

missing. If the person so requests, he will also be notified if the record should subsequently be located.

(2) *FOIA Requester Service Center*—If a requester has questions or comments about the FOIA process, please call the FOIA Requester Service Center at (202) 326-2430 to either speak directly to a FOIA Case Officer or leave a voice message. A requester may ask the FOIA Case Officer to speak with the FOIA Public Liaison if there are concerns about the quality of the service received to an initial response, appeal or otherwise, during the process.

(3) *Appeals to the General Counsel from initial denials.* (i) *Form and contents; time of receipt.* (A)(1) If an initial request for expedited treatment is denied, the requester, at any time before the initial determination of the underlying request for records by the deciding official (as designated by the General Counsel) (or, if the request for expedited treatment was filed with any appeal filed under paragraph (a)(3)(i)(A)(2) of this section, at any time before the General Counsel's determination on such an appeal), may appeal the denial of expedited treatment to the General Counsel.

(2) If an initial request for records is denied in its entirety, the requester may, within 30 days of the date of the letter notifying the requester of that decision, appeal such denial to the General Counsel. If an initial request is denied in part, the time for appeal will not expire until 30 days after the date of the final letter notifying the requester that all records to which access has been granted have been made available. In unusual circumstances, the time to appeal may be extended by the General Counsel or his or her designee.

(3) [Reserved]

(4) The appeal shall be in writing and shall clearly refer to the adverse decision, or portions of the decision, being appealed; the appeal should include a copy of the initial request and a copy of the response to that initial request, if any. The appeal may be mailed to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580; submitted by facsimile to (202) 326-3198; or emailed to FOIAAppeal@ftc.gov.

(B) If the appeal is mailed, failure to mark the envelope and the appeal in accordance with paragraph (a)(3)(i)(A)(4) of this section will result in the appeal (and any request for expedited treatment filed with that appeal) being treated as received on the actual date of receipt by the Office of General Counsel.

(C) Each appeal to the General Counsel that requests him or her to exercise his discretion to release exempt records shall set forth the interest of the requester in the subject matter and the purpose for which the records will be used if the request is granted.

(ii) *Time limit for appeal.* (A)(1) Regarding appeals from initial denials of a request for expedited treatment, the General Counsel will either grant or deny the appeal expeditiously;

(2) Regarding appeals from initial denials of a request for records, the General Counsel will, within 20 working days of the Office of General Counsel's receipt of such an appeal, either grant or deny it, in whole or in part, unless expedited treatment has been granted in accordance with this section, in which case the appeal will be processed expeditiously.

(B) The General Counsel may, by written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), extend the time limit for deciding an appeal by not more than 10 working days pursuant to paragraph (a)(1)(ii)(B) of this section, provided that the amount of any extension utilized during the initial consideration of the request under that paragraph will be subtracted from the amount of additional time otherwise available. Where exceptional circumstances do not permit the processing of the appeal within the extended time limit, the notice and procedures set forth in paragraph (a)(1)(ii)(C) of this section shall apply.

(iii) *Determination of appeal.* (A) The General Counsel has the authority to grant or deny all appeals and to release as an exercise of discretion records exempt from mandatory disclosure under 5 U.S.C. 552(b). In unusual or difficult cases, the General Counsel may, in his or her sole discretion, refer an appeal to the Commission for determination. A denial of an appeal in whole or in part will set forth the basis for the denial; will include a reasonable, good-faith estimate of the volume of any materials to which access is denied, unless providing such an estimate would harm an interest protected by an exemption in 5 U.S.C. 552(b) that was cited as a basis for withholding materials; and will advise the requester that judicial review of the decision is available by civil suit in the district in which the requester resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia.

(B) The General Counsel shall be deemed solely responsible for all denials of appeals, except where an appeal is denied by the Commission. In such instances, the Commission shall be

deemed solely responsible for the denial.

* * * * *

By direction of the Commission, Chairman Leibowitz not participating.

Donald S. Clark,

Secretary.

[FR Doc. 2013-04479 Filed 2-27-13; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

19 CFR Part 101

[Docket No. USCBP-2011-0031; CBP Dec. 13-2]

Modification of the Port Limits of Green Bay, WI

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

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations pertaining to CBP's field organization by expanding and revising the geographical limits of the port of Green Bay, Wisconsin. The port limits will be revised to refer to identifiable roadways and waterways rather than townships and will be extended to include the entire Austin Straubel Airport. The change will make the boundaries more easily identifiable to the public. The change is part of a continuing program to more efficiently utilize CBP's personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public.

DATES: *Effective Date:* April 1, 2013.

