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Presidential Documents

Title 3—

The President

Proclamation 8933 of February 28, 2013

American Red Cross Month, 2013

By the President of the United States of America

A Proclamation

Since our Nation's founding, seasons of trial and bitter hardship have revealed a core belief we share as Americans: that when we see our neighbors in need, we will always stand united in helping them get back on their feet. This month, we honor men and women who deliver relief to communities around the world, and we renew the compassionate spirit that continues to keep our country strong and our people safe.

The American Red Cross has proudly upheld a commitment to service that spans generations. Witness to the scars left by civil war, Clara Barton founded the organization in 1881 as a way to lift up the suffering—from warriors wounded in the line of duty to families displaced by damaging storms. In the years since, countless service and relief organizations have joined the American Red Cross in realizing that noble vision.

We saw the depth of their dedication just 4 months ago, when the sweeping devastation of Hurricane Sandy put millions of Americans in harm's way. In darkness and danger, thousands of professionals and volunteers stepped up to serve. They secured supplies and shelter when our people needed them most. And when times were tough, they proved that America is tougher because we all pull together.

That sense of resolve has seen our Nation through our greatest challenges, and the conviction that we are our brothers' and sisters' keepers will always remain at the heart of who we are as a people. As we reflect on the ties that bind us together, let us pay tribute to humanitarian organizations working here at home and around the world, and let us rededicate ourselves to service in the months ahead.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2013 as American Red Cross Month. I encourage all Americans to observe this month with appropriate programs, ceremonies, and activities, and by supporting the work of service and relief organizations.

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

[FR Doc. 2013–05290
Filed 3–5–13; 8:45 am]
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Presidential Documents

Proclamation 8934 of February 28, 2013

Irish-American Heritage Month, 2013

By the President of the United States of America

A Proclamation

For more than two centuries, America has been made and remade by striving, hopeful immigrants looking for a chance to pursue their dreams. Millions among them were born in Ireland, separated from our shores but united by their belief in a better day. This month, we celebrate the Irish-American journey, and we reflect on the ways a nation so small has inspired so much in another.

Generations of Irish left the land of their forebears to cast their fortunes with a young Republic. Escaping the blight of famine or the burden of circumstance, many found hardship even here. They endured prejudice and stinging ridicule. But through it all, these new citizens never gave up on one of our oldest ideas: that anyone from anywhere can write the next great chapter in the American story. So they raised families and built communities, earned a living and sent their kids to school. In time, what it meant to be Irish helped define what it means to be American. And as they did their part to make this country stronger, Irish Americans shared in its success, retaining the best of their heritage and passing it down to their children.

That familiar story has been lived and cherished by Americans from all backgrounds, and it reaffirms our identity as a Nation of immigrants from all around the world. So as we celebrate Irish-American Heritage Month, let us retell those stories of sweat and striving. And as two nations united by people and principle, may America and Ireland always continue to move forward together in common purpose.

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 March 2013 as Irish-American Heritage Month. I call upon all Americans to observe this month with appropriate ceremonies, activities, and programs.

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

[FR Doc. 2013–05293
Filed 3–5–13; 8:45 am]
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Presidential Documents

Proclamation 8935 of February 28, 2013

Women's History Month, 2013

By the President of the United States of America

A Proclamation

For more than two centuries, our Nation has grown under the simple creed that each of us is created equal. It is a notion that makes America unlike any other place on earth—a country where no matter where you come from or what you look like, you can go as far as your talents will take you.

Women's History Month is a time to remember those who fought to make that freedom as real for our daughters as for our sons. Written out of the promise of the franchise, they were women who reached up to close the gap between what America was and what it could be. They were driven by a faith that our Union could extend true equality to every citizen willing to claim it. Year after year, visionary women met and marched and mobilized to prove what should have been self-evident. They grew a meeting at Seneca Falls into a movement that touched every community and took on our highest institutions. And after decades of slow, steady, extraordinary progress, women have written equal opportunity into the law again and again, giving generations of girls a future worthy of their potential.

That legacy of change is all around us. Women are nearly half of our Nation's workforce and more than half of our college graduates. But even now, too many women feel the weight of discrimination on their shoulders. They face a pay gap at work, or higher premiums for health insurance, or inadequate options for family leave. These issues affect all of us, and failing to address them holds our country back.

That is why my Administration has made the needs of women and girls a priority since day one—from signing the Lilly Ledbetter Fair Pay Act to helping ensure women are represented among tomorrow's top scientists and engineers. It is why we secured stronger protections and more preventive services for women under the Affordable Care Act. It is why we have fought for greater workplace flexibility, access to capital and training for women-owned businesses, and equal pay for equal work. And it is why we have taken action to reduce violence against women at home and abroad, and to empower women around the world with full political and economic opportunity.

Meeting those challenges will not be easy. But our history shows that when we couple grit and ingenuity with our basic beliefs, there is no barrier we cannot overcome. We can stay true to our founding creed that in America, all things should be possible for all people. That spirit is what called our mothers and grandmothers to fight for a world where no wall or ceiling could keep their daughters from their dreams. And today, as we take on the defining issues of our time, America looks to the next generation of movers and marchers to lead the way.

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 March 2013 as Women's History Month. I call upon all Americans to observe this month and to celebrate International Women's Day on March 8, 2013, with appropriate programs, ceremonies, and activities. I also invite all Americans to

visit www.WomensHistoryMonth.gov to learn more about the generations of women who have shaped our history.

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

[FR Doc. 2013–05296
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Presidential Documents

Proclamation 8936 of February 28, 2013

Read Across America Day, 2013

By the President of the United States of America

A Proclamation

Today, people of all ages will mark Read Across America Day by celebrating stories that have shaped us. We take this opportunity to reflect on the transformative power of the written word and lift up literacy as a key to success in the 21st century.

We also take time to remember Theodor Seuss Geisel—better known as Dr. Seuss—whose works of humor and heart remind us that it is never too early to kindle a passion for reading. Books open the window to worlds of imagination, and the lessons they teach form the bedrock for a lifetime of learning. By encouraging reading at home and in school, parents, caregivers, and educators help set our children on the path to years of fulfillment and possibility. American progress depends on what we do for our students, so all of us must strive to empower the next generation with the tools they need to build a brighter future.

Great written works resonate with us. They challenge us. They reveal new insights about ourselves and the world we share. Today, as we celebrate the ways reading has enriched our lives, let us recommit to giving our sons and daughters the fullest opportunity to find inspiration on the printed page.

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 March 1, 2013, as Read Across America Day. I call upon children, families, educators, librarians, public officials, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

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

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Rules and Regulations

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

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OFFICE OF GOVERNMENT ETHICS

5 CFR Part 2640

RIN 3209–AA09

Government Employees Serving in Official Capacity in Nonprofit Organizations; Sector Unit Investment Trusts

AGENCY: Office of Government Ethics (OGE).

ACTION: Final rule.

SUMMARY: The Office of Government Ethics is issuing this final rule to amend the regulation that describes financial interests that are exempt from the prohibition in 18 U.S.C. 208(a). These final rule amendments would revise the existing regulatory exemptions by: Creating a new exemption that permits Government employees to participate in particular matters affecting the financial interests of nonprofit organizations in which they serve in an official capacity as officer, director or trustee, notwithstanding the employees' imputed financial interest under 18 U.S.C. 208(a); and revising the existing exemption for interests in the holdings of sector mutual funds to clarify that it applies to interests in the holdings of sector unit investment trusts.

DATES: *Effective Date:* April 5, 2013.

FOR FURTHER INFORMATION CONTACT: Christopher J. Swartz, Assistant Counsel, Office of Government Ethics; telephone: 202–482–9300; TTY: 800–877–8339; FAX: 202–482–9237.

SUPPLEMENTARY INFORMATION:

I. Rulemaking History

Section 208(a) of title 18 of the United States Code prohibits Government employees from participating in an official capacity in particular Government matters in which, to their knowledge, they or certain other persons specified in the statute have a financial interest, if the particular matter would have a direct and predictable effect on that interest. Section 208(b)(2) of title 18 permits the Office of Government Ethics (OGE) to promulgate regulations describing financial interests that are too remote or inconsequential to warrant disqualification pursuant to section 208(a). OGE's regulations exempting various financial interests are codified at 5 CFR part 2640, subpart B.

On May 3, 2011, OGE published a set of proposed amendments to these regulations, proposing to add one new exemption and to revise an existing exemption. *See* 76 FR 24816–24820. Specifically, OGE proposed to add a new exemption, 5 CFR 2640.203(m), that would exempt the imputed financial interests of nonprofit organizations in which employees serve as officers, directors or trustees in their official capacity. OGE concluded that such financial interests are too remote or inconsequential to affect the integrity of employees' services, as explained more fully below. OGE also proposed a revision to the existing exemption, at 5 CFR 2640.201(b), that would clarify that the exemption for the holdings of a sector mutual fund was intended to apply to the holdings of a sector unit investment trust. The proposed rule provided a 60-day comment period.

The Office of Government Ethics received 64 written comments on the proposed rule. The majority of comments, 42, were submitted by nonprofit associations (including one comment that represented 32 different organizations and another comment that represented seven organizations). OGE also received comments from 16 individuals, including current and former Federal employees and other private citizens. Three executive agencies submitted comments, as did one Federal employees' union. All 64 comments addressed the proposed new exemption for official duty participation in nonprofit organizations, but only one comment, from an executive agency, addressed the proposed amendment pertaining to sector unit investment trusts.

II. Analysis of Rule Amendments, Comments and Revisions

A. Sector Unit Investment Trusts

1. Background

Among the regulatory exemptions currently found in subpart B of part 2640 are several that exempt certain financial interests in mutual funds and unit investment trusts. The Office of Government Ethics has promulgated exemptions for interests in the holdings of diversified mutual funds and diversified unit investment trusts (5 CFR 2640.201(a)), in the non-sector holdings of sector mutual funds (5 CFR 2640.201(b)(1)), and in the sector holdings of sector mutual funds when the aggregate market value of the employee's interest in the sector fund or funds does not exceed $50,000 (5 CFR 2640.201(b)(2)). Most recently, the Office of Government Ethics has promulgated one for interests in mutual funds and unit investment trusts other than interests arising from the holdings of such vehicles (5 CFR 2640.201(d)). This exemption is limited to particular matters of general applicability, as defined in 5 CFR 2640.102(m).

In promulgating these exemptions, the Office of Government Ethics recognized that pooled investment vehicles such as mutual funds and unit investment trusts generally pose fewer concerns that the financial interests will affect the integrity of the services of Government employees. The Office of Government Ethics has noted that usually ''only a limited portion of the fund's assets [are] placed in the securities of any single issuer'' and that ''an employee's interest in any one fund is only a small portion of the fund's total assets.'' 60 FR 47211 (September 11, 1995) (preamble to proposed rule).

This final rule will amend the language of the exemptions for the interests in sector mutual funds to explicitly include the interests of sector unit investment trusts. Previously the regulation, 5 CFR 2640.201(b), did not include the language ''sector unit investment trusts.'' At the time that the sector fund exemptions were promulgated, the Office of Government Ethics contemplated that the exemptions would also extend to those investment vehicles organized as sector unit investment trusts. Thus, in practice, the Office of Government Ethics has permitted executive branch

employees to apply the exemptions for interests in sector mutual funds to interests in sector unit investment trusts.

The Office of Government Ethics therefore proposed to specifically add a reference to ''sector unit investment trusts'' to 5 CFR 2640.201(b) in order to clarify that the exemptions for interests in the holdings of sector mutual funds also apply to the interests in the holdings of sector unit investment trusts. 76 FR 24818–24819. OGE also made a conforming amendment to the definition in § 2640.102(q), which defines both sector mutual fund and sector unit investment trust.

2. Comments and Revisions

The Office of Government Ethics received only one comment on the proposed revision to 5 CFR 2640.201(b). This comment, from an executive agency, simply noted that the proposed revision would be a useful update to the exemption. Therefore, for the reasons explained above, OGE is adopting as final the language of the proposed revision of § 2640.201(b) and the conforming revision of § 2640.102(q).

B. Official Participation in Nonprofit Organizations

1. Background

The new exemption at 5 CFR 2640.203(m) addresses a situation that was not generally thought to be covered by 18 U.S.C. 208 until the mid-1990s. Because it is in the best interests of the Government, a number of agencies have had a longstanding practice of assigning employees to participate on the boards of directors of certain outside nonprofit organizations, when such service is deemed to further the statutory mission and/or personnel development interests of the agency. These nonprofit organizations included such entities as professional associations, scientific societies, and health information promotion organizations. Until 1996, neither the agencies involved nor the Office of Government Ethics viewed such official participation in nonprofit organizations as being prohibited by 18 U.S.C. 208.

However, in 1996, the Office of Legal Counsel (OLC) at the Department of Justice issued an opinion concluding that section 208 generally prohibits an employee from serving, in an official capacity, as an officer, director or trustee of a private nonprofit organization. Memorandum of Deputy Assistant Attorney General, OLC, for General Counsel, Federal Bureau of Investigation, November 19, 1996, *http://www.justice.gov/olc/fbimem.2.htm.* This conclusion was premised in large part on the fact that officers, directors and trustees of an outside organization owe certain fiduciary duties to the organization under state law, which may conflict with the primary duty of loyalty that all Federal employees owe to the United States. As a consequence of this interpretation, employees were no longer permitted to serve in their official capacity as officer, director or trustee of an outside nonprofit organization, absent an individual waiver under 18 U.S.C. 208(b) or specific statutory authority permitting such service.[1]

Following the 1996 OLC opinion, agencies have continued to assign employees to serve on such outside boards by granting the employees individual waivers under 18 U.S.C. 208(b)(1). Other agencies declined to issue individual waivers (or did so rarely), often because of discomfort about waiving the application of a criminal statute. OGE fielded numerous inquiries and held many meetings with agencies and nonprofit organizations, mostly professional and scientific societies, concerning the application of section 208 to prevent official participation on outside boards. Many of the agencies and nonprofit organizations have argued that the application of section 208 created unfortunate barriers to professional development and meaningful exchange between Federal and non-Federal experts in certain professions and areas of expertise. Moreover, some of the organizations pointed out that there was a lack of uniformity within the executive branch, owing to the willingness of some agencies to grant waivers and the unwillingness of other agencies to do so, often with respect to participation in the same organization.

