-day operative delay. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest in that the rules at issue are no longer operative and the proposed rule change will reduce confusion and add clarity to the Exchange's rulebook. Therefore, the Commission designates the proposal operative upon filing.[11]

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 under Section 19(b)(2)(B)[12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEMKT–2013–72 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2013–72. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2013–72 and should be submitted on or before September 27, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–21631 Filed 9–5–13; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 8450]

Privacy Act; System of Records: Protocol Records, State–33

SUMMARY: Notice is hereby given that the Department of State proposes to amend an existing system of records, Protocol Records, State–33, pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a) and Office of Management and Budget Circular No. A–130, Appendix I.

DATES: This system of records will be effective on October 16, 2013, unless we receive comments that will result in a contrary determination.

ADDRESSES: Any persons interested in commenting on the amended system of records may do so by writing to the Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA–2; 515 22nd Street NW.; Washington, DC 20522–8001.

FOR FURTHER INFORMATION CONTACT: Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA–2; 515 22nd Street NW.; Washington, DC 20522–8001.

SUPPLEMENTARY INFORMATION: The Department of State proposes that the current system retain the name ''Protocol Records'' (previously published at 42 FR 49719). As an accounting of those U.S. government officials receiving gifts and decorations from foreign governments and to record for historical purposes the names of the individuals invited to, and attending, official Department of State functions, and to verify individuals nominated as a diplomatic representative on behalf of a foreign government. The proposed system will include modifications to all of the sections of the notice to ensure Privacy Act of 1974 compliance.

The Department's report was filed with the Office of Management and Budget. The amended system description, ''Protocol Records, State–33,'' will read as set forth below.

Joyce A. Barr

Assistant Secretary for Administration, U.S. Department of State.

STATE–33

SYSTEM NAME:

Protocol Records.

SYSTEM CLASSIFICATION:

Unclassified and Classified.

SYSTEM LOCATION:

Department of State, 2201 C Street NW., Washington, DC 20520. Abroad at U.S. embassies, U.S. consulates general, and U.S. consulates; U.S. missions; Department of State annexes; various field and regional offices throughout the United States.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include those receiving gifts and decorations from foreign governments; individuals invited to official Department of State functions; individuals who are part of foreign delegations; individuals working at foreign embassies, missions and organizations; and nominees for foreign ambassadorships to the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include descriptions of gifts and decorations received from foreign governments; donors; guest lists; type of function; sample invitations; address and occupation of invitees; and biographical information (this includes, but is not limited to: names, nationalities, résumés, *curricula vitae,* copies of passports, copies of visas, dates of birth, and photographs).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 2621, 22 U.S.C. 2625, 22 U.S.C. 4301 et seq.

PURPOSE:

The information in this system of records is an accounting of those U.S. government officials receiving gifts and decorations from foreign governments and to record for historical purposes the names of the individuals invited to, and attending, official Department of State functions, and to verify individuals nominated as a diplomatic representative on behalf of a foreign government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in these records may be shared with: the Executive Office of the President; Congress; and other government agencies having statutory or other lawful authority to maintain such information.

The Department of State publishes periodically in the **Federal Register** its Prefatory Statement of Routine Uses which applies to all of its Privacy Act System of Records. These standard routine uses apply to Protocol Records, State–33.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic and hard copy media.

RETRIEVABILITY:

By an individual name.

SAFEGUARDS:

All users are given cyber security awareness training which covers the procedures for handling Sensitive But Unclassified (SBU) information, including personally identifiable information (PII). Annual refresher training is mandatory. In addition, all Foreign Service and Civil Service employees and those Locally Engaged Staff who handle PII are required to take the Foreign Service Institute distance learning course, PA 459, instructing employees on privacy and security requirements, including the rules of behavior for handling PII and the potential consequences if it is handled improperly. Before being granted access to Protocol Records, a user must first be granted access to the Department of State computer system.

Remote access to the Department of State network from non-Department owned systems is authorized only to unclassified systems and only through a Department approved access program. Remote access to the network is configured with the Office of Management and Budget Memorandum M–07–16 security requirements which include but are not limited to two-factor authentication and time out function.

All Department of State employees and contractors with authorized access have undergone a thorough background security investigation. Access to the Department of State, its annexes and posts abroad is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All paper records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel only. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage. When it is determined that a user no longer needs access, the user account is disabled.

RETENTION AND DISPOSAL:

Records are retired and destroyed in accordance with published Department of State Records Disposition Schedules as approved by the National Archives and Records Administration (NARA). More specific information may be obtained by writing to the following

address: Director, Office of Information Programs and Services, A/GIS/IPS; SA–2, Department of State; 515 22nd Street NW; Washington, DC 20522–8100.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Chief of Protocol for Management and Executive Director, Office of the Chief of Protocol, Department of State, 2201 C Street NW., Washington, DC 20520.

NOTIFICATION PROCEDURE:

Individuals who have cause to believe that the Office of the Chief of Protocol may have records pertaining to him or her should write to the following address: Director; Office of Information Programs and Services, A/GIS/IPS; SA–2 Department of State; 515 22nd Street NW; Washington, DC 20522–8100.