FOR FURTHER INFORMATION CONTACT: Tina Loos, Operations Specialist, Chicago Field Office, Office of Field Operations, by phone at (312) 542-5754 or by email at Tina.M.Loos@dhs.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In a Notice of Proposed Rulemaking (NPRM) published in the **Federal Register** (76 FR 69688) on November 9, 2011, the Department of Homeland Security, U.S. Customs and Border Protection (CBP) proposed to amend the list of CBP ports of entry at 19 CFR 101.3(b)(1) to extend and revise the limits of the port of Green Bay, Wisconsin. CBP proposed to revise the port limits to refer to identifiable roadways and waterways rather than townships and to extend the port limits

to include the entire Austin Straubel Airport.

As explained in the NPRM, the port limits of Green Bay, Wisconsin originally consisted of the corporate limits of Green Bay, Wisconsin, but were expanded in 1958 to include the townships of Ashwaubenon, Allouez, Preble and Howard and the city of De Pere, all in the State of Wisconsin. See Treasury Decision (T.D.) 54597, effective May 27, 1958. CBP has included a map of the current port limits in the docket as “Attachment A: Green Bay (Current).”

CBP proposed to amend the port limits of the port of Green Bay, Wisconsin because the boundaries of the listed townships are not easy to locate, one of the townships identified in T.D. 54597 (the Preble township) no longer exists, and due to an error, a portion of the Austin Straubel Airport is located outside the current port limits. CBP determined that this change would not result in a change in the service that is provided to the public by the port, nor would a change in the staffing or workload at the port be required. A map of the new port limits is included in the docket as “Attachment B: Green Bay (Proposed).”

Interested parties were given until January 9, 2012, to comment on the proposed changes. No comments were received in response to the notice. Accordingly, CBP will adopt the proposal as set forth in the NPRM.

II. Conclusion

CBP is extending and revising the geographical limits of the port of Green Bay, Wisconsin. CBP believes that extending the geographical limits of the port of Green Bay, Wisconsin to include the entire Austin Straubel Airport and by revising the geographical limits to refer to identifiable roadways and waterways rather than townships will enable CBP to more efficiently utilize its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public. Therefore, the port of entry description of Green Bay, Wisconsin, will be revised as proposed in the NPRM.

III. Port Description of Green Bay, Wisconsin

The expanded and revised port limits of the Green Bay, Wisconsin port of entry, are as follows: Beginning at the point in the Sensiba State Wildlife Area where Lineville Rd. meets the shore of Lake Michigan, proceeding west on Lineville Rd. to the intersection with Westline Rd.; then south on Westline Rd. to the intersection with Glendale Ave.; then west on Glendale Ave. to the

intersection with County Line Rd. (County Route U); then south on County Line Rd. to the intersection with Wisconsin State Route 29/32; then southeast on Route 29/32 to the intersection with Riverdale Dr. (County Route J); then southwest on Riverdale Dr. to the intersection with Hillcrest Dr.; then south on Hillcrest Dr. to the intersection with W Mason St. (State Route 54); then southwest on W Mason St. to the intersection with S Pine Tree Rd.; then south on S Pine Tree Rd. to the intersection with Orlando Dr.; then east on Orlando Dr. (which turns into Grant St.) to the intersection with 3rd St.; then north on 3rd St. to Main St. (State Route 32); then east on Main St. across the Fox River onto George St.; then east on George St. to the intersection with S Webster Ave.; then southwest on S Webster Ave. to Chicago St. (County Route G); then southeast on Chicago St. to the intersection with Monroe Rd. (County Route GV); then northeast on Monroe Rd. to the intersection with State Route 172; then east on State Route 172 to the intersection with Interstate 43; then northeast on I-43 to the intersection with Manitowoc Rd.; then southeast on Manitowoc Rd. to the intersection with Eaton Rd. (County Route JJ); then east on Eaton Rd. to the intersection with S Vandenberg Rd. (County Route OO/QQ); then north on S Vandenberg Rd. to the intersection with Humboldt Rd., then northwest on Humboldt Rd. to the intersection with N Northview Rd.; then north on N Northview Rd. to the intersection with Luxemburg Rd.; then west on Luxemburg Rd. to the intersection with Spartan Rd.; then north on Spartan Rd. to the intersection with State Route 54/57; then northeast and north on Route 57 to the intersection with Van Lanen Rd.; then west on Van Lanen to the point where Van Lanen Rd. meets the shore of Lake Michigan.

IV. Authority

This change is made under the authority of 5 U.S.C. 301; 19 U.S.C. 2, 66, and 1624; and section 403 of the Homeland Security Act of 2002, Public Law 107-296, 116 Stat. 2178 (Nov. 25, 2002) (6 U.S.C. 203).