Additionally, the Office of Government Ethics recognized the potential for confusion in some instances when employees were permitted to serve only in a private, rather than official, capacity. For example, when an agency has policy interests that overlap with those of the nonprofit organization, it can be very difficult for the employee to avoid the mistaken impression that he or she is acting in an official capacity when participating in the organization. Further, OGE was concerned that employees in some cases were uncertain about the extent to which they were permitted to make reference to their official position or to use official time or agency resources. *See* 5 CFR 2635.702(b); 2635.704; 2635.705. While OGE recognized that such confusion no doubt could be reduced by clearer agency instructions concerning such matters as excused absence and limited use of agency resources in support of outside professional and other organizations, the fact remained that sometimes considerable continuity in subject matter between an employee's official duties and the employee's activities in an outside nonprofit organization remained, and some agencies believed it would be clearer to permit the latter to occur while the employee was on official duty, without the impediment of section 208.[2]

For all of the above reasons, the Office of Government Ethics in 2006 recommended to the President and Congress that section 208 be amended ''to specify that the financial interests of an organization are not imputed to an employee who serves as an officer or director of such organization in his or her official capacity.'' OGE, *Report to the President and to Congressional Committees on the Conflict of Interest Laws Relating to Executive Branch Employment 33 (2006) (2006 Report), http://www.usoge.gov/ethics_docs/publications/reports_plans.aspx.*[3] In the 2006 Report, OGE recognized that it had ''regulatory authority to exempt financial interests arising from official service on boards of directors,'' but OGE opted at that time to place the issue before Congress first. No legislative changes to section 208 were enacted in response to the report, however, and OGE continued to receive expressions of concern about this matter, both from agencies and from nonprofit organizations.

Then, on March 9, 2009, President Obama issued a Memorandum for the Heads of Executive Departments and Agencies on the topic of scientific integrity. 74 FR 10671, 3 CFR, 2009 Comp., p. 354. In this memorandum, the

[1] In rare instances, an employee also may be able to serve pursuant to a waiver of fiduciary duties by the organization, if such a waiver is permitted by state law. *See* Memorandum of Deputy Assistant Attorney General, OLC, to General Counsel, General Services Administration, August 7, 1998, *http://www.justice.gov/olc/gsa208fn.htm.*

[2] As noted in the preamble to the proposed rule, nothing in the exemption limits the ability of an employee to serve as officer, director or trustee of a nonprofit organization as a personal outside activity, when the agency has not assigned the employee to serve in an official capacity. *See* 76 FR 24817, Note 2. Moreover, nothing in the exemption is intended to affect the current ability of agencies to assign employees to serve as official liaisons or to serve in similar nonfiduciary positions that do not implicate 18 U.S.C. 208. *See* OGE Informal Advisory Letter 95 x 8.

[3] OGE was required to issue this report, in consultation with the Department of Justice, by section 8403(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108–458 (December 17, 2004).

President specifically requested that the Office of Science and Technology Policy (OSTP) provide recommendations to address, among other things, the retention of staff in scientific and technical positions within the executive branch. In response, the Director of OSTP issued a memorandum urging all agencies to establish policies that promote and facilitate the professional development of Government scientists and engineers. John P. Holdren, Director, OSTP, ''Scientific Integrity,'' Memorandum for the Heads of Executive Departments and Agencies, at 3, December 17, 2010. The OSTP memorandum specifically called for policies to ''[a]llow full participation in professional or scholarly societies, committees, task forces and other specialized bodies of professional societies, *including removing barriers for serving as officers or on governing boards of such societies.*'' *Id.* at 4 (emphasis added).

In response to parallel initiatives, in August of 2010, the Director of the Office of Personnel Management (OPM) wrote to OGE to express several concerns about the application of section 208 to employees serving in their official capacity as officers and directors of scientific and professional organizations. Letter of John Berry, Director, OPM, to Robert I. Cusick, Director, Office of Government Ethics, August 16, 2010 (OPM Letter). Among other things, the Director of OPM wrote:

> Policies restricting Federal scientists' and professionals' involvement in professional organizations negatively impact the agencies employing such individuals. Restrictions act as a barrier to employees achieving professional stature in their respective fields, which may discourage scientists and professionals from considering Federal employment. Restrictions also serve to isolate scientists and professionals from the full exchange of knowledge and ideas necessary to stay current and participate fully as members of the greater scientific community. As a result, Federal scientists and professionals are hampered in their ability to provide the best possible advice and service to their respective agencies. These restrictions are particularly burdensome for the ''research-grade'' scientists whose retention and promotion evaluations depend in part on the recognition of stature by one's scientific peers. U.S. Office of Personnel Management's Research Grade Evaluation Guide, Factor 4; Contributions, Impact, and Stature, September, 2006; *http://www.opm.gov/Fedclass/gsresch.pdf.*

OPM Letter at 2. The Director of OPM asked OGE to consider exercising its authority under 18 U.S.C. 208(b)(2) to exempt the financial interests of organizations in which employees serve in their official capacity, on the ground that such interests are ''too remote and inconsequential to warrant disqualification pursuant to section 208.'' Id. at 3.

To address OPM's concerns, as well as the concerns raised by other agencies and outside organizations since 1996, and consistent with Administration efforts designed to ensure scientific integrity, OGE determined that it was appropriate to exercise its authority under 18 U.S.C. 208(b)(2) to exempt the imputed financial interests of nonprofit organizations in which employees serve as officers, directors or trustees in their official capacity. Pursuant to the statute, OGE found that such financial interests are too remote or inconsequential to affect the integrity of employees' services, for several reasons. As explained in OGE's 2006 Report, which was issued after consultation with the Department of Justice: ''OGE believes that the conflict identified by OLC [between the employee's duty of loyalty to the Government and the employee's fiduciary duties to the outside organization] may be more theoretical than real, particularly because employees assigned to serve on outside boards remain subject to important Federal controls, such as the authority to review and approve (or deny) the official activity in the first place, and the authority to order the individual to limit the activity, or even resign the position, in the event of a true conflict with Federal interests. In addition, an agency generally approves such activities only where the organization's interests are in consonance with the agency's own interests. In an era when 'public/private partnerships' are promoted as a positive way for Government to achieve its objectives more efficiently, ethics officials find it difficult to explain and justify to agency employees why a waiver is required for official board services that have been determined by the agency to be proper.'' 2006 Report at 33. In short, the potential for a real conflict of interest is too remote or inconsequential to affect the integrity of an employee's services under these circumstances. For the above noted reasons, OGE published a proposed rule on May 3, 2011, creating an exemption for the imputed financial interests of nonprofit organizations in which employees serve as officers, directors or trustees in their official capacity from the prohibition of 18 U.S.C. 208(a).

As we noted in the preamble to the proposed rule, agencies will continue to retain discretion to impose meaningful controls and limits on employees serving in nonprofit organizations. 76 FR 24818. The Note following section 2640.203(m) clarifies that agencies must satisfy themselves that they have authority to assign employees to serve in such organizations in the first place; the exemption does not itself constitute such authority, but simply removes the bar of the conflict of interest law. Moreover, agency decisions to permit (or not permit) official participation in any particular outside organization will be informed by numerous legal, policy, and managerial considerations, such as: The degree to which the activity will further the agency's statutory mission; the availability of agency funds and other resources to support such activities; the degree to which the agency is able and willing to assign employees to serve in other, similar organizations without appearing to single out one organization unreasonably; and the demands of the agency's workload and the particular employee's other assignments.[4] Even when an agency does permit an employee to serve as officer, director or trustee of a nonprofit organization, the agency has discretion to limit or condition the official duty activity in a manner consistent with the needs and interests of the agency. This may include limits on participation in lobbying, fundraising, regulatory, investigational, or representational activities, as determined by the agency. For example, where agencies have granted individual waivers in the past, under section 208(b)(1), some agencies have required employees to refrain from participating in the fundraising activities of the outside organization or from participating in agency decisions to award grants or contracts to the organization; agencies will remain free to impose similar limits as they deem appropriate in the future.[5] *See* OGE Memorandum DO–07–006, *http://www.usoge.gov/ethics_guidance/daeograms/dgr_files/2007/do07006.html.* In other words, nothing in the regulatory exemption is intended to interfere with the discretion of agencies to assign duties and describe the limits of official assignments, including assignments that involve outside nonprofit organizations.

[4] Even prior to the 1996 OLC opinion, some agencies rarely if ever permitted employees to serve as officers, directors or trustees of outside organizations in an official capacity, because of fiscal, policy or managerial concerns. Notwithstanding the regulatory exemption, agencies may continue to decline to assign employees to serve in an official capacity for similar reasons.

[5] In any event, agency decisions to permit an employee to engage in official fundraising for a nonprofit organization must take into account the requirements of 5 CFR 2635.808(b) and 5 CFR part 950.

2. Comments and Revisions

The overwhelming majority of comments were strongly supportive of the proposed new exemption, 5 CFR 2640.203(m), which would exempt the imputed financial interests of nonprofit organizations in which an employee serves, solely in an official Government capacity, as officer, director or trustee. Most of these comments agreed with OGE's conclusion that the exemption would remove an unnecessary barrier to professional development for Government employees and the achievement of other agency missions and goals. Several of the comments recited instances in which the current application of 18 U.S.C. 208 had led employees to resign from positions or decline service, as well as instances in which there was confusion among agency employees and officials of nonprofit organizations about what activities were permitted by different agencies, which had differing policies and practices with regard to the issuance of individual waivers under 18 U.S.C. 208(b)(1). Some commenters also expressed the view that increased participation in scientific and professional organizations would enhance the quality and integrity of government policymaking: As one environmental advocacy organization put it, such participation ''will, in our view, actually further the quality of information used in official decision-making and enhance the transparency of that decision-making'' while also tending to deter ''political manipulation'' of scientific policies.

A small number of comments did raise certain concerns about the proposed exemption. One individual stated flatly that ''no Federal employee should serve on any non-profit board,'' because, among other things, she believed that nonprofit organizations are not accountable to the public, their operations are not transparent, and they benefit from unwarranted advantages under the tax laws. This view, however, contradicts decades of executive branch policy and is inconsistent with the spirit of the President's 2009 memorandum and with Director Barry's policy objectives as stated in his letter of August 16, 2012. Further, the Office of Government Ethics notes that the criminal conflict of interest law and the regulations promulgated thereunder provide an appropriate mechanism for addressing general concerns about the role of executive branch personnel serving at nonprofit organizations in the United States.

Another individual similarly expressed ''grave misgivings'' about the involvement of Federal employees in nonprofit organizations, in part because some nonprofit organizations provide products and services, and the participation of Federal employees may be taken as an endorsement that creates an unfair competitive advantage over for-profit businesses that offer the same products and services. This commenter recommended that any exemption should be conditioned on the Government publishing a list of approved nonprofit professional organizations, which would constitute the only permissible opportunities for official service. OGE does not agree that the mere participation of a Federal employee on the board of a nonprofit organization necessarily constitutes a general endorsement of that organization's products and services, but in any event, as noted above, OGE believes that the proposed regulatory exemption appropriately recognizes the discretion of agencies to use their sound judgment to determine which nonprofit organizations provide acceptable opportunities for professional development and the achievement of other agency objectives. Moreover, given the large number and wide range of nonprofit organizations, as well as the significant variations among agency missions, OGE does not believe it is either feasible or desirable to prescribe a single list of approved organizations for the entire Government.

One of these individuals, as well as another individual commenter, raised concerns about the possibility that Federal employees serving in nonprofit organizations could become involved in inappropriate fundraising activities. As noted above, however, any fundraising by agency employees in their official capacity is already subject to important limits. Furthermore, the textual Note following § 2640.203(m) makes clear that agencies retain the discretion to limit assignments involving nonprofit organizations, and the preamble to the proposed rule explains that such limits may include instructions not to engage in fundraising activities. Such limitations on fundraising are already common in individual waivers that agencies have issued under 18 U.S.C. 208(b)(1), and OGE anticipates that many agencies will continue to apply similar limits when assigning employees to participate in nonprofit organizations in the future.

One organization generally supported the proposed exemption, but recommended that the rule be revised to require that agencies post information on their Web sites concerning each employee serving in an official capacity on the board of a nonprofit organization, including the employee's role on the board, the term of service and a description of the nonprofit organization. The commenter believed that such transparency was necessary because some nonprofit organizations may be ''dominated by corporate members'' or may receive ''donations by special interests with specific policy goals,'' and the participation of Federal employees in those organizations might lead to those employees being inappropriately influenced with respect to agency policies. In OGE's view, even though an agency may choose to post information about official participation as a good practice, this would not be an appropriate condition for a regulatory exemption issued under 18 U.S.C. 208(b)(2). Regulatory exemptions are intended to be self-executing, and employees should be able to rely on the exemptions without individual agency action as a condition, including disclosure of information; indeed, this is one of the key distinctions between an individual waiver under 18 U.S.C. 208(b)(1) and a regulatory exemption under section 208(b)(2). *Compare* 18 U.S.C. 208(b)(1) (employee must disclose financial interest and receive individual determination), with 18 U.S.C. 208(b)(2) (regulation applies to all employees or entire class of employees).

A Federal employee labor union commented that it ''strongly supports the adoption'' of the proposed recommendation, but expressed ''some concern with the degree of discretion left to agencies to decide whether to permit employee participation in their official capacity.'' In particular, the union stated that employees have ''a First Amendment right to speak on matters of public concern and the government's interest in censoring the content of that speech, by declining to permit employee participation, would have to outweigh employees' strong interest in speech on such matters to the nonprofit professional associations.'' The union therefore suggested that OGE revise the proposed rule to specify that ''permission to participate is not to be denied for improper reasons.'' OGE has not adopted this suggested revision. OGE's role is not to determine agency management practices concerning the assignment of work, beyond the determination of whether an assignment is consistent with the conflict of interest laws and regulations. Moreover, as stated above, nothing in the rule limits the ability of an employee to serve as an officer, director or trustee of a nonprofit organization as a personal outside activity, when the agency has not

assigned the employee to serve in an official capacity.

One agency recommended that OGE add the parenthetical phrase ''(or equivalent position)'' following the terms ''officer, director or trustee'' in § 2640.203(m). The agency pointed out that some nonprofit organizations do not actually use the terms ''officer,'' ''director,'' or ''trustee'' to describe the organizational leadership but rather use other terms, such as ''council member.'' OGE has not adopted the recommendation of the commenter, because the exemption needs to reflect the terms of the statute itself, which specifies officer, director and trustee. OGE certainly is aware that some nonprofit organizations do not use the actual terms of section 208(a) in the titles of their officials, but this has never been the end of the inquiry into whether section 208 applies. In such cases, ethics officials must determine whether the position has the same legal responsibilities and characteristics as the positions described in 18 U.S.C. 208(a). In some cases, the position does not correspond to an officer, director or trustee position because the position is solely advisory or honorary or otherwise does not carry the powers and fiduciary duties associated with officers, directors and trustees; in other cases, the position in question truly does entail the powers and duties of an officer, director or trustee within the meaning of the law. Agency ethics officials will need to engage in the same inquiry with respect to the coverage of the regulatory exemption, although of course no exemption would be needed if the agency determines that the employee does not hold any section 208 position in the first place. In OGE's experience, such questions typically can be resolved by consulting with counsel for the nonprofit organization and/or by examining the organization's governing documents.