The individual must specify that he or she requests the records of the Office of the Chief of Protocol to be checked. At a minimum, the individual must include the following: name, date and place of birth, current mailing address and zip code, signature, and any other information helpful in identifying the record.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Director; Office of Information Programs and Services (address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORD SOURCE CATEGORIES:

These records contain information collected directly from: the individual who is the subject of these records; employers and public references; other officials in the Department of State; other government agencies; foreign governments; and other public and professional institutions possessing relevant information.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 2013–21768 Filed 9–5–13; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 8451]

Privacy Act; System of Records: Digital Outreach and Communications, State–79

SUMMARY: Notice is hereby given that the Department of State proposes to create a system of records, Digital Outreach and Communications, State–79, pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a) and Office of Management and Budget Circular No. A–130, Appendix I.

DATES: This system of records will be effective on October 16, 2013, unless we receive comments that will result in a contrary determination.

ADDRESSES: Any persons interested in commenting on the new system of records may do so by writing to the Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA–2; 515 22nd Street NW.; Washington, DC 20522–8100.

FOR FURTHER INFORMATION CONTACT: Director; Office of Information Programs and Services, A/GIS/IPS; Department of State, SA–2; 515 22nd Street NW.; Washington, DC 20522–8100.

SUPPLEMENTARY INFORMATION: The Department of State proposes that the new system will be named ''Digital Outreach and Communications.'' In keeping with the Department's mission, the purpose of the system of records is to extend outreach, engagement, and collaboration efforts with the public, to facilitate transparency and accountability with regard to Department activities, and to conduct and administer contests, challenges, and other competitions. Only members of the public who choose to interact with the Department through a social media outlet or other electronic means provide information for this system of records.

The Department's report was filed with the Office of Management and Budget. The new system description, ''Digital Outreach and Communications, State–79,'' will read as set forth below.

Catherine Ebert-Gray,

Acting Assistant Secretary for Administration, U.S. Department of State.

STATE–79

SYSTEM NAME:

Digital Outreach and Communications

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Department of State domestic locations and posts abroad.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who interact with the Department through a social media outlet or other electronic means including by submitting feedback, requesting more information from the Department, or participating in a contest, challenge, or other competition.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may contain information passed through a social media site to facilitate interaction with the Department such as, but not limited to the following: name, username, email address, home or work address, contact information, phone numbers, date of birth, age, security questions, IP addresses, log-in credentials, and educational, business, or volunteer affiliation. It may also include input and feedback from the public, such as comments, emails, videos, and images, which may include tags, geotags, or geographical metadata.

In addition to the information listed above, individuals who enter a contest, challenge, or other competition may be asked to provide certain specific information including financial data, passport and visa information, and other information necessary to authenticate qualifications for participation or for prize issuance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Presidential Memorandum to the Heads of Executive Departments and Agencies on Transparency and Open Government, January 21, 2009. OMB M–10–06, Open Government Directive, December 8, 2009. OMB M–10–22, Guidance for Online Use of Web Measurement and Customization Technologies, June 25, 2010. OMB M–10–23, Guidance for Agency Use of Third-Party Web sites and Applications, June 25, 2010. 5 U.S.C. 301, Management of Executive Agencies. 22 U.S.C. 2651a, Organization of the Department of State.

PURPOSE:

To extend outreach, engagement, and collaboration efforts with the public, and to facilitate transparency and accountability with regard to Department activities. To conduct and administer contests, challenges, and other competitions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system may be shared with the news media and the public, with the approval of the Chief of Mission or Bureau Assistant Secretary who supervises the office responsible for the outreach effort, except to the extent that release of the information would constitute an unwarranted invasion of personal privacy;

To Government agencies and the White House for purposes of planning and coordinating public engagement activities;

And to Federal, state, and city governments which are issued tax

reports, the Internal Revenue Service and the Social Security Administration which are sent tax and withholding data.

The Department of State periodically publishes in the **Federal Register** its standard routine uses, which apply to all of its Privacy Act systems of records. These notices appear in the form of a Prefatory Statement. These standard routine uses apply to Digital Outreach and Communications, State–79.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media.

RETRIEVABILITY:

Username; email; name.

SAFEGUARDS:

All users are given cyber security awareness training which covers the procedures for handling Sensitive but Unclassified information, including personally identifiable information (PII). Annual refresher training is mandatory. In addition, all Foreign Service and Civil Service employees and those Locally Engaged Staff who handle PII are required to take the Foreign Service Institute distance learning course instructing employees on privacy and security requirements, including the rules of behavior for handling PII and the potential consequences if it is handled improperly. Before being granted access to ''Digital Outreach and Communications,'' a user must first be granted access to the Department of State computer system.

Remote access to the Department of State network from non-Department owned systems is authorized only to unclassified systems and only through a Department approved access program. Remote access to the network is configured with the Office of Management and Budget Memorandum M–07–16 security requirements which include but are not limited to two-factor authentication and time out function.

All Department of State employees and contractors with authorized access have undergone a thorough background security investigation. Access to the Department of State, its annexes and posts abroad is controlled by security guards and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All paper records containing personal information are maintained in secured file cabinets in restricted areas, access to which is limited to authorized personnel only. Access to computerized files is password-protected and under the direct supervision of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular and ad hoc monitoring of computer usage. When it is determined that a user no longer needs access, the user account is disabled.

RETENTION AND DISPOSAL:

Records are retired and destroyed in accordance with published Department of State Records Disposition Schedules as approved by the National Archives and Records Administration (NARA). More specific information may be obtained by writing to the Director; Office of Information Programs and Services, A/GIS/IPS; SA–2, Department of State; 515 22nd Street NW.; Washington, DC 20522–8100.