V. Regulatory Requirements

A. Executive Order 12866: Regulatory Planning and Review

This final rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866, as supplemented by Executive Order 13563. The change is intended to revise the geographical boundaries of the

Green Bay, Wisconsin, port of entry and make the boundaries more easily identifiable to the public. There are no new costs to the public associated with the 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 final rule does not directly regulate small entities. The change is part of CBP’s continuing program to more efficiently utilize its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public. To the extent that all entities are able to more efficiently or conveniently access the facilities and resources within the expanded geographical area of the new port limits, this final rule should confer benefits to CBP, carriers, importers, and the general public. Because this final rule does not directly regulate small entities, CBP certifies that this rule will not have a significant economic impact on a substantial number of small entities.

C. Unfunded Mandates Reform Act of 1995

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

D. Executive Order 13132

The rule will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

VI. Signing Authority

The signing authority for this document falls under 19 CFR 0.2(a). Accordingly, this final rule is signed by the Secretary of Homeland Security.

Lists of Subjects in 19 CFR Part 101

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

Amendments to Regulations

For the reasons set forth above, part 101, CBP Regulations (19 CFR part 101), is amended as set forth below.

PART 101—GENERAL PROVISIONS

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

Authority: 5 U.S.C. 301; 19 U.S.C. 2, 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. The list of ports in § 101.3(b)(1) is amended by removing from the “Limits of Port” column for Green Bay, Wisconsin, the present limits description “Including townships of Ashwaubenon, Allouez, Preble, and Howard, and city of De Pere, T.D. 54597” and adding “CBP Dec. 13–2” in its place.

Dated: February 22, 2013.

Janet Napolitano,

Secretary.

[FR Doc. 2013–04620 Filed 2–27–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF JUSTICE**Bureau of Prisons****28 CFR Part 571**

[BOP–1166–I]

RIN 1120–AB66

Compassionate Release; Technical Changes

AGENCY: Bureau of Prisons, Justice.

ACTION: Interim rule.

SUMMARY: In this interim rule, the Bureau of Prisons (Bureau) makes a minor change to remove an administrative level of review from the processing of a Compassionate Release request packet.

DATES: This rule is effective April 1, 2013.

FOR FURTHER INFORMATION CONTACT: Sarah Qureshi, Office of General Counsel, Bureau of Prisons, phone (202) 353–8248.

SUPPLEMENTARY INFORMATION: In this interim rule, the Bureau of Prisons (Bureau) makes a minor change to remove an administrative level of review from the processing of a Compassionate Release request packet. Previously, under § 571.62, when a request for compassionate release was made, the request was first reviewed by the Warden of the facility where the inmate making the request is located. If the Warden, after reviewing the request, determines that the request warrants approval, the Warden needed to refer the matter in writing with recommendation to the Regional Director for the region in which the inmate was located. The Regional Director then had to conduct another review and approval before forwarding the request to the General Counsel’s office in the Central Office of the Bureau of Prisons. We now remove the Regional Director level of review in order to expedite the process.

Under the Administrative Procedure Act (5 U.S.C. 553), there are exceptions to notice-and-comment rulemaking for “(A) interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice; or (B) when the agency for good cause finds * * * that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.”

Here, this change falls under both (A) and (B): It is a rule of agency procedure or practice, as it is an internal level of administrative review of an inmate request. Additionally, notice and comment is unnecessary because those most likely to comment—inmates—will find it advantageous to have the expedited review allowed by this change. Further, Regional Director review is unnecessary and repetitive. All the factors reviewed and considered in a Compassionate Release request are reviewed and evaluated anew at the General Counsel level. The Bureau also believes adequate and sufficient review of inmate requests is already served by Warden, General Counsel and Director review of each request. For these reasons, we finalize this change without previous notice and comment under the exceptions allowed by the Administrative Procedure Act.

Executive Order 12866

This regulation has been drafted and reviewed in accordance with Executive Order 12866, “Regulatory Planning and Review”, section 1(b), Principles of Regulation. The Director, Bureau of Prisons has determined that this regulation is not a “significant regulatory action” under Executive Order 12866, section 3(f), and accordingly this regulation has not been reviewed by the Office of Management and Budget.

Executive Order 13132

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, under Executive Order 13132, we determine that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of the Bureau of Prisons, under the Regulatory Flexibility Act (5 U.S.C. 605(b)), reviewed this regulation and certifies that it will not have a significant economic impact upon a substantial number of small entities for the following reasons: This regulation pertains to the correctional management of offenders committed to the custody of the Attorney General and the Director of the Bureau of Prisons. Its economic impact is limited to the Bureau’s appropriated funds.

Unfunded Mandates Reform Act of 1995

This regulation will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This regulation is not a major rule as defined by § 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This regulation will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-