Other comments supported the proposed new exemption but requested that OGE provide guidance on a variety of subjects, including agency implementation of official assignments with outside organizations, as well as the application of conflict of interest requirements to employees serving in their personal, rather than official, capacity. While this final rule is not the place for such detailed guidance, OGE certainly will be available to agency ethics officials for assistance with the application of this and all other ethics rules and conflict of interest laws. As the Note following § 2640.203(m) emphasizes, however, agency decisions to permit official participation in any particular outside organization will be informed by numerous legal, policy, and managerial considerations, and many of those considerations fall outside of OGE's area of expertise.

Therefore, for the reasons explained above, the Office of Government Ethics is adopting the new regulatory exemption at 5 CFR 2640.203(m). OGE is, however, making one revision to the language of the proposed rule: OGE is clarifying that the exemption applies not just to current positions but also to prospective positions as officer, director or trustee. OGE anticipates that some employees may have duties that could affect an organization in which they plan to serve in an official capacity in the future or that some employees might even occupy one position in the present (e.g., vice president) but have an arrangement to serve in another position in the organization in the future (e.g., president). In order to make clear that the exemption covers prospective service, the final rule will read ''nonprofit organization in which the employee serves (or is seeking or has an arrangement to serve) * * *'' Other than this revision, the final rule adopts the language of the proposed rule.

III. Matters of Regulatory Procedure

Regulatory Flexibility Act

As Director of the Office of Government Ethics, I certify under the Regulatory Flexibility Act (5 U.S.C. chapter 6) that this final rule would not have a significant economic impact on a substantial number of small entities because it primarily affects Federal executive branch employees.

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does not apply because this regulation does not contain information collection requirements that require approval of the Office of Management and Budget.

Unfunded Mandates Reform Act

For purposes of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. chapter 25, subchapter II), this final rule would not significantly or uniquely affect small governments and will not result in increased expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (as adjusted for inflation) in any one year.

Congressional Review Act

The Office of Government Ethics has determined that this rulemaking involves a nonmajor rule under the Congressional Review Act (5 U.S.C. chapter 8) and will, before the final rule takes effect, submit a report thereon to the U.S. Senate, House of Representatives and General Accounting Office in accordance with that law.

Executive Order 12866

In promulgating this rule amendment, the Office of Government Ethics has adhered to the regulatory philosophy and the applicable principles of regulation set forth in section 1 of Executive Order 12866, Regulatory Planning and Review. This rule has also been reviewed by the Office of Management and Budget under that Executive order. There should be no appreciable increase in costs to OGE or the executive branch of the Federal Government in administering this regulation, since it only adds to OGE's financial interests regulation a new regulatory exemption and a clarification of an existing exemption. Finally, this rulemaking is not economically significant under the Executive order and would not interfere with State, local or tribal governments.

Executive Order 12988

As Director of the Office of Government Ethics, I have reviewed this final amendatory regulation in light of section 3 of Executive Order 12988, Civil Justice Reform, and certify that it meets the applicable standards provided therein.

List of Subjects in 5 CFR Part 2640

Conflict of interests, Government employees.

Approved: February 28, 2013.

Walter M. Shaub, Jr.,

Director, Office of Government Ethics.

Accordingly, for the reasons set forth in the preamble, the Office of Government Ethics is amending 5 CFR part 2640 as follows:

PART 2640—INTERPRETATION, EXEMPTIONS AND WAIVER GUIDANCE CONCERNING 18 U.S.C. 208 (ACTS AFFECTING A PERSONAL FINANCIAL INTEREST)

■ 1. The authority citation for part 2640 continues to read as follows:

Authority: 5 U.S.C. App. (Ethics in Government Act of 1978); 18 U.S.C. 208; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

Subpart A—General Provisions

■ 2. In § 2640.102, paragraph (q) is revised to read as follows:

§ 2640.102 Definitions.

* * * * *

(q) *Sector mutual fund or sector unit investment trust* means a mutual fund or

unit investment trust that concentrates its investments in an industry, business, single country other than the United States, or bonds of a single State within the United States.

* * * * *

Subpart B—Exemptions Pursuant to 18 U.S.C. 208(b)(2)

■ 3. In § 2640.201, paragraphs (b)(1) and (2) are revised to read as follows:

§ 2640.201 Exemptions for interests in mutual funds, unit investments trusts, and employee benefit plans.

* * * * *

(b) *Sector mutual funds and sector unit investment trusts.* (1) An employee may participate in any particular matter affecting one or more holdings of a sector mutual fund or a sector unit investment trust where the affected holding is not invested in the sector in which the fund or trust concentrates, and where the disqualifying financial interest in the matter arises because of ownership of an interest in the fund or unit investment trust.

(2)(i) An employee may participate in a particular matter affecting one or more holdings of a sector mutual fund or a sector unit investment trust where the disqualifying financial interest in the matter arises because of ownership of an interest in the fund or the unit investment trust and the aggregate market value of interests in any sector fund or funds and any sector unit investment trust or trusts does not exceed $50,000.

(ii) For purposes of calculating the $50,000 de minimis amount in paragraph (b)(2)(i) of this section, an employee must aggregate the market value of all sector mutual funds and sector unit investment trusts in which he has a disqualifying financial interest and that concentrate in the same sector and have one or more holdings that may be affected by the particular matter.

* * * * *

■ 4. Section 2640.203 is amended by adding paragraph (m) to read as follows:

§ 2640.203 Miscellaneous exemptions.

(m) *Official participation in nonprofit organizations.* An employee may participate in any particular matter where the disqualifying financial interest is that of a nonprofit organization in which the employee serves (or is seeking or has an arrangement to serve), solely in an official capacity, as an officer, director or trustee.

Note to paragraph (m): Nothing in this paragraph shall be deemed independent authority for an agency to assign an employee to serve in an official capacity with a particular nonprofit organization. Agencies will make such determinations based on an evaluation of their own statutory authorities and missions. Individual agency decisions to permit (or not permit) an employee to serve in an official capacity necessarily involve a range of legal, policy, and managerial considerations, and nothing in this paragraph is intended to interfere with an agency's discretion to assign official duties and limit such assignments as the agency deems appropriate.

[FR Doc. 2013–05243 Filed 3–5–13; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2011–1037; Directorate Identifier 2011–NE–30–AD; Amendment 39–17373; AD 2013–05–01]

RIN 2120–AA64

Airworthiness Directives; Turbomeca S.A. Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding an existing airworthiness directive (AD) for all Turbomeca S.A. Makila 1A2 turboshaft engines. That AD currently requires replacement of certain serial number (S/N) N2 sensor harnesses. This AD requires replacement of the same S/N harnesses, and requires replacement of additional S/N N2 sensor harnesses. This AD was prompted by corrosion detected in affected N2 sensor harnesses. We are issuing this AD to prevent inadvertent activation of the 65% N1 back up mode, resulting in N2 speed fluctuation, significant power loss, and emergency landing of the helicopter.

DATES: This AD is effective March 21, 2013.

We must receive any comments on this AD by April 22, 2013.

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

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

For service information identified in this AD, contact Turbomeca, 40220 Tarnos, France, phone: +33 (0)5 59 74 40 00; telex: 570 042; fax: +33 (0)5 59 74 45 15; Web site: *http://www.turbomeca-support.com*. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Rose Len, Aerospace Engineer, Engine Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7772; fax: 781–238–7199; email: *rose.len@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

On November 9, 2011, we issued AD 2011–24–08, Amendment 39–16872 (76 FR 72091, November 22, 2011), for all Turbomeca S.A. Makila 1A2 turboshaft engines with certain part number (P/N) N2 sensor harnesses installed. That AD requires replacement of certain S/Ns of the affected N2 sensor harnesses, on the two engines of the helicopter. That AD resulted from mandatory continuing airworthiness information issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We issued that AD to prevent inadvertent activation of the 65% N1 backup control mode, as a result of defective N2 sensor harness crimps, which could result in engine power loss and emergency landing of the helicopter.

Actions Since AD Was Issued

Since we issued AD 2011–24–08 (76 FR 72091, November 22, 2011), Turbomeca S.A. has determined through investigation that additional S/Ns of the N2 sensor harness, P/N 0 301 52 001 0, are affected and require replacement.

The investigation detected corrosion in the harness inside the cable sheath, at the splices with the sensor coils. This corrosion is attributed to a manufacturing error. We are issuing this AD to include additional S/Ns of the N2 sensor harness.

Relevant Service Information

We reviewed Turbomeca S.A. Alert Mandatory Service Bulletin (MSB) No. A298 77 0821, Version A, dated October 9, 2012, and MSB No. 298 77 0817, Version B, dated August 23, 2011. This service information describes procedures for checking and replacing affected N2 sensor harnesses.

FAA's Determination

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

AD Requirements

This AD requires replacement of certain S/Ns of N2 sensor harnesses, P/N 0 301 52 001 0.

FAA's Justification and Determination of the Effective Date

There are no U.S. operators for this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket Number FAA–2011–1037; Directorate Identifier 2011–NE–30–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD because of those comments.

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

Costs of Compliance

There are no engines installed on helicopters of U.S. registry that will be affected by this AD. Therefore, we estimate the cost of this AD on U.S. operators to be $0.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2011–24–08, Amendment 39–16872 (76 FR 72091, November 22, 2011) and adding the following new AD:

2013–05–01 Turbomeca S.A.: Amendment 39–17373; Docket No. FAA–2011–1037; Directorate Identifier 2011–NE–30–AD.

(a) Effective Date

This AD is effective March 21, 2013.

(b) Affected ADs

This AD supersedes AD 2011–24–08, Amendment 39–16872 (76 FR 72091, November 22, 2011).

(c) Applicability

This AD applies to all Turbomeca S.A. Makila 1A2 turboshaft engines with an N2 sensor harness, part number (P/N) 0 301 52 001 0, installed, with:

(1) A serial number (S/N) 242 through 339, inclusive, or

(2) A S/N 691 through 705, inclusive, 707 through 728, inclusive, or 813 through 844, inclusive.

(d) Unsafe Condition

This AD was prompted by corrosion detected in affected N2 sensor harnesses. We are issuing this AD to prevent inadvertent activation of the 65% N1 back up mode, resulting in N2 speed fluctuation, significant power loss, and emergency landing of the helicopter.

(e) Compliance

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

(1) For engines listed in paragraph (c)(1) of this AD with an affected N2 sensor harness installed on both engines of the helicopter, do the following:

(i) Replace one N2 sensor harness with an N2 sensor harness that is eligible for installation within 10 flight hours (FHs) after December 7, 2011, or before the next flight after the effective date of this AD, whichever occurs later, and

(ii) Replace the second N2 sensor harness with an N2 sensor harness that is eligible for installation within 50 FHs after December 7, 2011, or before the next flight after the effective date of this AD, whichever occurs later.

(2) For engines listed in paragraph (c)(1) of this AD with an affected N2 sensor harness installed on only one engine of the helicopter, replace the affected N2 sensor harness with an N2 sensor harness that is eligible for installation within 50 FHs after December 7, 2011, or before the next flight after the effective date of this AD, whichever occurs later.

(3) For engines listed in paragraph (c)(2) of this AD with an affected N2 sensor harness installed on both engines of the helicopter, do the following:

(i) Replace one N2 sensor harness with an N2 sensor harness that is eligible for installation within 10 FHs after the effective date of this AD, and

(ii) Replace the second N2 sensor harness with an N2 sensor harness that is eligible for installation within 50 FHs after the effective date of this AD.

(4) For engines listed in paragraph (c)(2) of this AD with an affected N2 sensor harness installed on only one engine of the helicopter, replace the affected N2 sensor harness with an N2 sensor harness that is eligible for installation within 50 FHs after the effective date of this AD.

(5) If an affected N2 sensor harness is installed on both engines of the helicopter, one from paragraph (c)(1) of this AD and one from paragraph (c)(2) of this AD, then within 10 FHs after December 7, 2011, or before the next flight after the effective date of this AD, whichever occurs later, replace the N2 sensor harness from paragraph (c)(1) with an N2 sensor harness that is eligible for installation and within 50 FHs after the effective date of this AD, replace the harness from paragraph (c)(2) with an N2 sensor harness that is eligible for installation.

(f) Installation Prohibition

(1) After the effective date of this AD, do not install on any engine any N2 sensor harness, P/N 0 301 52 001 0, with a S/N listed in paragraphs (c)(1) and (c)(2) of this AD, unless the N2 sensor harness has ''SB 0815'' marked on its identification plate.

(2) After the effective date of this AD, do not install in a helicopter, any engine with an N2 sensor harness, P/N 0 301 52 001 0, installed, with a S/N listed in paragraphs (c)(1) and (c)(2) of this AD, unless the N2 sensor harness has ''SB 0815'' marked on its identification plate.

(g) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures in 14 CFR 39.19 to make your request.

(h) Related Information

(1) For more information about this AD, contact Rose Len, Aerospace Engineer, Engine Certification Office, FAA, 12 New England Executive Park, Burlington, MA 01803; phone: 781–2328–7772; fax: 781–238–7199; email: *rose.len@faa.gov.*

(2) Turbomeca S.A. Alert Mandatory Service Bulletin (MSB) No. A298 77 0821, Version A, dated October 9, 2012, and MSB No. 298 77 0817, Version B, dated August 23, 2011, pertain to the subject of this AD.

(3) For service information identified in this AD, contact Turbomeca, 40220 Tarnos, France, phone: +33 (0)5 59 74 40 00; telex: 570 042; fax: +33 (0)5 59 74 45 15; Web site: *http://www.turbomeca-support.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

(i) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on February 25, 2013.

Colleen M. D'Alessandro,

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

[FR Doc. 2013–04996 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2012–0918]

RIN 1625–AA09

Drawbridge Operation Regulation; Lake Champlain, Swanton, VT

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the drawbridge operation regulation that governs the operation of the New England Central Railroad Bridge across Missisquoi Bay, mile 105.6, at Swanton, Vermont, and removing the regulation for the SR78 highway bridge at mile 105.9. The owner of the New England Central Railroad Bridge has requested to operate the bridge from a remote location, at St. Albans, Vermont. It is expected that this change to the regulations will provide relief to the bridge owner from crewing the bridge while continuing to meet the reasonable needs of navigation.