SYSTEM MANAGER(S) AND ADDRESS:

The Under Secretary for Public Diplomacy and Public Affairs; Department of State; 2201 C Street NW.; Washington, DC 20520.

NOTIFICATION PROCEDURE:

Individuals who have cause to believe that the Department may have outreach records pertaining to him or her should write to the Director; Office of Information Programs and Services, A/GIS/IPS; SA–2, Department of State; 515 22nd Street NW.; Washington, DC 20522–8100. The individual must specify that he or she wishes the outreach records of the Department to be checked. At a minimum, the individual must include the following: name; date and place of birth; current mailing address and zip code; signature; and other information helpful in identifying the record.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Director; Office of Information Programs and Services (address above).

CONTESTING RECORD PROCEDURES:

Individuals who wish to contest records pertaining to themselves should write to the Director; Office of Information Programs and Services (address above).

RECORD SOURCE CATEGORIES:

These records contain information obtained directly from individuals who interact with the Department of State through social media sites or who communicate electronically with the Department in response to public outreach.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 2013–21769 Filed 9–5–13; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 8452]

Waiver of Restriction on Assistance to the Central Government of Afghanistan

Pursuant to Section 7031(b)(3) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, Pub. L. 112–74) (''the Act''), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, Pub. L. 113–6), and Department of State Delegation of Authority Number 245–1, I hereby determine that it is important to the national interest of the United States to waive the requirements of Section 7031(b)(1) of the Act and similar provisions of law in prior year Acts with respect to Afghanistan and I hereby waive this restriction.

This determination and the accompanying Memorandum of Justification shall be reported to the Congress, and the determination shall be published in the **Federal Register**.

Dated: July 12, 2013.

William J. Burns,

Deputy Secretary.

[FR Doc. 2013–21771 Filed 9–5–13; 8:45 am]

BILLING CODE 4710–02–P

DEPARTMENT OF TRANSPORTATION

[4910–RY]

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed US 1 Improvements—Rockingham, Richmond County, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitations on Claims for Judicial Review of Actions by FHWA, and Other Federal Agencies.

SUMMARY: This notice announces actions taken by FHWA, and other Federal agencies that are final within the meaning of 23 U.S.C. 139 (*l*)(1). The actions relate to a proposed highway project, US 1 Improvements—Rockingham, Richmond County, NC

from Sandhill Road (SR 1971) to Marston Road (SR 1001). Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139 (*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before February 3, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Clarence W. Coleman, P. E., Director of Preconstruction and Environment, Federal Highway Administration, 310 New Bern Avenue, Ste 410, Raleigh, North Carolina, 27601–1418; Telephone: (919) 747–7014; email: *clarence.coleman@dot.gov.* FHWA North Carolina Division Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time). For the North Carolina Department of Transportation (NCDOT): Eric Midkiff, P.E., Project Development and Environmental Analysis Eastern Section Head, North Carolina Department of Transportation (NCDOT), 1 South Wilmington Street (Delivery), 1548 Mail Service Center, Raleigh, North Carolina 27699–1548; Telephone (919) 707–6030; email: *emidkiff@ncdot.gov.* NCDOT—Project Development and Environmental Analysis Branch Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other Federal agencies have taken final agency action subject to 23 U.S.C. § 139 (*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of North Carolina: US 1 Improvements, Federal Aid No. NHF–1(1), Richmond County, North Carolina. This project identified a need to address capacity constraints and mobility considerations on the current US 1 in and around Rockingham, North Carolina. The proposed action will improve 19 miles of US 1 from Sandhill Road (SR 1971) south of Rockingham to Marston Road (SR 1001) in Marston. The selected alternative (Alternative 21) constructs approximately 14 miles on new location, and widens about five miles of existing US 1. From Sandhill Road (SR 1971) to about one and a half miles north of Fox Road (SR 1606), US 1 is proposed to be a four-lane, median-divided roadway with full control of access along the new location part and partial control of access on the widening part. From one and a half miles north of Fox Road (SR 1606) to Cognac Road (SR 1605), a four-lane, median-divided roadway with partial control of access is being proposed. A five-lane section with no control of access is proposed along existing US 1 from Cognac Road (SR 1605) to the existing five-lane section at Marston Road (SR 1001). The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS) for the project, approved on December 21, 2011, in the FHWA Record of Decision (ROD) issued on June 28, 2013, and in other documents in the FHWA project files. The FHWA FEIS and ROD can be viewed at the NCDOT—Project Development and Environmental Analysis Branch, 1020 Birch Ridge Drive, Raleigh, North Carolina; NCDOT—Division 8 Construction Engineer Office, 902 N. Sandhills Blvd., Aberdeen, North Carolina; Rockingham Public Library, 412 E. Franklin Street, Rockingham, North Carolina; Richmond County Planning Department, 221 South Hancock Street, Rockingham, North Carolina; Richmond County School System, 118 Vance Street, Hamlet, North Carolina; City of Rockingham Planning & Inspections Department, 514 Rockingham Boulevard, Rockingham, North Carolina; and Richmond County Chamber of Commerce, 2 Main Street, Hamlet, North Carolina.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 USC 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. Wildlife: Endangered Species Act [16 USC 1531–1544 and Section 1536], Marine Mammal Protection Act [16 U.S.C. 1361], Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)], Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)], Migratory Bird Treaty Act [16 U.S.C. 703–712], Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 et seq.].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–II]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].