DATES: This rule is effective April 5, 2013.

ADDRESSES: Comments and related materials received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2012–0918 and are available online by going to *http://www.regulations.gov,* inserting USCG–2012–0918 in the ''Keyword'' box, and then clicking ''Search.'' This material is also 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. John W. McDonald, Project Officer, First Coast Guard District Bridge Branch, 617–223–8364, *john.w.mcdonald@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

A. Regulatory History and Information

On November 9, 2012, we published a notice of proposed rulemaking (NPRM) entitled ''Drawbridge Operation Regulation; Lake Champlain, Swanton, VT'' in the **Federal Register** (77 FR 67319). We received no comments on the proposed rule. No public meeting was requested, and none was held.

B. Basis and Purpose

The New England Central Railroad Bridge, formerly the Central Vermont Railway Bridge, at mile 105.6, across Missisquoi Bay, at Swanton, Vermont, has a vertical clearance in the closed position that ranges between 9.5 feet and zero feet depending on the time of year and other conditions. The waterway users are predominantly seasonal recreational vessels.

The existing drawbridge operation regulations are listed at 33 CFR 117.993(c), which require the draw to operate as follows: From June 15 through September 15, the draw shall open on signal, Monday through Friday between 9 a.m. and 5 p.m. and on Saturday, Sunday, Independence Day, and Labor Day, between 7 a.m. and 11 p.m. At all other times, after at least a two hour notice is given. From September 16 through June 14, on signal after at least a twenty four hour notice is given.

The Coast Guard received a request from the owner of the bridge, New England Central Railroad Inc., to change the drawbridge operation regulations to allow the bridge to be operated remotely from the New England Central Railroad Dispatcher's Office located at St. Albans, Vermont.

The bridge had been operated manually by hand crank since it was constructed in 1912. An operator would be dispatched to the bridge to manually close the draw to facilitate the passage of a train and then crank the draw back into the open position.

The Federal Railroad Administration funded the motorization of the bridge to allow remote operation of the bridge by New England Central Railroad. As a result, in 2012, the operating system was modified by adding electric bridge opening motors to swing the draw open and closed, a standby electric generator to be used in the event of a power outage, local bridge operation controls installed at the tenders building on the bridge to be used to locally operate the draw, LED navigation lights, and

electric illuminated signs both up and down stream to warn mariners that the bridge will be closing for the passage of an approaching train.

Presently, rail traffic crosses the bridge seven days a week. There are normally two train passages daily crossing the bridge in the morning and returning later in the same day.

Under this final rule the bridge will be opened and closed remotely, from the New England Central Railroad Dispatchers Office at St. Albans, Vermont.

During the boating season, June 15 through September 15, the bridge will remain in the open position at all times, except for the passage of rail traffic. Once rail traffic crosses the bridge the bridge will be returned to the full open position.

In the off season, September 16 through June 14, the bridge may remain in the closed position at all times.

The bridge will be opened for the passage of vessel traffic September 16 through June 14, upon receipt of a twenty four hour advance notice to open the bridge.

The bridge opens on average two to three times a week during the period 16 September through 14 June when the bridge will open after a twenty four hour advance notice is given.

The waterway is normally frozen December through April each winter when the recreational vessels that normally transit this bridge are in winter storage.

As a result of the above information the Coast Guard believes it is reasonable for the bridge owner to operate the bridge from a remote location and that the reasonable needs of navigation will continue to be addressed.

The SR78 highway bridge has been replaced with a new fixed span highway bridge; therefore, the drawbridge operations for that bridge will be deleted because they are now obsolete and unnecessary.

The New England Central Railroad Bridge is listed in the existing regulations as the Central Vermont Railway Bridge. We are changing the name of the bridge under this rule to update the present name and ownership of the bridge.

C. Discussion of Comments and Changes

The Coast Guard received no comments in response to the notice of proposed rulemaking. As a result, no changes have been made to this final rule.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This conclusion is based on the fact that the bridge will continue to operate the same, except that, it will be opened and closed from a remote location in St. Albans, Vermont.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will have no effect on small entities since this drawbridge will continue to operate the same except that it will be operated from a remote location.

There is no new restriction or regulation being imposed by this rule; therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities

3. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. 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.

7. 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.

8. 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.

9. 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 would not create an environmental risk to health or risk to safety that might disproportionately affect children.

10. 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.

11. Energy Effects

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

12. 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 the Office of Management and Budget, 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 does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

13. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides 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 which do not individually or cumulatively have a significant effect on the human environment. This rule involves operating the bridge from a remote location. This rule is categorically excluded, under figure 2–1, paragraph (32)(e), of the Instruction.

Under figure 2–1, paragraph (32)(e), of the Instruction, an environmental analysis checklist and a categorical exclusion determination are not required for this rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 117.993, revise paragraph (c) and remove paragraph (d).

The revision reads as follows:

§ 117.993 Lake Champlain.

* * * * *

(c) The draw of the New England Central Railroad Bridge across Missiquoi Bay, mile 105.6, at Swanton, Vermont, shall operate as follows:

(1) From June 15 through September 15, the draw shall remain in the full open position at all times and shall only be closed for the passage of rail traffic or the performance of maintenance authorized in accordance with subpart A of this part.

(2) From September 16 through June 14, the draw may remain in the closed position and shall be opened on signal for the passage of vessel traffic after at least a twenty four hour notice is given by calling the number posted at the bridge.

(3) The draw may be operated either remotely by the New England Central Railroad train dispatcher located at St. Albans, Vermont or manually by a draw tender located at the bridge.

(4) A sufficient number of infrared cameras shall be maintained in good working order at all times with a clear unobstructed view of the channel under the bridge, and the up and down stream approaches to the bridge. A signal horn and message boards located both up and down stream, necessary to warn marine traffic that the bridge will be closing, shall also be maintained in good working order at all times. In the event that any of the cameras, navigation lights, horn, or message board become disabled, personnel shall be deployed to the bridge to be on scene within two hours from the known time of the equipment failure.

(5) The draw may operate remotely as follows: Once it is determined that the draw must be opened or closed, the train dispatcher shall observe the waterway both up and down stream via the infrared cameras to verify that the channel is clear of all approaching vessel traffic. All approaching vessel traffic shall be allowed to pass before the bridge may be closed. Once it is determined that no vessel traffic is approaching the dispatcher shall sound the warning horn and activate the up and down stream message boards indicating that the bridge will be closing. After at least a one minute delay the draw may then be closed and the swing span navigation lights shall display as red to indicate the bridge is in the closed position. Once the train clears the bridge the draw shall be returned to the full open position and the swing span lights shall display as green to indicate the draw is in the full open position.

(6) In the event that the dispatcher cannot verify that the channel is clear of all vessel traffic and the bridge cannot be safely closed, an on-scene train crewmember shall observe the waterway for any vessel traffic and then communicate with the train dispatch office either by radio or telephone to request the bridge be safely closed. Personnel shall then be deployed to the bridge to arrive within two hours to inspect and repair the bridge remote operation equipment.

(7) The bridge shall be operated manually from the tender's house located at the bridge until all necessary repairs are completed to the remote operation equipment.

Dated: February 20, 2013.

Daniel B. Abel,

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

[FR Doc. 2013–05132 Filed 3–1–13; 4:15 pm]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0082]

Drawbridge Operation Regulations; Cheesequake Creek, Morgan, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the regulation governing the operation of the New Jersey Transit Rail Operation (NJTRO) Railroad Bridge across Cheesequake Creek, mile 0.2, at Morgan, New Jersey. Under this temporary deviation, the bridge may remain in the closed position for three weekends to facilitate scheduled bridge repairs.

DATES: This deviation is effective from 6 a.m. on March 2, 2013, until 4 p.m. on March 3, 2013; from 6 a.m. on March 9, 2013, until 4 p.m. on March 10, 2013; and from 6 a.m. on March 16, 2013, until 4 p.m. on March 17, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0082] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140, on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Joe Arca, Project Officer, First Coast Guard District, *joe.m.arca@uscg.mil,* or (212) 668–7165. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The NJTRO railroad bridge has a vertical clearance of 3 feet at mean high water, and 8 feet at mean low water in the closed position. The existing drawbridge operating regulations are found at 33 CFR 117.709(b).

The bridge owner, New Jersey Transit Rail Operations (NJTRO), requested a bridge closure to facilitate structural and track repairs at the bridge.

Under this temporary deviation, the NJTRO railroad bridge may remain in the closed position on three consecutive weekends, from 6 a.m. on March 2, 2013, until 4 p.m. on March 3, 2013, from 6 a.m. on March 9, 2013 until 4 p.m. on March 10, 2013, and from 6 a.m. on March 16, 2013, until 4 p.m. on March 17, 2013.

In the event weather conditions are favorable during the first two weekends, the third weekend may be unnecessary. In that event, the bridge would return to its regular operating schedule during the third weekend.

Cheesequake Creek is predominantly a recreational waterway. The bridge rarely opens in the winter months when this temporary deviation will be in effect.

In accordance with 33 CFR 117.35(e), the bridge must return to its regular operating schedule immediately at the end of the designated repair period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 21, 2013.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–04988 Filed 3–4–13; 11:15 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[NPS–CHAT–11887; PPSECHAT00; PPMPSPD1Z.YM0000]

RIN 1024–AD94

Special Regulations; Areas of the National Park System, Chattahoochee River National Recreation Area, Bicycle Routes

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This rule designates certain multi-use pathways in Chattahoochee River National Recreation Area as routes for bicycle use. National Park Service general regulations require promulgation of a special regulation to designate new routes for bicycle use off park roads and outside developed areas. Several segments of multi-use pathways at Chattahoochee River National Recreation Area have been, or are planned to be, constructed to replace eroded social trails with a sustainable trail system. Allowing bicycling on the new trail system improves connectivity to regional trail networks, enhances opportunities for non-motorized enjoyment of the park, and encourages the use of alternate transportation by park visitors and staff.

DATES: The rule is effective April 5, 2013.

FOR FURTHER INFORMATION CONTACT: Rick Slade, Chief of Science and Resource Management, Chattahoochee River National Recreation Area, 1978 Island Ford Parkway, Sandy Springs, GA 30350, (678) 538–1321.

SUPPLEMENTARY INFORMATION:

Background

In 1973, the State of Georgia enacted the Metropolitan River Protection Act (MRPA) to ensure the protection of the corridor located within 2,000 feet of each bank of the Chattahoochee River, or the corridor located within the 100-year floodplain, whichever is larger. Five years after the enactment of the MRPA, the United States Congress found that the:

natural, scenic, recreation, historic, and other values of a forty-eight mile segment of the Chattahoochee River and certain adjoining lands in the State of Georgia from Buford Dam downstream to Peachtree Creek are of special national significance, and that such values should be preserved and protected from developments and uses which would substantially impair or destroy them. (16 U.S.C. 460ii)

On August 15, 1978, President Jimmy Carter signed legislation creating the Chattahoochee River National Recreation Area (CHAT), a unit of the National Park System consisting of ''the river and its bed together with the lands, waters, and interests therein. * * *'' (16 U.S.C. 460ii). The National Park Service (NPS) is responsible for management of this significant stretch of riverside park.

In 1984, Congress amended CHAT's enabling legislation through Public Law 98–568, which declared the corridor located within 2,000 feet of each bank along the 48-mile river segment ''an area of national concern.'' A subsequent amendment, passed in 1999, expanded the authorized boundary of CHAT and provided funding to support acquisition of land-based linear corridors to link existing units of the recreation area and to ensure that they are managed to standardize acquisition, planning, design, construction, and operation of the linear corridors. The NPS manages the 48-mile stretch of the Chattahoochee River from top-of-bank to top-of-bank, including all adjacent land elements that occur below the high water mark. The NPS also manages over 5,000 acres of park land, including riverside units and upland forested areas with hiking trails and other recreational opportunities.

In September 2009, the NPS completed a General Management Plan/Environmental Impact Statement (GMP/EIS). Consistent with 36 CFR 4.30, the GMP/EIS states that bicycles are prohibited except on roads, parking areas, and designated routes, noting that this regulation is especially important in light of comments received during the GMP/EIS process from some visitors who view the park corridor as an opportunity to promote non-motorized and less polluting alternatives to automobiles, such as bicycle use. Public comments during the GMP/EIS process also reflected the desire to increase the use of bicycles off-road in the park through development of an interconnected trail system. The final GMP/EIS describes off-road bicycling on trails as an appropriate use in the developed, natural area recreation, and rustic zones.

History of Trail Development

This rule adds a special regulation for CHAT, designating segments of trails in

the Vickery Creek, Johnson Ferry South, and Cochran Shoals units as multi-use trails, allowing both pedestrian and bicycle use.

Vickery Creek Unit

In 2001, the City of Roswell planned and constructed a multi-use paved trail along the Chattahoochee River, a portion of which crosses the Vickery Creek unit of CHAT. Pursuant to the National Environmental Policy Act of 1969, the park completed a Categorical Exclusion in 2001 that determined there would be minimal impacts from the approximately 500-foot segment of paved multi-use trail that crosses a portion of the Vickery Creek unit. This trail was constructed prior to the GMP/EIS and was consistent with former park planning zones.

Johnson Ferry South Unit

The January 2010 Proposed Trail Connection Project Environmental Assessment (EA) evaluated projects to improve trail connectivity and sustainability within the Bowmans Island West, Johnson Ferry South, and Cochran Shoals park units, including new bicycle access in the Johnson Ferry South and Cochran Shoals units. The selected alternative in the EA for the Johnson Ferry South unit includes construction of a 0.1 mile segment of new trail to connect the existing multi-use trail on a park administrative road to a planned underpass below the Johnson Ferry Road Bridge. The existing 2.2 mile long trail is located on an old dirt farm roadbed that is currently being used by both pedestrians and bicyclists. The 0.1 mile trail segment will allow bicyclists and pedestrians to connect to an alternative transportation network both within and beyond the park boundary. The new 0.1 mile trail segment will use sustainable design principles including routing along the terrain contours, sloping the trail surface to allow for runoff during rain events, and a natural trail surface. This trail segment was evaluated by the EA, and in March 2010 the park completed a Finding of No Significant Impact (FONSI) which concluded that the selected alternative for the Johnson Ferry South unit will not have a significant adverse effect on the human environment. The Johnson Ferry South unit is zoned in the GMP/EIS as a rustic zone, which identifies off-road bicycling as an appropriate use.