7. Wetlands and Water Resources: Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA; 42 U.S.C. 11011 et seq.); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species; and E. O. 13186—Responsibilities of Federal Agencies To Protect Migratory Birds.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139 (*l*)(1)

Issued on: August 26, 2013.

Clarence W. Coleman,

Director of Preconstruction and Environment, Raleigh, North Carolina.

[FR Doc. 2013–21722 Filed 9–5–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA–2013–0042]

Major Project Financial Plan Guidance

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice; Request for comments.

SUMMARY: This notice requests comments on draft Major Project Financial Plan Guidance outlining the procedures the FHWA will follow when reviewing and approving Financial Plans. The proposed Major Project Financial Plan Guidance incorporates changes required by the Moving Ahead for Progress in the 21st Century Act (MAP–21) and adopts a recommendation from a 2009 Government Accountability Office (GAO) report titled ''Federal-Aid Highways: FHWA Has Improved Its Risk Management Approach, but Needs to Improve Its Oversight of Project Costs.''

DATES: Comments must be received on or before October 7, 2013.

ADDRESSES: To ensure that you do not duplicate your docket submissions, please submit all comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Ave. SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.
- *Instructions:* You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov*, including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For questions about this notice contact Mr. James Sinnette, Project Delivery Team Leader, FHWA Office of Innovative Program Delivery, (202) 366–1561, Federal Highway Administration, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, or via email at *james.sinnette@dot.gov*. For legal questions, please contact Mr. Michael Harkins, Senior Attorney Advisor, FHWA Office of the Chief Counsel, (202) 366–4928, Federal Highway Administration, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, or via email at *michael.harkins@dot.gov*. Business hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of the proposed Major Project Financial Plan Guidance is available for download and public inspection under the docket number noted above at the Federal eRulemaking portal at: *http://www.regulations.gov*. You may submit or retrieve comments online through the Federal eRulemaking portal at: *http://www.regulations.gov*. The Web site is available 24 hours each day, 365 days each year. Electronic submission and retrieval help and guidelines are available under the help section of the Web site.

An electronic copy of this document may also be downloaded from Office of the Federal Register's home page at: *http://www.archives.gov/federal_register* and the Government Printing Office's Web page at: *http://www.fdsys.gov*. Late comments will be considered to the extent practicable.

Background

Major projects are defined in section 106(h) of title 23, United States Code (U.S.C.), as projects receiving Federal financial assistance with an estimated total cost of $500,000,000, or other projects as may be identified by the Secretary. Major projects are typically large, complex projects designed to address major highway needs and require the investment of significant financial resources. The preparation of the annual financial plan, as required by 23 U.S.C. 106(h)(3), ensures that the necessary financial resources are identified, available, and monitored throughout the life of the project.

The proposed Major Project Financial Plan Guidance replaces the existing January 2007 Major Project Financial Plan Guidance. Section 106 of title 23 U.S.C., as amended by section 1503 of MAP–21, allows Financial Plans to include a phasing plan when there are insufficient financial resources to complete the entire project. In addition, 23 U.S.C. 106 now requires recipients of Federal financial assistance to assess the appropriateness of a public-private partnership to deliver the project. In addition to these MAP–21 changes, the proposed Major Project Financial Plan Guidance also incorporates a recommendation included in a 2009 GAO report titled, ''Federal-Aid Highway: FHWA Has Improved Its Risk Management Approach, but Needs to Improve Its Oversight of Project Costs'' (GA–090–751). That report recommended that Financial Plans include the cost of financing the project.

Comments on the proposed Major Project Financial Plan Guidance are welcome from any interested party, including Federal, State, and local agencies; industry groups; and the general public. A copy of the proposed Major Project Financial Plan Guidance is available for download and public inspection under the docket number noted above at the Federal eRulemaking portal at: *http://www.regulations.gov*. The FHWA requests that commenters cite the page number of the Guidance for which each specific comment to the docket is concerned, to help make the FHWA's docket comment review process more efficient. The FHWA will consider all comments received during the comment period prior to finalizing the Major Project Financial Plan Guidance.

Issued on: August 20, 2013.

Victor M. Mendez,

FHWA Administrator.

[FR Doc. 2013–21738 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0075]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document received on July 8, 2013, the Medina Railroad Museum (MRRM) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 223. FRA assigned the petition Docket Number FRA–2013–0075.

MRRM petitioned FRA to grant a waiver of compliance from the safety glazing provisions of 49 CFR 223.15, *Requirements for existing passenger cars.* MRRM seeks relief for a 1954 café lounge car, Number RPCX 761, which was purchased from a private owner, Dr. Harry Phills. MRRM intends to use RPCX 761 in excursion service on tracks owned by Genesee Valley Transportation's Falls Road Railroad (FRR). RPCX 761 will be operated at a maximum timetable track speed authorized by MRRM, but not to exceed 30 mph. RPCX 761 has 15 side windows and 4 end windows located in the entry doors (2 panes per door). Each window is two-pane glass with the inner pane

made of automotive-style, laminated Canadian safety glass. None of the windows open; however, the two emergency exit windows on each end of RPCX 761 are clearly marked and will have instructions for use of axes and hammers to break out glazing under emergency conditions.

There have been no accidents or incidents attributed to window glazing failures in this equipment, which has been under the present ownership since 2008. The owner does not have any evidence that there have been any accidents/incidents involving window glazing resulting in personal injury to any occupants of this equipment. There have been no incidents of vandalism while this car has been in the museum's ownership since 2008.

When not in operation, this equipment is stored at 530 West Avenue, Medina, NY, on FRR. This equipment will be moved up to 24 miles over FRR trackage between Mileposts 18 and 42. FRR is a private shortline railroad company consisting of 42 miles of track with just one interchange point at Lockport, NY, where it interchanges with CSX Transportation (CSX). This equipment will only operate with passengers on this private railroad and will not interchange with CSX or Amtrak.

FRR trackage is single track; there is only one overhead bridge, without sidewalks, from which vandals could throw stones or other objects at this equipment. The end windows of RPCX 761 are enclosed in vestibules.

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. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request. 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 October 21, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as is practicable.

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).

Issued in Washington, DC.

Robert C. Lauby.

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–21694 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0066]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 10, 2013, the Age of Steam Roundhouse (AOSR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 230, Steam Locomotive Inspection and Maintenance Standards. AOSR owns and operates No. 1293, a 4–6–2 Pacific class steam locomotive built in 1948 by the Canadian Locomotive Works for the Canadian Pacific Railway. No. 1293 is operated periodically for special trains on the Ohio Central Railroad. FRA assigned the petition Docket Number FRA–2013–0066.

AOSR is requesting an extension not to exceed 92 days in order to perform the annual inspection required by 49 CFR 230.16, *Annual inspection.* The annual inspection for No. 1293 is typically performed in early September as determined by the 1,472 service-day inspection, completed on September 1, 2000. AOSR requests relief to perform the annual inspection no later than December 31, 2013, which allows the locomotive to operate throughout the fall and winter without removing it from service.

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. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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 October 21, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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).

Issued in Washington, DC.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–21696 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0065]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by documents dated June 11, 2013, and August 12, 2013, Tavares, Eustis & Gulf Railroad (TEVR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 215-Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA–2013–0065.

TEVR seeks relief from 49 CFR 215.303–*Stenciling of restricted cars,* which requires that restricted railroad freight cars shall be stenciled or marked in clearly legible letters with the letter ''R'' and a series of designated terms to completely indicate the basis for the restricted operation of the car.

The petition concerns one caboose, numbered RERX 5404, and four freight cars: RERX 101, 213, 504 and 702. The freight cars are railroad flatcars converted to passenger carriage cars for tourist and excursion railroad service by the addition of seating, superstructures, and steps. Each of the TEVR freight cars in the present petition is more than 50 years old, measured from the date of original construction. These freight cars are the subject of a parallel petition for Special Approval for continued operation under 49 CFR 215.203(c). Therefore, TEVR seeks waiver of the requirement for stenciling found in 49 CFR 215.303, as the railroad states that the stenciling would detract from both the aesthetic and historical nature of the reproduction vintage railcar equipment. As TEVR passenger equipment will operate in a limited area, TEVR requests permission to keep documentation related to the restricted status of the equipment at their business office, similar to the conditions granted to other tourist and excursion railroads.

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. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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 October 21, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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).

Issued in Washington, DC.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–21690 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0071]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated June 15, 2013, Symans Enterprise has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 215. FRA assigned the petition Docket Number FRA–2013–0071.

Specifically, Symans Enterprise seeks an exemption from the requirements for stenciling of restricted cars for two cars: (1) Car Number 604, a Pennsylvania Railroad open car, and (2) Car Number 514, a 1914 Lehigh New England Bobber caboose. Title 49 CFR 215.303 requires that cars deemed restricted by 49 CFR 215.203(a) shall be stenciled in a certain way. Symans Enterprise requests that it be permitted to leave the cars with their historical stenciling, and that it be exempted from stenciling these two cars with the large ''R'' usually required on restricted cars, as it would detract from the historical image.

Symans Enterprise states that the subject freight cars were converted to carry passengers. The subject cars and their type, capacities, reporting marks, and other features are listed in an enclosure with the petition letter. Also included in the enclosure are the design, type, components, or other items that cause each car to be restricted.

Symans Enterprise further states that the subject cars will be trucked by the company to the various locations for service, and the cars will be used for tourist attractions and historical purposes and will not be interchanged in regular freight operations. The cars will be serviced, inspected, and maintained in compliance with all applicable regulations with the exception of the conditions that require special approvals.

In addition, Symans Enterprise has requested a Special Approval for these cars to continue in service in accordance with 49 CFR 205.203(c).

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. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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 October 21, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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).

Issued in Washington, DC.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–21695 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0080]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated July 19, 2013, the Association of American Railroads (AAR), on behalf of itself and its member railroads, has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. FRA assigned the petition Docket Number FRA–2013–0080.

In its petition, AAR seeks a waiver of compliance from 49 CFR 232.207, *Class IA brake tests—1,000-mile inspection.* Excluding 49 CFR 232.213, the current rule states that each train shall receive a Class 1A brake test performed by a qualified person, as defined in § 232.5, at a location that is not more than 1,000 miles from the point where any car in the train last received a Class 1 or 1A brake test. AAR petitioned FRA for a 1-year limited waiver for the purpose of demonstrating that a subsequent permanent waiver will improve safety and eliminate unnecessary costs to the industry.