Cochran Shoals Unit

The selected alternative in the EA for the Cochran Shoals unit allows pedestrian-only access on a number of trails, but also incorporates a loop-style multi-use trail for both pedestrians and bicyclists. The project will close and revegetate heavily eroded social trails and construct new trail segments along the terrain contours, with natural and sloping trail surfaces to allow for runoff during rain events, creating a sustainable, aesthetically pleasing trail network. An existing multi-use trail follows an old farm road that is used for park administrative purposes for 2.4 miles, where off-road bicycling is currently allowed. The final trail plan has 3 miles of hiking-only trails and 6.7 miles of multi-use trails allowing both pedestrians and bicycles. Public comments received during scoping overwhelmingly supported expanding access for bicycling in the Cochran Shoals unit.

During the EA process, some public comments raised concerns regarding bicyclists and hikers sharing trails in Cochran Shoals, citing safety and erosion issues. Conflicts between pedestrians and bicyclists are primarily caused by the difference in speeds between the users. Bicyclists can often travel at higher speeds, and the speed differential between bicyclists and pedestrians may reduce the communication between the users, startle pedestrians, and increase the odds of conflict. To minimize the potential for conflict, the Cochran Shoals trail network was designed to create a 6.7 mile loop-style system, rather than an out-and-back style trail, thereby reducing traffic and congestion at any given point on the trail. The new loop-style trail also reduces the number of users that could potentially cut through or create unauthorized trails in order to avoid repetitive scenery. In addition, park management will implement directional traffic on the trails in the Johnson Ferry South and Cochran Shoals units to limit bicycle-pedestrian conflicts. The Superintendent will exercise discretion to temporarily close bicycle access to these trails following a rain event to address issues concerning erosion and water quality impacts that were also raised during the EA process.

The FONSI concluded that the selected alternative for the Cochran Shoals unit will not have a significant adverse effect on the human environment. The Cochran Shoals unit is zoned in the GMP/EIS as a natural area recreation zone, which identifies off-road bicycling as an appropriate use.

Notice of Proposed Rulemaking

On July 10, 2012, the NPS published a Notice of Proposed Rulemaking for the designation of certain multi-use pathways in Chattahoochee River National Recreation Area as routes for bicycle use (77 FR 40547). The proposed rule was available for a 60-day public comment period, from July 10, 2012, through September 10, 2012.

Summary of and Responses to Public Comment

Comments were accepted by email and through the Federal eRulemaking Portal: *http://www.regulations.gov.* The NPS received 205 public comments during the comment period. Of these responses, all but one expressed clear support for the proposed rule. One of the responses was from an organization, and the rest were from individuals. The organization that responded in support of the proposed rule is the International Mountain Bicycling Association. There were no responses from organizations opposed to the proposed rule.

The NPS received 204 comments in support of the proposed rule. Representative comments include:

1. I support the proposed regulation to allow bicycles on the Sope Creek trails in Chattahoochee River National Recreation area because:

(a) The new trails offer expanded access to bicycles and bring a unique combination of recreational opportunities to an urban area that is starved for more diverse forms of recreation and ways to connect people with natural resources;

(b) Mountain biking is a popular activity with children and will attract a younger demographic to the park, helping to foster a love for outdoors and national parks; and

(c) The Atlanta chapter of the Southern Off-Road Bicycle Association has a long standing commitment to trail maintenance and education at Chattahoochee River National Recreation Area.

2. Outdoor recreation is difficult to find in the metro Atlanta area and often requires a long trip. This is a chance to increase recreational opportunities close to the city, saving gas and time for local residents.

3. I support expanded bicycle use throughout Chattahoochee River National Recreation Area, which will promote outdoor exercise for individuals and families and reduce congestion on trails currently open to bicycling.

4. Implementing directional travel of bicycles can help to limit user conflict and trail erosion.

5. Bicycling is a healthy, family activity and can reduce obesity among adults and children.

6. Expanded opportunities for mountain biking will increase tourism and benefit local economies.

One comment expressed a limited objection to the proposed rule, which is summarized below along with the NPS response.

1. *Comment:* We are adjacent neighbors to the Sope Creek/Cochran Shoals area and have a view of one of the trails that is proposed to be opened to bicycles. Although bicycles are not currently allowed on the trail, we have observed frequent bicycle use on the trail, which runs down a ridgeline. Cyclists start at the top of the hill and head down the trail at a rapid pace, creating a danger for pedestrians and others at the lower end of the trail. We suggest making bicycle traffic one-way along the trail in the uphill direction, eliminating the potential danger.

Response: The NPS recognizes the potential for conflicts between pedestrians and bicyclists and included language in the proposed rule regarding the implementation of directional traffic for bicycles on the trails in the Cochran Shoals unit. Directional traffic will be implemented on all of the trails included in the loop-style system, which will reduce the potential for congestion and conflict throughout the unit. Specific guidelines for the directional system will be developed and communicated to the public prior to implementation of the new regulation.

Changes From the Proposed Rule

After consideration of the public comments, the park has decided that no changes are necessary in the final rule.

Compliance With Other Laws, Executive Orders and Department Policy Regulatory Planning and Review (Executive Order 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (RFA)

This rule will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). There are no businesses in the surrounding area economically dependent on bicycle use on these trails. The park does not have any bicycle rental concessioners and the users are mainly private individuals using the trails for recreational purposes. This certification is based on the cost-benefit and regulatory flexibility analysis found in the report entitled ''Cost-Benefit and Regulatory Flexibility Analysis: Proposed Regulations for Trail Management in Chattahoochee River National Recreation Area'' which can be viewed on the park's planning Web site, *http://www.nps.gov/chat/parkmgmt/planning.htm,* then clicking on the link entitled ''Chattahoochee River Trail Connection Plan.''

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act (UMRA)

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local or tribal governments or the private sector. It addresses public use of national park lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

Takings (Executive Order 12630)

Under the criteria in section 2 of Executive Order 12630, this rule does not have significant takings implications. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule only affects use of NPS administered lands and waters and has no outside effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on federally recognized Indian tribes and that consultation under the Department's tribal consultation policy is not required. Representatives of the tribes potentially affiliated with CHAT were contacted during the preparation of the EA.

Paperwork Reduction Act (PRA)

This rule does not contain information collection requirements, and a submission under the Paperwork Reduction Act is not required.

National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required because (i) the selected action for the Vickery Creek unit is covered by a categorical exclusion and (ii) we reached a FONSI for the selected actions for the Johnson Ferry South and Cochran Shoals units. We have also determined that this rule does not involve any of the extraordinary

circumstances listed in 43 CFR 46.215 that would require further analysis of the selected action for the Vickery Creek unit under NEPA. A copy of the EA and FONSI can be downloaded from the park's planning Web site, *http://www.nps.gov/chat/parkmgmt/planning.htm,* then clicking on the link entitled ''Chattahoochee River Trail Connection Plan.''

Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects in not required.

Drafting Information

The primary authors of this regulation were Joel Brumm, Chattahoochee River National Recreation Area, and Jay P. Calhoun, Regulations and Special Park Uses, National Park Service.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service amends 36 CFR part 7 as set forth below:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

■ 1. The authority for part 7 continues to read as follows:

Authority: 16 U.S.C. 1, 3, 9a, 462(k); Sec. 7.96 also issued under 36 U.S.C. 501–511, D.C. Code 10–137 (2001) and D.C. Code 50–2201.07 (2001).

■ 2. Add § 7.90 to read as follows:

§ 7.90 Chattahoochee River National Recreation Area.

(a) *Bicycling.* (1) *Where may I ride a bicycle within Chattahoochee River National Recreation Area?* The following routes are designated for bicycle use:

(i) The approximately 500-foot-long segment of paved multi-use trail along the Chattahoochee River located within the boundary of the Vickery Creek unit.

(ii) The approximately 2.2-mile-long multi-use trail in the Johnson Ferry South unit that connects to the bridge underpass at Johnson Ferry Road.

(iii) The approximately 6.7-mile-long loop-style multi-use trail in the Cochran Shoals unit.

(2) *Will the routes be identified on the ground?* Yes, the three trails will be posted at trail junctions indicating they are open to bicycle use.

(3) *Where can I find maps depicting routes designated for bicycle use?* Maps depicting designated bicycle routes are available in the office of the Superintendent and online at *www.nps.gov/chat/planyourvisit/bike-maps.htm.*

(4) *How will the Superintendent manage the designated bicycle routes?* (i) The Superintendent may open or close designated bicycle routes, or portions thereof, or impose conditions or restrictions for bicycle use after taking into consideration public health and safety, natural and cultural resource protection, carrying capacity and other management activities and objectives.

(ii) Following a rain event, the Superintendent may exercise discretion to temporarily close the trails in the Johnson Ferry South and Cochran Shoals units to mitigate soil erosion and water quality impacts from bicycle use.

(iii) The Superintendent will provide public notice of all such actions through one or more of the methods listed in § 1.7 of this chapter.

(iv) Violating a closure, condition, or restriction is prohibited.

(b) [Reserved]

Dated: February 21, 2013.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2013–05250 Filed 3–5–13; 8:45 am]

BILLING CODE 4312–EJ–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0237; FRL–9787–6]

Approval and Promulgation of Implementation Plans; Tennessee; 110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve in part, and conditionally approve in part, the State Implementation Plan (SIP) submission, submitted by the State of Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), to demonstrate that the State meets the infrastructure requirements of Clean Air Act (CAA or Act) for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance, and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. On October 19, 2009, TDEC made a SIP submission to certify that the Tennessee SIP already contains provisions that ensure the 2008 8-hour ozone NAAQS are implemented, enforced, and maintained in Tennessee (hereafter referred to as ''infrastructure submission''). On March 23, 2012, TDEC submitted a letter requesting conditional approval of the infrastructure submission with respect to the requirements in its SIP applicable to state boards. On October 4, 2012, Tennessee submitted a letter requesting conditional approval of infrastructure submission with respect to requirements in its SIP with respect to requirements applicable to its permitting program for prevention of significant deterioration (PSD) increments. With the exception of elements pertaining to PSD increments and state board requirements, Tennessee's infrastructure submission, provided to EPA on October 19, 2009, addresses all the applicable infrastructure SIP requirements for the 2008 8-hour ozone NAAQS. At this time, there are no outstanding infrastructure submission requirements for Tennessee with respect to significant contribution to nonattainment or interference with maintenance of the 2008 8-hour ozone NAAQS.

DATES: *Effective Date:* This rule will be effective April 5, 2013.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0237. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the 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: Nacosta C. Ward, 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. The telephone number is (404) 562–9140. Ms. Ward can be reached via electronic mail at *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background
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I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS.

Section 110(a) of the CAA generally requires states to make a SIP submission to meet applicable requirements in order to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within 3 years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. These SIP submissions are commonly referred to as ''infrastructure'' SIP submissions. Section 110(a) imposes the obligation upon states to make an infrastructure SIP submission to EPA for a new or revised NAAQS, but 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 infrastructure SIP for a new or revised NAAQS affect the content of the submission. The contents of such infrastructure SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 2008 8-hour ozone NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous ozone NAAQS.

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include basic structural SIP elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The applicable infrastructure SIP requirements that are the subject of this rulemaking are listed below.[1]

- 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.[2]
- 110(a)(2)(D)(i)(II): Interstate transport (PSD and visibility prongs).[3]
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency power.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and meet the applicable requirements of part D.[4]
- 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.

On August 22, 2012, EPA proposed to approve Tennessee's October 19, 2009, 2008 8-hour ozone NAAQS infrastructure SIP submission except as it related to section 110(a)(2)(E)(ii), which EPA proposed to approve in part, and conditionally approve in part.[5] *See* 77 FR 50651.

EPA proposed conditional approval in part for element 110(a)(2)(E)(ii) because, while Tennessee's SIP does not currently contain provisions to address the requirements of CAA section 128(a)(1), the State committed in a letter dated March 28, 2012, to submit, within one year, specific enforceable measures to EPA for incorporation into the SIP to address these requirements. EPA proposed approval of the state's infrastructure SIP submission in part, for section 110(a)(2)(E)(ii) because the State's implementation plan already contains adequate provisions to address the requirements of CAA section 128(a)(2). *See* 77 FR 50651; August 22, 2012.

With respect to the PSD requirements of sections 110(a)(2)(C), 110(a)(2)(D)(i)(II) (hereafter referred to as prong 3 of 110(a)(2)(D)(i)),[6] and 110(a)(2)(J) for the 2008 8-hour ozone NAAQS, EPA published a supplemental proposal on December 3, 2012. In this supplemental notice, EPA proposed conditional approval of Tennessee's infrastructure SIP submission for these elements of section 110(a)(2) for the 2008 8-hour ozone NAAQS.[7] *See* 77 FR 71568, December 3, 2012. As described in the supplemental proposal, on October 4, 2012, Tennessee submitted a request for conditional approval of the State's infrastructure SIP submission with respect to sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J), specifically as they relate to PSD program requirements and the State committed to address the SIP deficiencies by submitting specific

[1] Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to other provisions of the CAA for submission of SIP revisions specifically applicable for attainment planning purposes. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA; and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. Today's proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the nonattainment planning requirements of 110(a)(2)(C).

[2] This rulemaking only addresses requirements for this element as they relate to attainment areas.

[3] Today's final rule does not address section 110(a)(2)(D)(i)(I) (the significant contribution to nonattainment prong or the interfere with maintenance prong) for the 2008 8-hour Ozone NAAQS, which as described in greater detail below, EPA does not presently view as a ''required submission'' consistent with the D.C. Circuit Court's recent opinion in *EME City Generation* v. *EPA,* 696 F.3d 7, 31 (D.C. Cir. 2012). In that opinion, the D.C. Circuit Court concluded that a SIP submission to address section 110(a)(2)(D)(i)(I) for a new or revised NAAQS cannot be considered a ''required'' SIP submission until EPA has first defined a state's obligations pursuant to that section. *See EME Homer City,* 696 F.3d at 32 (''A SIP logically cannot be deemed to lack a 'required submission' or deemed to be deficient for failure to meet the good neighbor obligation before EPA quantifies the good neighbor obligation.'')

[4] This requirement as mentioned above is not relevant to today's proposed rulemaking.

[5] As discussed in the proposed rule for today's action, section 110(a)(2)(E)(ii) requires that the SIP include provisions necessary to meet the requirements of section 128 of the CAA. *See* 77 FR 50651.

[6] Section 110(a)(2)(D)(i) includes four requirements referred to as prongs 1 through 4. Prongs 1 and 2 are provided at section 110(a)(2)(D)(i)(I); prongs 3 and 4 are provided at section 110(a)(2)(D)(i)(II). Today's conditional approval only relates to the PSD requirements of section 110(a)(2)(D)(i)(II), also known as prong 3.