Through a limited pilot effort AAR intends to demonstrate the effectiveness of using wayside wheel temperature detector (WTD) data to ensure safe braking performance. The focus of this pilot will be the normal revenue service coal trains running on the Union Pacific Railroad between Wyoming's Powder River Basin and an unloading facility at White Bluff, AR, which is a round trip of approximately 2,600 miles. The WTD that monitors the system is located at Sheep Creek, WY. Each test train will receive a Class 1 brake test in accordance with § 232.205 and a pre-departure inspection in accordance with § 215.13 at North Platte, NE. The trains will leave North Platte and travel to a coal loading facility in the Powder River Basin. On the return trip, the trains will pass the WTD monitors at Sheep Creek for a braking performance recording. They will continue through Van Buren, AR, and then to an unloading facility in White Bluff, AR. The train cars will return to the terminus at North Platte via Van Buren.

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 Ave. 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. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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 October 21, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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).

Issued in Washington, DC.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–21691 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2003–16265]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated August

1, 2013, the Long Island Rail Road (LIRR) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 229.81, *Emergency Pole; shoe insulation.* FRA assigned the petition Docket Number FRA–2003–16265.

Title 49 CFR 229.81(b) requires that each locomotive equipped with third rail shoes shall have a device for insulating the current collecting apparatus from the third rail. LIRR previously had in place a waiver related to third rail insulating devices called for in 49 CFR 229.81. This waiver was renewed on March 30, 2004. Due to an oversight on the part of LIRR, renewal of this waiver was not requested in a timely manner and is now being sought. The rationale for this waiver, originally granted in 1981, and subsequently extended and expanded to newer fleets of equipment, is that LIRR's existing procedures and infrastructure provide a greater degree of safety than the devices required in this rule. Removing third rail power from rolling stock equipped with contact shoes by means of such devices would require placement of at least two devices per DMU locomotive, four devices per pair of multiple-unit (MU) cars, and 24 devices for a 12-car MU train. Each of these would be placed separately in proximity to the 750-volt third rail under whatever lighting and weather conditions prevailed. This would be both a time consuming and potentially hazardous means to remove power from the equipment.

LIRR requests instead to continue to use the guidance of LIRR–290 (formerly known as CT–290) wherein requests for removal of power are made by radio or telephone to the Engineering System Operator (ESO). Detailed third-rail plans are maintained by the ESO, train dispatchers, and block operators, along with records of requests for removal of third-rail power, which include name, title, location, and reason for removal of power. Only the person who requested the removal of power, or someone to whom they have transferred that authority, can request restoration of power. This process provides safeguards against accidental restoration of power that could occur with the slippage or inadvertent removal of any of the insulating devices that the rule calls for; the process also allows for the safe and remote removal of power, away from the affected equipment. LIRR requests that FRA considers this waiver as having been in continuous effect since September 1, 1981.

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. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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 October 21, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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).

Issued in Washington, DC

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–21697 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0089]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated August 4, 2013, 1003 Operations LLP has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 224, Reflectorization of Rail Freight Rolling Stock. FRA assigned the petition Docket Number FRA–2013–0089.

The 1003 Operations LLP partnership located in Long Grove, IL, owns Steam Locomotive SOO Line 1003, as well as historic freight cars and cabooses. The partnership leases its equipment to the Steam Locomotive Heritage Association (SLHA) based in Hartford, WI. The three cars that 1003 Operations LLP owns are: LLTX 10559 (insulated boxcar); LLTX 2012 (caboose); and LLTX 268 (caboose), which are not equipped with reflectorization per 49 CFR Part 224. The 1003 Operations LLP partnership requests that it be granted a waiver of compliance from 49 CFR Part 224, because the retroreflective sheeting applied would detract from the equipment's historic preservation and appearance.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *http://www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Ave. 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. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

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 October 15, 2013, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

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).

Issued in Washington, DC.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–21693 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2013–0089]

Reports, Forms, and Record Keeping Requirements

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

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections. This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before November 5, 2013.

ADDRESSES: You may submit comments identified by docket number at the heading of this notice by any of the following methods:

• Web site: *http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on ''Help and Information'' or ''Help/Info.''

• Fax: 1–202–493–2251.

• Mail: U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

• Hand Delivery: 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact James Bean, Office of Data Acquisitions (NVS–410), Room W53–489, 1200 New Jersey Avenue SE., Washington, DC 20590. Mr. Bean's telephone number is (202) 366–2837.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Title: National Automotive Sampling System (NASS) Law Enforcement Information

Type of Request: New information collection

OMB Control Number: Not assigned

Affected Public: Law Enforcement Agencies

Abstract: This collection of information is part of NHTSA's efforts to upgrade its crash data systems. NHTSA's National Automotive Sampling System (NASS) collects crash data on a nationally representative sample of police-reported traffic crashes and related injuries. NASS data are used by government, industry, and academia in the U.S. and around the world to make informed highway safety decisions.

Recognizing the importance as well as the limitations of the current NASS system, NHTSA is undertaking a modernization effort to upgrade its data

systems by improving the information technology (IT) infrastructure, updating the data collected, and reexamining the NASS sample sites and sample size.

The current data system samples crashes through a clustered sample of law enforcement agencies that were selected decades ago. Using updated population and other auxiliary information, NHTSA has identified a new set of probabilistically selected geographic locations around the country that are expected to provide a more accurate traffic safety picture, more precise estimates, and greater insight into new and emerging data needs.