[7] EPA originally proposed approval of these elements as they related to PSD requirements. *See* 77 FR 50651. EPA is not taking action to finalize the proposed approvals for these elements, rather, EPA is today taking action to finalize conditional approval for these elements as they relate to PSD requirements based upon the December 3, 2012, supplement proposal. *See* 77 FR 71568. As described in the December 3, 2012, supplemental proposal, Tennessee's SIP currently does not contain the requisite $PM_{2.5}$ PSD increments necessary to satisfy these requirements. Accordingly, EPA is finalizing a conditional approval of Tennessee's infrastructure SIP submission based upon the state's commitment to rectify this concern with respect to this structural deficiency in Tennessee's current PSD program.

enforceable SIP revisions to address $PM_{2.5}$ PSD increments. This letter of commitment meets the requirements of section 110(k)(4) of the CAA. Tennessee's October 4, 2012, letter can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2012–0237.

Finally, EPA notes that this final action on Tennessee's infrastructure SIP submission for the 2008 8-hour ozone NAAQS is required not only by section 110(k), but also by order issued by the U.S. District Court for the Northern District of California in *WildEarth Guardians* v. *Jackson,* Case No. 11–CV–5651 YGR. In an October 17, 2012, order granting partial summary judgment in the case, as modified in a December 7, 2012, order granting in part EPA's motion for an amended order, that court directed EPA to take final action upon the infrastructure SIP at issue in this action by March 4, 2013. With respect to Tennessee, the court specifically ordered EPA to act upon the infrastructure SIP submission made by the state on October 19, 2009, as revised/withdrawn in part on July 3, 2012. The court specifically explained in the December 7, 2012, amended order that ''EPA is being ordered to assess the *remaining* submissions, i.e., the revised SIP from Kentucky and the non-withdrawn portion of the Tennessee SIP.'' (emphasis in the original). Accordingly, EPA is taking final action upon Tennessee's infrastructure SIP for the 2008 8-hour ozone NAAQS in its revised form, which reflects Tennessee's withdrawal of the portion of the original submission intended to address section 110(a)(2)(D)(i)(I). As explained in more detail in response to relevant comments, EPA is addressing the requirements of section 110(a)(2)(D)(i)(I) consistent with the opinion of the D.C. Circuit Court's opinion in *EPA Homer City Generation* v. *EPA,* 696 F.3d 7 (D.C. Cir. 2012).

II. Response to Comments

EPA received no comments on the initial August 22, 2012, notice proposing action on Tennessee's infrastructure SIP submission for the 2008 8-hour ozone NAAQS. EPA received two sets of comments on the December 3, 2012, supplemental proposed rulemaking in which EPA proposed conditional approval of the State's infrastructure SIP submission as meeting the applicable requirements of CAA sections 110(a)(2)(C) and (J), and prong 3 of section 110(a)(2)(D)(i) for the 2008 8-hour ozone NAAQS. A summary of the comments and EPA's responses are provided below.

EPA notes that the majority of the comments received are well beyond the scope of the supplemental proposal which addressed only certain issues associated with PSD rules as they impacted Tennessee's infrastructure submittal for CAA sections 110(a)(2)(C) and (J), and prong 3 of 110(a)(2)(D)(i), for the 2008 8-hour ozone NAAQS. Instead, the comments primarily concerned the interstate transport requirements of section 110(a)(2)(D)(i)(I) (prongs 1 and 2). These requirements were not at issue in either the original August 22, 2012, proposal notice, or the December 3, 2012, supplemental notice, because the State had by this point already withdrawn that portion of the infrastructure SIP submission that was intended to address section 110(a)(2)(D)(i)(I) for the 2008 8-hour ozone NAAQS. As the supplemental proposal specifically provided at footnote 5, EPA is not addressing section 110(a)(2)(D(i)(I) requirements through this action. *See* 77 FR 71568, 71570. Even though EPA may not be obligated to respond to the comments outside the scope of the December 3, 2012, supplemental proposal, EPA nonetheless provides the following responses in order to assist in the public understanding of EPA's final action.

Comment 1: The Commenters contend that under section 110(k) of the Act, EPA must make a finding that Tennessee has failed to submit an interstate transport SIP to meet the requirements of infrastructure element 110(a)(2)(D)(i)(I) (prongs 1 and 2).

Response 1: EPA does not agree with the Commenter. As noted above, this comment is beyond the scope of the supplemental action proposed in the December 3, 2012, rulemaking, which was limited to the above-described PSD-related elements. Moreover, the D.C. Circuit Court's recent opinion in *EME City Generation* v. *EPA,* 696 F.3d 7, 31 (D.C. Cir. 2012), concluded that a SIP submission to address section 110(a)(2)(D)(i)(I) for a new or revised NAAQS cannot be considered a ''required'' SIP submission until EPA has first defined a state's obligations pursuant to that section. *See EME Homer City,* 696 F.3d at 32 (''A SIP logically cannot be deemed to lack a 'required submission' or deemed to be deficient for failure to meet the good neighbor obligation before EPA quantifies the good neighbor obligation.'') On January 24, 2013, the D.C. Circuit issued an order denying all petitions for rehearing of the *EME Homer City* decision. At this time, however, the deadline for asking the Supreme Court to review the D.C. Circuit's decision has not passed and the United States has not yet decided whether to seek further appeal. In the meantime, and unless the *EME Homer City* decision is reversed or otherwise modified, EPA intends to act in accordance with the panel opinion in the *EME Homer City* opinion. Thus, although EPA historically has interpreted section 110(a)(1) of the CAA as establishing the required submittal date for infrastructure SIP submissions to address all of the ''interstate transport'' requirements in section 110(a)(2)(D), including the provisions in section 110(a)(2)(D)(i)(I) regarding significant contribution to nonattainment and interference with maintenance, it would not be consistent with the *EME Homer City* opinion for EPA to make a finding that Tennessee has failed to make a SIP submission to address section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS at this time. *See* 78 FR 2882, 2884–85 (January 15, 2012) (explaining why EPA did not make findings of failure to submit with respect to 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS). Accordingly, EPA is not making a finding of failure to submit for section 110(a)(2)(D)(i)(I) for Tennessee for the 2008 8-hour ozone NAAQS at this time.

Comment 2: One Commenter contends that EPA must disapprove the section 110(a)(2)(D)(i)(I) portion of Tennessee's submittal (referred to by the Commenter as the ''good neighbor'' provisions) because it fails to include adequate provisions to meet the requirements of this subsection.

Response 2: EPA does not agree with the Commenter. First, this comment is beyond the scope of the supplemental action proposed in the December 3, 2012, rulemaking, which was limited to the above-described PSD-related elements. Second, the element of the SIP submission to which the Commenter refers was withdrawn by Tennessee. On July 3, 2012, Tennessee withdrew the portion of its SIP submittal addressing 110(a)(2)(D)(i)(I). Thus, this portion of the submittal is no longer before EPA and the Agency does not interpret the CAA as requiring that EPA take action, either to approve or disapprove under section 110(k), on submissions not before EPA. EPA does not interpret the CAA to mandate that EPA take action on a submission that a state has withdrawn (i.e., withdrawing the request that EPA take action on the submittal). Third, as a result of the decision of the D.C. Circuit in *EME Homer City,* that court has concluded that states, including Tennessee, have no obligation to make a SIP submission to address section 110(a)(2)(D)(i)(I) for a new or revised NAAQS until EPA has first defined a state's obligations pursuant to that section.

As a result, EPA does not agree with the Commenter that EPA has an obligation to disapprove the 110(a)(2)(D)(i)(I) portion of the Tennessee SIP submittal that was withdrawn. The Commenter does not point to any statutory authority which requires EPA to disapprove a non-required SIP submission not presently before EPA, and for which a state has specifically requested that EPA not take action (by formally withdrawing the voluntary submission from EPA review).

In situations where all or a portion of a *required* state submission has been withdrawn following a section 110(k)(1)(B) completeness determination, the Agency has the authority to issue a finding that a state has failed to submit such required submission pursuant to section 110(k)(1)(B). In accordance with the requirements of section 110(c)(1)(A), such a finding of failure to submit a complete required SIP submission would trigger EPA's obligation to promulgate a federal implementation plan unless the state corrected the deficiency. As discussed above in the response to comment 1, however, it would not be consistent with the *EME Homer City* decision for EPA to make a finding of failure to submit for Tennessee with respect to section 110(a)(2)(D)(i)(I) for the 2008 8-hour ozone NAAQS at this time.

Comment 3: The Commenters contend that EPA lacks authority to approve or conditionally approve the balance of Tennessee's infrastructure SIP submission despite the State's withdrawal of the portion of the SIP originally submitted to comply with section 110(a)(2)(D)(i)(I). One Commenter contends that the ''Clean Air Act gives EPA no discretion to approve a SIP without the good neighbor provision on the grounds that it intends to address Tennessee's [section] 110(a)(2)(D)(i)(I) obligations in a separate action. There is no separate action available to EPA under the Clean Air Act to address a state's failure to satisfy its good neighbor obligations aside from the promulgation of a Federal Implementation Plan within two-years pursuant to section 110(c)(1) of the Clean Air Act.''

Response 3: EPA does not agree with the Commenter. Section 110(k)(3) of the Act authorizes EPA to approve a plan in full, disapprove it in full, or approve it in part and disapprove it in part, depending on the extent to which such plan meets the requirements of the Act. Section 110(k)(4) of the Act explicitly authorizes EPA to use conditional approval, consistent with the parameters for such conditional approvals stipulated in that section. This authority to approve the States' SIP revisions in separable parts was included in the 1990 Amendments to the CAA to overrule a decision in the Court of Appeals for the Ninth Circuit holding that EPA could not approve individual measures in a plan submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228, at 22, 1990 U.S.C.C.A.N. 3385, 3408 (discussing the express overruling of *Abramowitz* v. *EPA,* 832 F.2d 1071 (9th Cir. 1987)).

As such, the Agency interprets its authority under sections 110(k)(3) and (k)(4), as affording EPA the discretion to approve or conditionally approve individual elements of Tennessee's infrastructure submission for the 2008 8-hour ozone NAAQS, separate and apart from any action with respect to the requirements of section 110(a)(2)(D)(i)(I) with respect to that NAAQS. EPA views discrete infrastructure SIP requirements, such as the requirements of 110(a)(2)(D)(i)(I), as severable from the other infrastructure elements and interprets section 110(k)(3) as allowing it to Act on individual severable measures in a plan submission. In short, EPA believes that even if the SIP submission for section 110(a)(2)(D)(i)(I) were now relevant, which it is not, it would still have discretion under section 110(k) to act upon the various individual elements of the state's infrastructure SIP submission, separately or together, as appropriate. The Commenters raise no compelling legal or environmental rationale for an alternate interpretation.

Comment 4: The Commenters contend that compliance with the Clean Air Interstate Rule (CAIR) is not relevant to Tennessee's obligation under the CAA to submit a SIP addressing the requirements of section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone NAAQS.

Response 4: EPA agrees with the substance of this comment, but does not agree that it is relevant for this action. As described above, and in the supplemental proposal associated with today's action, EPA is not taking any action through this rulemaking with respect to Tennessee's obligations pursuant to section 110(a)(2)(D)(i)(I) for the 2008 8-hour ozone NAAQS; therefore, this comment is not relevant to today's action. As a general matter, however, EPA agrees that compliance with CAIR is not relevant to a state's obligations under section 110(a)(2)(D)(i)(I) for purposes of the 2008 8-hour ozone NAAQS. CAIR was promulgated by EPA in 2005 to address, for certain states, the requirements of CAA section 110(a)(2)(D)(i)(I) with respect to the 1997 ozone and 1997 annual $PM_{2.5}$ NAAQS. *See* 70 FR 25162. EPA promulgated CAIR long before it promulgated the 2008 8-hour ozone NAAQS, and CAIR did not, in any way, address interstate transport requirements related to the 2008 8-hour ozone NAAQS.[8] For these reasons CAIR is not relevant to Tennessee's section 110(a)(2)(D)(i)(I) obligation with respect to the 2008 ozone NAAQS.

Comment 5: One Commenter notes that EPA proposed to conditionally approve certain portions of Tennessee's infrastructure SIP, while leaving other infrastructure elements to be addressed in a separate rulemaking. The Commenter contends that EPA ''does not have the authority to approve some provisions of a SIP while deferring action on other mandatory provisions once the 12-month mandatory determination deadline to act on an administratively complete SIP submittal has run.'' The Commenter asserts that because Tennessee has withdrawn the ''good neighbor'' provisions of its SIP submittal, the submittal ''fails to include adequate provisions 'prohibiting* * * any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will contribute significantly to nonattainment, or interfere with maintenance by, any other State' with respect to the 2008 8-hour ozone NAAQS.'' Therefore, the Commenter concludes, ''EPA is required to disapprove the 'good neighbor' portions of the Tennessee SIP.'' The Commenter asserts that ''[s]ince the statutory deadline has past under which EPA is required to act on the 2008 8-hour ozone NAAQS SIP submittals, EPA has no authority to indefinitely postpone ruling on all the required infrastructure SIP elements, including the 110(a)(2)(D)(i)(I) portions of Tennessee's SIP submittal.'' The Commenter asserts that this approach is consistent with the logic espoused in an October 17, 2012, court order granting partial summary judgment to the plaintiffs in the case *WildEarth Guardians* v. *Jackson,* Case No. 11–CV–5651 YGR.

Response 5: As an initial matter, EPA does not agree with the Commenter that it is prohibited from acting on portions of an infrastructure SIP submission on an element by element basis, or in whatever combination of elements that

[8] Moreover, in its decision granting the petitions for review of CAIR, the DC Circuit held that compliance with CAIR did not constitute compliance with section 110(a)(2)(D)(i)(I) even for the NAAQS that were addressed by CAIR—namely the 1997 ozone and 1997 annual $PM_{2.5}$ NAAQS. *See North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008).

may be appropriate in a given action. As noted above, the language which Congress ultimately included in section 110(k) allowing EPA to approve a plan in full, disapprove it in full, or approve it in part and disapprove it in part was added to overrule the portion of the decision *Abramowitz* v. *EPA,* 832 F. 2d 1071 (9th Cir. 1987), which held that EPA could not approve individual measures in a plan submission without either approving or disapproving the plan as a whole. *See* S. Rep. No. 101–228 (1989), reprinted at 1990 U.S.C.C.A.N. 3385, 3402.