This collection of information will assist NHTSA with the next step in updating the NASS sample design, which is to select a fresh sample of law enforcement agencies within these primary sampling units (PSUs). This requires compiling basic crash count data from every law enforcement agency that responds to motor vehicle crashes in the PSUs. This data would be used to construct a measure of size in order to make informed and efficient choices in the probabilistic selection of the second stage sample units, the law enforcement agencies.

Estimated Annual Burden: 2,900 hours (2 hours per respondent).

Number of Respondents: 1,450

Issued in Washington, DC on: August 30, 2013.

Terry T. Shelton,

Associate Administrator, National Center for Statistics and Analysis.

[FR Doc. 2013–21676 Filed 9–5–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35758]

Indiana Eastern Railroad, LLC, d/b/a Ohio South Central Railroad—Change in Operators Exemption—Rail Lines of the City of Jackson, Ohio, in Jackson, Vinton, and Ross Counties, Ohio

Indiana Eastern Railroad, LLC, d/b/a Ohio South Central Railroad (OSCR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to change operators from US Rail Corporation to OSCR on the following rail lines located in Ohio and owned by the City of Jackson, Ohio (the City): (1) From milepost 91.6 at RA Junction near Richmond Dale, Ross County, to milepost 95.5 at West Junction, Ross County; (2) from milepost 112.3 at West Junction to milepost 127.5 near Hamden, Vinton County; (3) from milepost 127.5 near Hamden to milepost 136.8 near Red Diamond, Vinton County; (4) from milepost 0.0 at Hamden to milepost 31.0 near Firebrick, Jackson County; (5) from milepost 0.0 in the City, Link Township, to milepost 4.5 in Liberty Township.[1] The change in operators is being accomplished through OSCR's lease of the lines from the City. OSCR states that it will operate the lines. This change in operators is exempt under 49 CFR 1150.41(c).[2]

Based on projected revenues for the line, OSCR expects to remain a Class III rail carrier after consummation of the proposed transaction. OSCR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

OSCR states that the proposed transaction will be consummated no sooner than September 20, 2013 (at least 30 days after the notice of exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 13, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35758, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1112.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: September 3, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2013–21745 Filed 9–5–13; 8:45 am]

BILLING CODE 4915–01–P

[1] OSCR states that incidental trackage rights will be granted over a rail line of CSX Transportation, Inc. (CSX) between milepost 91.6 at RA Junction and milepost 85.7 near Vauces, Ohio, solely for purposes of interchange between OSCR and CSX.

[2] To qualify for a change of operators exemption, an applicant must give notice to shippers on the line. *See* 49 CFR 1150.42(b). In a letter filed August 23, 2013, OSCR certified to the Board that it had provided notice to the shippers on the lines.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35757]

Mississippi Central Railroad Co.—Lease and Change in Operators Exemption—Line of Mississippi-Alabama Railroad Authority

Mississippi Central Railroad Co. (MSCI), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to lease and operate a 41.5-mile line of railroad between milepost IC–529.5 (Corinth, Miss.) and milepost IC–571.0 (Red Bay, Ala.), in Alcorn, Prentiss, Tishomingo, and Itawamba Counties, Miss., and Franklin County, Ala. (the Line), owned by the Mississippi-Alabama Railroad Authority (MARA). MSCI also proposes to acquire approximately 2.2 miles of incidental trackage rights for interchange over Norfolk Southern Railroad Company's (NS) line between milepost IC–529.5 and milepost IC–527.3 (at NS's Corinth yard).

According to MSCI, it has reached agreement with both Redmont Railway Company, Inc. (RRC), the current operator of the Line,[1] and MARA, the owner of the Line, to permit MSCI to acquire RRC's leasehold interest in the Line, and for MSCI to lease and operate the Line between Corinth and Red Bay. MSCI states that RRC will also assign its incidental trackage rights between milepost IC–527.3 and milepost IC–529.5. MSCI states that, pursuant to its agreements with RRC and MARA, MSCI will lease, operate, maintain, and perform all common carrier services on the Line.[2] Further, MSCI states that it will interchange with NS and Kansas City Southern Railroad Company at Corinth.

MSCI certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that the projected annual revenue from the Line, together with MSCI's projected annual revenue, will not exceed $5 million. MSCI states that the proposed lease and operation of the Line does not involve a provision or agreement that would limit future interchange with a third-party connecting carrier.

[1] RRC obtained Board authority to lease and operate the Line in 1995. *See Redmont Ry.—Lease & Operation Exemption—Certain Lines of Miss.-Ala. R.R. Auth.,* FD 32616 (STB served Mar. 1, 1995).

[2] Under 49 CFR 1150.42(b), a change in operators requires that notice be given to shippers. MSCI certifies that it served a copy of its verified notice on Sunshine Mills, Inc., the only shipper known to have shipped over the Line in the last two years.

MSCI states that it intends to consummate the transaction on or about September 12, 2013, and that operations under this exemption will begin thereafter. However, at the request of the Board, MSCI supplemented and clarified its verified notice of exemption on August 22, 2013, and that date therefore is considered the filing date of MSCI's verified notice of exemption. As a result, the transaction may not be consummated until September 21, 2013 (30 days after the verified notice was filed).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 13, 2013 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35757, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Daniel A. LaKemper, General Counsel, Mississippi Central Railroad Co., 1318 S. Johanson Road, Peoria, IL 61607.