Further, the Commenter appears to misunderstand what actions EPA is now taking. EPA does not intend to ''indefinitely postpone'' action with respect to the other required elements of Tennessee's infrastructure SIP submission for the 2008 8-hour ozone NAAQS. In the December 3, 2012, supplemental proposal, EPA explained that it had previously proposed approval, on August 22, 2012, for the majority of other sections of Tennessee's 2008 8-hour ozone infrastructure SIP submission relevant to the applicable elements of section 110(a)(2). *See* 77 FR 50651. EPA is today finalizing its proposed approval of the infrastructure SIP submission for those other elements. Notably, the Commenter did not comment on the timing of EPA's action with respect to these other sections of the Tennessee 2008 8-hour ozone infrastructure SIP submission at the time EPA proposed action on those sections. Therefore, the Commenter's concerns regarding the timing of EPA's action on these other elements are not properly raised in comments to the December 3, 2012, rulemaking which was limited to the PSD elements contained sections 110(a)(2)(C) and (J), and prong 3 of 110(a)(2)(D)(i).

In addition, EPA notes that the October 17, 2012, court order referenced by the Commenter was subsequently amended by the court on December 7, 2012, to extend EPA's deadline for action on the Tennessee submittal through March 4, 2013. In that amended order, the court also clarified that it intended EPA to act on Tennessee's October 19, 2009, as revised/withdrawn in part on July 3, 2012. The court specifically explained in the December 7, 2012, amended order that ''EPA is being ordered to assess the *remaining* submissions, i.e., the revised SIP from Kentucky and the non-withdrawn portion of the Tennessee SIP.'' (emphasis in the original). Today's final action, approving in part and conditionally approving in part Tennessee's infrastructure SIP submission, in conjunction with the aforementioned determination not to issue a finding of failure to submit for section 110(a)(2)(D)(i)(I) at this time, consistent with the decision in *EME Homer City,* fully satisfy the Agency's obligations under the December 7, 2012, court order in *WildEarth Guardians* v. *Jackson,* with respect to the Tennessee SIP submittal at issue.

Comment 6: One Commenter argued that EPA should disapprove the SIP submission from Tennessee with respect to section 110(a)(2)(D)(i) for the 2008 ozone NAAQS because ''EPA's own modeling conducted in support of the Cross State Air Pollution Rule * * *identified Tennessee as a state which contributes at least one percent of the 2008 8-hour ozone NAAQS to Maryland's nonattainment.'' Thus, the Commenter argued that EPA's ''delay in disapproving'' the submission would adversely impact the ability of the State of Maryland to provide for attainment of the 2008 ozone NAAQS within that state, consistent with the statutory schedule for attainment of the NAAQS.

Response 6: EPA acknowledges the Commenter's concern that interstate transport of ozone and ozone precursors from upwind states to downwind states may have adverse consequences on the ability of downwind areas to attain the NAAQS in a timely fashion. It is for this reason that EPA attempted, through the Cross State Air Pollution Rule (CSAPR), to address emissions found to contribute significantly to nonattainment of, or interfere with maintenance of, the 1997 ozone NAAQS. The modeling done for CSAPR, however, did not address the 2008 ozone NAAQS and EPA did not, in the CSAPR itself or in the modeling done during development of the rule, draw any conclusions regarding interstate transport with respect to the 2008 ozone NAAQS. Moreover, the D.C. Circuit, in its recent decision vacating the CSAPR, held that states are not required to submit SIPs addressing the requirements of section 110(a)(2)(D)(i)(I) until EPA has quantified their obligation under that provision. *See EME Homer City,* 696 F.3d 7 (D.C. Cir. 2012). The *EME Homer City* decision was issued in August of 2012, and on January 24, 2013, the court denied all petitions for rehearing. At this time, however, the deadline for asking the Supreme Court to review the D.C. Circuit's decision has not passed and the United States has not yet decided whether to seek further appeal. In the mean time, and unless the *EME Homer City* decision is reversed or otherwise modified, EPA intends to act in accordance with the D.C. Circuit's opinion.

Finally, as the *EME Homer City* decision establishes that the Tennessee 110(a)(2)(D)(i)(I) SIP submission was optional, Tennessee remains free not to make such a SIP submission or to withdraw such a submission without penalty. Moreover, EPA has no authority to disapprove an infrastructure SIP submission which is no longer pending before the Agency or to find that a state failed to submit a SIP submission to meet the requirements of section 110(a)(2)(D)(i)(I) at this time under the *EME Homer City* decision.

III. This Action

In this rulemaking, EPA is taking final action to approve Tennessee's infrastructure submission as demonstrating that the State meets the applicable requirements of sections 110(a)(1) and (2) of the CAA for the 2008 8-hour ozone NAAQS, with the exception of sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) pertaining to PSD increments, and the portion of section 110(a)(2)(E)(ii) pertaining to section 128(a)(1) requirements. EPA is taking no action with respect to section 110(a)(2)(D)(i)(I) for the 2008 ozone NAAQS in this rulemaking because no such action is required at this time for this State. EPA will be taking action on 110(a)(2)(D)(i)(I), if required, in a separate future action.

With respect to section 110(a)(2)(E)(ii) specifically pertaining to section 128(a)(1) requirements, EPA is finalizing a conditional approval for this portion of Tennessee's infrastructure SIP submission for the 2008 8-hour ozone NAAQS.

Today's final action to conditionally approve of the portion of element 110(a)(2)(E)(ii) related to the section 128(a)(1) requirements is based upon a March 28, 2012, commitment letter submitted by Tennessee to EPA. Tennessee's March 28, 2012, letter can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2011–0353. Through this letter, Tennessee committed to adopt specific enforceable measures to address current deficiencies in its SIP related to section 128(a)(1) requirements. This letter of commitment meets the requirements of section 110(k)(4) of the CAA, and as such, EPA is relying upon this commitment to conditionally approve section 110(a)(2)(E)(ii) as it relates to the requirements of section 128(a)(1) of the CAA. For more information, see EPA's proposal for today's rulemaking. *See* 77 FR 50651. EPA has previously relied upon Tennessee's March 28, 2012, commitment to conditionally approve section 110(a)(2)(E)(ii) as it relates to the section 128(a)(1) for purposes of the 1997 8-hour ozone NAAQS. *See* 77 FR

42997 July 23, 2012. Pursuant to that earlier conditional approval, Tennessee is committed to providing EPA with the specified SIP revision by no later than July 23, 2013.

Accordingly, for purposes of today's conditional approval of section 110(a)(2)(E)(ii) as it relates to the requirements of section 128(a)(1), Tennessee must submit to EPA by July 23, 2013 (within one year from the date of publication for the final rule that EPA published on July 23, 2012, for the 1997 8-hour ozone NAAQS), a SIP revision adopting the specific enforceable measures related to CAA section 128(a)(1) as described in the State's commitment letter described above. If the State fails to submit this promised SIP revision by July 23, 2013, today's conditional approval will automatically become a disapproval on that date and EPA will issue a finding of disapproval.

With respect to the PSD requirements of elements 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i) and 110(a)(2)(J) for the 2008 8-hour ozone NAAQS, EPA published a supplemental proposal to conditionally approve Tennessee's infrastructure SIP submission, based upon the October 4, 2012, conditional approval request related to these elements for the 2008 8-hour ozone NAAQS. *See* 77 FR 71568. As described in the supplemental proposal, on October 4, 2012, Tennessee submitted a request for conditional approval of sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) as they relate to PSD requirements and committed to address the SIP deficiencies by submitting specific enforceable SIP revisions to address $PM_{2.5}$ PSD increments within one year. This commitment letter meets the requirements of section 110(k)(4) of the CAA. Tennessee's October 4, 2012, letter can be accessed at *www.regulations.gov* using Docket ID No. EPA–R04–OAR–2012–0237. Today's action finalizes conditional approval of the infrastructure SIP submission for these sections of section 110(a)(2), based upon a commitment by Tennessee to submit the necessary SIP revisions to address $PM_{2.5}$ PSD increments. If the State fails to submit these promised SIP revisions by March 6, 2014 today's conditional approval will automatically become a disapproval on that date and EPA will issue a finding of disapproval.

IV. Final Action

EPA is taking final action to approve Tennessee's infrastructure submission, provided to EPA on October 19, 2009, because it addresses the required infrastructure elements for the 2008 8-hour ozone NAAQS with exception of sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) as they relate to PSD requirements, section 110(a)(2)(E)(ii) as it relates to section 128(a)(1) requirements, and section 110(a)(2)(D)(i)(I) as it relates to interstate transport.[9] With the exceptions noted above TDEC has addressed the elements of the CAA 110(a)(1) and (2) SIP requirements pursuant to section 110 of the CAA to ensure that the 2008 8-hour ozone NAAQS are implemented, enforced, and maintained in Tennessee.

With respect to sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) as they relate to PSD requirements, EPA is taking final action to conditionally approve Tennessee's infrastructure SIP in part, based on an October 4, 2012, commitment that TDEC will adopt specific enforceable measures related to PSD increments and submit these revisions as a SIP submission to EPA for approval into the Tennessee's SIP by March 6, 2014.

With respect to section 110(a)(2)(E)(ii) related to section 128(a)(1) requirements, EPA is taking final action to conditionally approve Tennessee's infrastructure SIP in part, based on a March 28, 2012, commitment that TDEC will adopt specific enforceable measures and submit these as a SIP submission to EPA for approval into the Tennessee's SIP by July 23, 2013, to address the applicable portions of section 128(a)(1).

If the State fails to submit these promised SIP revisions by the applicable dates described above, today's conditional approval of Tennessee's infrastructure SIP for the 2008 8-hour ozone NAAQS will automatically be disapproved for the element or elements that the state fails to address on that date and EPA will issue a corresponding finding of disapproval.

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and

[9] As described in the response to comment 1 in Section II above, EPA does not presently view section 110(a)(2)(D)(i)(I) (significant contribution to nonattainment prong and interference with maintenance prong) for the 2008 8-hour Ozone NAAQS, as a ''required submission'' based upon the opinion of the D.C. Circuit in the *EME Homer* case.

the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 6, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 27, 2013.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart RR—Tennessee

■ 2. Section 52.2219 is amended by adding paragraphs (c) and (d) to read as follows:

§ 52.2219 Conditional approval.

* * * * *

(c) *Conditional Approval*—Submittal from the State of Tennessee, through the Department of Environment and Conservation (TDEC), dated October 4, 2012, to address the Clean Air Act (CAA) sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) for the 2008 8-hour Ozone National Ambient Air Quality Standards. EPA is conditionally approving TDEC's submittal with respect to the PSD requirements of CAA sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J), specifically related to the adoption of enforceable provisions for PSD increments as detailed in TDEC's October 4, 2012, commitment letter. Tennessee must submit to EPA by March 6, 2014, a SIP revision adopting specific enforceable measures related to PSD increments as described in the State's letter of commitment.

(d) *Conditional Approval*—Submittal from the State of Tennessee, through the Department of Environment and Conservation (TDEC), dated October 19, 2009, to address the Clean Air Act (CAA) section 110(a)(2)(E)(ii) for the 2008 8-hour Ozone National Ambient Air Quality Standards. With respect to CAA section 110(a)(2)(E)(ii), specifically related to the adoption of enforceable measures contained in CAA section 128(a)(1), EPA published in the **Federal Register** a final rulemaking to conditionally approve TDEC's March 28, 2012, commitment on July 23, 2012. Tennessee must submit to EPA by July 23, 2013, SIP revisions adopting specific enforceable measures related to CAA sections 128(a)(1) as described in the State's letter of commitment.

■ 3. Section 52.2220(e) is amended by adding a new entry ''110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
*	*	*	*	*
110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards.	Tennessee ...	10/19/2009	3/6/2013 [Insert citation of publication].	With the exception of section 110(a)(2)(D)(i)(I) concerning interstate transport; the portions of sections 110(a)(2)(C), prong 3 of 110(a)(2)(D)(i), and 110(a)(2)(J) related to PSD , which are being conditionally approved; and section 110(a)(2)(E)(ii) as it relates to section 128(a)(1), which is being conditionally approved.

[FR Doc. 2013–05112 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60 and 63

[EPA–HQ–OAR–2008–0708, FRL–9756–4]

RIN 2060–AQ58

National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines

Correction

In rule document 2013–01288, appearing on pages 6674–6724 in the issue of Wednesday, January 30, 2013, make the following corrections:

§ 63.6655 [Corrected]

■ 1. On page 6708, the heading in Table 2c to Subpart ZZZZ of Part 63 is corrected read as follows:

Table 2c to Subpart ZZZZ of Part 63. Requirements for Existing Compression Ignition Stationary RICE Located at a Major Source of HAP Emissions and Existing Spark Ignition Stationary RICE ≤500 HP Located at a Major Source of HAP Emissions

■ 2. On page 6708, in the first column of Table 2c to Subpart ZZZZ of Part 63, the entry reading ''4. Non-Emergency, non-black start CI stationary RICE 300>HP≤500.'' is corrected to read ''4. Non-Emergency, non-black start CI stationary RICE 300<HP≤500.''

■ 3. On page 6709, the heading in Table 2c to Subpart ZZZZ of Part 63 is corrected read as follows:

Table 2c to Subpart ZZZZ of Part 63. Requirements for Existing Compression Ignition Stationary RICE Located at a Major Source of HAP Emissions and Existing Spark Ignition Stationary RICE ≤500 HP Located at a Major Source of HAP Emissions—Continued

[FR Doc. C1–2013–01288 Filed 3–5–13; 8:45 am]

BILLING CODE 1505–01–D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 136

[EPA–HQ–OW–2010–0192; FRL–9787–7]

Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures; Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decision.

SUMMARY: EPA discussed, but did not propose, a new method, ASTM D7575, for oil and grease in the 2010 proposed Methods Update Rule (MUR). Oil and grease is a method-defined parameter. That is, the nature and amount of material determined by the method is defined in terms of the method. EPA subsequently published a Notice of Data Availability (NODA) on this method that provided new data and requested comment on whether and how EPA should approve the method in Part 136 as an alternative oil and grease method. This document provides EPA's final decision on its reconsideration of this method.

DATES: March 6, 2013.