Board decisions and notices are available on our Web site at *WWW.STB.DOT.GOV*.

Decided: September 3, 2013.

By the Board,

Rachel D. Campbell,

Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2013–21747 Filed 9–5–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection (Open Burn Pit Registry Airborne Hazard Self-Assessment Questionnaire) Activities Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Health Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 7, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer, 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0766'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–NEW, Open Burn Pit Registry Airborne Hazard Self-Assessment Questionnaire.''

SUPPLEMENTARY INFORMATION:

Title: Open Burn Pit Registry Airborne Hazard Self-Assessment Questionnaire, VA Form 10–10066.

Type of Review: New data collection.

Abstract: Web-based data will be collected to provide outreach and quality health services to Open Burn Pit Registry participants and improve VA's ability to understand the health effects of exposure. Participant health concerns, demographics, deployment information, environmental monitoring data, self-reported exposures, health status, and health care utilization will be monitored of over time through routine and adhoc analysis to improve health care programs and develop hypotheses for health effects exposure.

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 June 5, 2013, Vol. 78, No. 108, at pages 33894–33895.

Affected Public: Individuals or households.

Estimated Annual Burden: 33,333.

Estimated Average Burden per Respondent: 40 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 50,000.

Dated: September 3, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–21683 Filed 9–5–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS Code 8320–01

[OMB Control No. 2900–NEW]

Proposed Information Collection (Board of Veterans' Appeals Voice of the Veteran Appellant Surveys) Activity: Comment Request

AGENCY: Board of Veterans Affairs, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans Affairs (BVA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments information needed to enable the Board to gauge the effectiveness of the Board's process delivering information and assistance to Veterans, as well as assess Veterans' overall level of satisfaction with the Board experience. In addition, the data will be used by the Board to make potential improvements to the Board's operational processes and service delivery, which in turn, will enable the Board to serve Veterans in the most efficient and effective way possible.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 5, 2013.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Sue Hamlin, BVA, (01C2), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *sue.hamlin@va.gov.* Please refer to ''OMB Control No. 2900–NEW Board of Veterans' Appeals Voice of the Veteran Appellant Surveys'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632–5100.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Board of Veterans' Appeals Voice of the Veteran Appellant Surveys.

OMB Control Number: 2900–NEW, Board of Veterans' Appeals Voice of the Veteran Appellant Surveys.

Type of Review: New collection.

Abstract: Currently, the Board collects customer satisfaction on a very limited basis. Surveys are distributed after the hearing is conducted relying on respondents to mail in the postcard. The survey card only measures the appellant's satisfaction with the hearing process and response rates are low. The Board will benefit from obtaining direct feedback from Veterans regarding their experience with the Board with either the hearing or non-hearing experience. Specifically, the Veterans' feedback will provide the Board three key benefits: (1) Identify what is most important to Veterans in determining their satisfaction with both the hearing and non-hearing process; (2) determine what to do to improve experience; and (3) serve to guide training and/or operational activities aimed at enhancing the quality of service provided to Veterans.

Affected Public: Individuals or Households.

Estimated Annual Burden: 32,988.

Estimated Average Burden per Respondent: 8.5 minutes.

Frequency of Response: Quarterly.

Estimated Number of Respondents: 117,816.

Dated: September 3, 2013.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–21699 Filed 9–5–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (Board of Veterans' Appeals, Voice of the Veteran Call Center Survey) Activity: Comment Request

AGENCY: Board of Veterans Affairs, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Board of Veterans Affairs (BVA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments information needed to enable the Board to gauge the effectiveness of its Veterans Information Office (VIO) Call Center in delivering information and assistance to its Veterans, as well as assess the Veterans' overall level of satisfaction with the VIO Call Center experience. In addition, the data will be used by the Board to make improvements to the VIO Call Center operational processes and service delivery, which in turn, will enable the Board to serve its Veterans in the most efficient and effective way possible.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 5, 2013.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Sue Hamlin, BVA, (01C2), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *sue.hamlin@va.gov.* Please refer to ''OMB Control No. 2900–NEW Board of Veterans' Appeals, Voice of the Veteran Call Center Survey'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Sue Hamlin at (202) 632–632–5100.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Board of Veterans' Appeals, Voice of the Veteran Call Center Survey.

OMB Control Number: 2900–NEW, Board of Veterans' Appeals, Voice of the Veteran Call Center Survey.

Type of Review: New collection.

Abstract: Currently, the Board collects customer satisfaction on a very limited basis. Survey cards are distributed to the appellant if a hearing is conducted and the Board relies on respondents to mail in the postcard. The survey card only measures the appellant's satisfaction with the hearing process and response rates are low. The Board will benefit from obtaining direct feedback from its Veterans and appellants regarding their recent VIO Call Center experience. Specifically, the Veterans' feedback will provide the Board three key benefits: (1) Identify what is most important to its Veterans and appellants in determining their satisfaction with their VIO Call Center experience; (2) determine what to do to improve the call center experience; and (3) serve to guide training and/or operational activities aimed at enhancing the quality of service provide to its Veterans.

Affected Public: Individuals or Households.

Estimated Annual Burden: 2,000.

Estimated Average Burden per Respondent: 4 minutes.

Frequency of Response: Quarterly.

Estimated Number of Respondents: 20,000.

Dated: September 3, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–21692 Filed 9–5–13; 8:45 am]

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