FOR FURTHER INFORMATION CONTACT: Jan Matuszko, Office of Science and Technology, Office of Water (4303–T), Environmental Protection Agency, 1200 Pennsylvania Avenue NW.; Washington, DC 20460; telephone number: 202–566–1035; fax number: 202–566–1053; email address: *matuszko.jan@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. CWA Analytical Methods and Limited Use Alternate Test Procedures (ATP) Program

EPA establishes test procedures (also referred to as analytical methods) codified in 40 CFR Part 136 under its authority in section 304(h) of the CWA to promulgate guidelines establishing test procedures for the analysis of pollutants. EPA's regulations provide that, when EPA has promulgated a test procedure for analysis of a specific pollutant in 40 CFR Part 136, an NPDES permittee must use an approved test procedure for the specific pollutant when measuring the pollutant for an application submitted to EPA or to a State with an approved NPDES program and for reports required to be submitted by dischargers under the NPDES program. See 40 CFR § 136.1(a). This approach simplifies the permitting process for hundreds of thousands of NPDES and indirect discharging permittees and permitting authorities. In the absence of an approved test procedure for a specific pollutant (or when an approved test procedure does not work in a specific matrix, e.g., because of a matrix interference), generally, a permit applicant may use any suitable method but must provide the permitting authority a description of the method for evaluation of its suitability. See 40 CFR 122.21(g)(7). However, 40 CFR Part 136 also recognizes that new technologies and approaches are constantly being developed, including methods for pollutants for which EPA already has an approved test procedure. As such, Part 136.5 allows for use of an alternate method for a specific pollutant or parameter in a regulated CWA matrix that is different from the approved test procedure (i.e., limited use approval). Requests for such uses, along with supporting data, are made to the applicable Regional Alternate Test Procedure (ATP) Coordinator for consideration and approval.

B. Oil and Grease

Unlike many parameters, oil and grease is not a unique chemical entity, but is a mixture of chemical species that varies from source to source. Common substances that may contribute to oil and grease include petroleum based compounds such as fuels, motor oil, lubricating oil, soaps, waxes, and hydraulic oil and vegetable based compounds such as cooking oil and other fats. Oil and grease is defined by the method used to measure it (i.e., it is a method-defined analyte). The CWA defines oil and grease as a conventional parameter and hundreds of thousands of NPDES permits and indirect discharging permits contain oil and grease numerical limits. Currently, Part 136 lists two analytical methodologies for the measurement of oil and grease in such discharge permits. Permittees have been using EPA Method 1664A to measure compliance with such discharge limits. Method 1664A is a liquid/liquid extraction (LLE), gravimetric procedure that employs normal hexane (*n*-hexane) as the extraction solvent that is applicable for measuring oil and grease in concentrations from 5 mg/L to 1,000 mg/L. This method also allows the use of solid-phase extraction (SPE) provided that the results obtained by SPE are equivalent to the results obtained by LLE.

C. Method-Defined Analytes

The measurement results obtained for a method-defined analyte are both

specific to that method and solely dependent on the method used. As a consequence, the results obtained for a parameter defined by one particular method are not necessarily directly comparable to results obtained by another method (i.e., the data derived from method-defined protocols cannot be reliably verified outside the method itself). EPA has defined a method-defined analyte in 40 CFR 136.6(a)(5) as ''* * * an analyte defined solely by the method used to determine the analyte. Such an analyte may be a physical parameter, a parameter that is not a specific chemical, or a parameter that may be comprised of a number of substances. Examples of such analytes include temperature, oil and grease, total suspended solids, total phenolics, turbidity, chemical oxygen demand, and biochemical oxygen demand.''

D. EPA's Past Consideration of Alternative Oil and Grease Methods for Adoption in 40 CFR Part 136

Because oil and grease is a method-defined parameter, EPA has not considered promulgating multiple methods to measure oil and grease that are based on different extractants. Moreover, EPA has not considered multiple oil and grease methods that are based on different determinative techniques. The only exception to this was EPA's promulgation of EPA Method 1664A in 1999 to replace EPA Method 413.1 (64 FR 26315), a similar procedure that used Freon® (1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113; Freon-113)) as the extraction solvent. EPA made this exception because Freon® was banned by an international treaty (the Montreal Protocol on Substances That Deplete the Ozone Layer), and until the ban went into effect, EPA allowed either of these oil and grease methods for CWA compliance. In both methods, the determinative technique is gravimetry and the only change was the extraction solvent (n-hexane instead of Freon®).

When EPA promulgated EPA Method 1664A to replace EPA Method 413.1, EPA evaluated a variety of possible replacement extracting solvents in addition to n-hexane. EPA selected n-hexane and promulgated Method 1664A after conducting multi-year, extensive side-by-side studies on a variety of samples representing a wide range of matrices/discharges (see ''Preliminary Report of EPA Efforts to Replace Freon for the Determination of Oil and Grease,'' EPA–821–R–93–011, September 1993, and ''Report of EPA Efforts to Replace Freon for the Determination of Oil and Grease and Total Petroleum Hydrocarbons: Phase II,'' EPA–820–R–95–003, April 1995). In considering which solvent produced results most comparable to results obtained with Freon®, EPA conducted a Root Mean Squared Deviation (RMSD) evaluation of the data collected in the side-by-side studies. None of the alternative solvents produced results statistically comparable to results produced by Freon®. However, EPA concluded at the time that n-hexane was appropriate as an alternative solvent, based on overall extraction results (96% versus 100% for Freon) and analytical practical considerations (e.g., boiling point).

To accommodate concerns about possible differences in results, EPA allowed permitting authorities to establish a conversion factor by having the discharger perform a side-by-side comparison of Method 1664A and the Freon® extraction method and then adjusting the discharge limits, if necessary, to account for differences in the permit. EPA further recommended a specific process to follow for the side-by-side comparison in the guidance document for Method 1664A (see ''Analytical Method Guidance for EPA Method 1664A Implementation and Use (40 CFR part 136),'' EPA/821–R–00–003, February 2000).

E. Proposed 2010 Methods Update Rule (MUR)

On September 23, 2010, EPA proposed to add new and revised EPA methods to its Part 136 test procedures (75 FR 58024). Among other methods, in the September 2010 proposal, EPA described three oil and grease methods published by ASTM International or the Standard Methods Committee that require a different extractant and/or a different measurement (i.e., determinative) technique than the existing Part 136 oil and grease methods. These methods were ASTM D7575, ASTM D7066 and Standard Methods 5520. Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) of 1995 (Pub. L. 104–113; 15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or is otherwise impractical. As such, when requested by ASTM and Standard Methods to include their methods in 40 CFR Part 136, EPA may propose to approve a method or explain why it should or should not do so. The proposal explained the issues surrounding method-defined parameters, and explained that, consistent with past practices, EPA was not proposing to include any of the three oil and grease methods in Part 136, including ASTM D7575.

F. December 2011 Notice of Data Availability (NODA)

In response to the September 2010 proposal, EPA received comments recommending that it reconsider alternative methods for oil and grease. Some of the comments focused exclusively on the oil and grease method ASTM D7575. Unlike EPA Method 1664A which uses n-hexane as the extractant and gravimetry for the measurement of the extracted materials, ASTM D7575 uses an extracting membrane followed by infrared measurement of the sample materials that can be retained on the membrane. In particular, commenters cited that ASTM D7575 is solvent free and provides reliable and comparable results to EPA Method 1664A. These commenters submitted additional information on the health hazards associated with hexane as well as additional single laboratory comparability data between Method 1664A and ASTM D7575 and on additional matrices tested after the initial comparability study and associated statistical analysis.

Because EPA is interested in promoting the use of solvent-free methods and this new information, EPA re-evaluated the ASTM D7575 method for the measurement of oil and grease and published a Notice of Data Availability on December 14, 2011 (76 FR 77742). The notice provided the additional data and EPA's analysis of that data. Further, it explained that, after evaluating the new information, EPA was re-considering its decision not to include ASTM D7575 in 40 CFR Part 136 as an alternative to EPA Method 1664A for measuring oil and grease. The notice explained that EPA had three primary reasons for this re-consideration. First, EPA's analysis demonstrates ASTM D7575 is an acceptable stand alone method for the measurement of oil and grease in wastewater for its applicable reporting range (5–200 mg/L). Second, it produces results that, while not statistically comparable across all matrices tested,[1] are generally very close to those obtained using EPA Method 1664A for the matrices tested. Third, EPA supports pollution prevention, and is particularly persuaded by the substantial advantages associated with the green aspects of this membrane technology (e.g., it uses a solventless extraction, there is no

[1] Similar to the approach it used when it replaced Freon with hexane, EPA performed a RMSD evaluation of the ASTM D–7575 results and EPA Method 1664A results for the available matrices evaluated. See 76 FR 77745.

solvent waste, and no exposure of the analyst to solvent).

However, the notice also discussed implementation considerations associated with promulgating an alternative method based on a different determinative step for a method-defined parameter. EPA recognized the potential impact that this new method could have on the hundreds of thousands of oil and grease determinations in regulatory Clean Water Act programs, and, as such, was keenly interested in obtaining additional input from stakeholders. Therefore, the notice explained that, while EPA determined that the results of the EPA 1664A and ASTM D7575 are comparable over the applicable range where the two methods overlap (5–200 mg/L) for the set of the 13 wastewater matrices evaluated, it continued to have compliance concerns with promulgating the ASTM method for nationwide use as an alternative to EPA Method 1664A. More specifically, because oil and grease measures a wide variety and type of individual compounds and because oil and grease is extensively incorporated in permits covering a wide variety of wastewater matrices, the result of promulgating the ASTM D7575 method as an alternative to EPA Method 1664A is that a permittee could be in or out of compliance simply due to a change in the test method used to evaluate samples.

Finally, through the notice, EPA requested comment on its conclusion that ASTM D7575 is an acceptable choice for the determination of oil and grease, and whether it should reconsider its policy towards method-defined parameters for this particular method. In particular, the notice requested comment on whether or not EPA should reconsider promulgating this specific additional method for oil and grease based on different extractants and determinative techniques than EPA Method 1664A. Further, in the event that EPA were to promulgate this specific alternative method, the notice requested comment on some approaches that could ensure comparability for individual permittees (e.g., EPA requested comment on the need for a permit adjustment based on side-by-side comparison of Methods 1664A and ASTM D7575).

G. Summary of NODA Comments

EPA received comments from 106 stakeholders. Approximately, a third expressed support for nationwide approval of the ASTM D7575 method as an alternative oil and grease method. In general, these comments were similar to those received on EPA's proposal: ASTM D7575 is ''green'' (e.g., less hazardous waste, no exposure to toxic chemicals), it is easier, faster, less expensive and potentially portable in comparison to EPA 1664A, and it produces results substantially in agreement with Method 1664A. About two-thirds of the comments recommended EPA not approve it for use as an alternative oil and grease method. Some comments were specific to the sampling requirements and sample preparation procedures of the method, raising technical concerns such as the representativeness of the 10 mL aliquot and concerns over the drying procedures. Some comments were more overarching such as comments that ASTM D7575 had not been tested in a sufficient number of matrices. Others were specific to the consideration of the ASTM D7575 method as an alternative to EPA method 1664A, such as the applicable range of the ASTM D7575 method (5 to 200 mg/L) was limited in comparison to EPA Method 1664A. Some noted that the ASTM method did not produce statistically comparable results to EPA Method 1664A and EPA should retain its policy not to approve alternative methods for method-defined parameters that are not based on the same determinative step. Finally, many shared the concerns raised in the notice about implementing ASTM D7575 on a nationwide basis as an alternative oil and grease method and the possibility that a discharger could be in or out of compliance simply by changing the method.

III. Final Determination on ASTM D7575 as an Alternative to Existing Part 136 Oil and Grease Methods

As explained in the NODA, EPA's consideration of ASTM D7575 represents a unique situation. Because oil and grease is a method-defined parameter, EPA has not considered promulgating multiple methods to measure oil and grease that are based on different extractants. Moreover, EPA has not considered multiple oil and grease methods that are based on different determinative techniques. The only exception to this was EPA's promulgation of EPA Method 1664A to replace Method 413.1, a similar procedure that used (the internationally banned extraction solvent) Freon®. Thus, EPA's consideration of ASTM D7575 as an alternative oil and grease method represents a new path for EPA. As is always the case, EPA proceeded carefully, with a particular focus on the underlying data. This consideration is specific to ASTM D7575 and should not be interpreted broadly to other oil and grease methods that use different extractants and/or determinative techniques, or more generally to other method-defined analytes. If EPA receives similar requests for other methods, it will evaluate each one individually.

A. ASTM D7575 Is a Good Stand Alone Method for the Measurement of Oil and Grease in Aqueous Matrices

After careful consideration of all the comments received on the NODA, EPA continues to conclude that ASTM D7575 is a good stand alone method for the measurement of oil and grease as defined by the method. The method was single- and multi-lab tested following ASTM Standard Practice D2777 (Standard Practice for the Determination of Precision and Bias of Applicable Test methods of Committee D19 on Water) and produced recoveries and precision as good as or better than EPA Method 1664A for those matrices tested and in the range of ASTM D7575 applicability (5–200 mg/L). Further, EPA is not persuaded by the technical comments it received on the method itself. For example, the representativeness of a well homogenized sample used was adequately demonstrated by the replicate studies in the validation tests. See docket number EPA–HQ–OW–2010–0192 for responses to these and all other NODA comments.

B. ASTM D7575 as an Alternative Oil and Grease Method in 40 CFR Part 136

After careful consideration of all the comments received on the NODA, EPA concludes that the case has not yet been made that ASTM D7575 should be approved for nationwide use as an alternative oil and grease method. EPA has multiple reasons supporting this conclusion. First, ASTM D7575 is not applicable to the same range and matrices as the existing Part 136 oil and grease methods. ASTM D7575 is applicable for measuring oil and grease from 5 mg/L to 200 mg/L while EPA Method 1664A is applicable for measuring oil and grease from 5 mg/L to 1,000 mg/L. Additionally, as explained in Note 2 in the method, ASTM D7575 is not appropriate for certain samples where the solid matter is not sufficiently IR transmitting, such as those that contain high levels of metal particulates. Further, EPA Method 1664A also quantifies non-polar oil and grease (SGT–HEM) while ASTM D–7575 does not.

Second and more importantly, EPA continues to share the concerns raised by many commenters. Given that the two methods measure a method-defined parameter, by definition, they cannot measure the same thing. Consequently, because of the wide variety and type of

individual compounds that may be measured as oil and grease and because oil and grease is extensively incorporated in permits covering a wide variety of wastewater matrices, a permittee could be in or out of compliance simply due to a change in the test method used to evaluate samples. EPA continues to conclude such concerns are well founded for the following reasons. First, oil and grease is a method-defined parameter. That is, the results are dependent on the particular method used. As ASTM D7575 uses a different determinative step than the existing approved methods, one would not expect the results to be the same for all applications. Second, the results of ASTM D7575 have been evaluated on a relatively limited number of matrices (13) in comparison to the extensive number and types of possible applications. In contrast, when EPA promulgated Method 1664A to replace the previous Freon-based method, it evaluated the two methods on a much more extensive and wide variety of matrices (approximately 35). Third, the data evaluated to date demonstrate that while ASTM D7575 produces results that are generally very close to the approved method for the set of matrices evaluated, they are not statistically comparable results. As such, the concerns that the two methods may produce different results are well founded.

However, EPA also recognizes that a blanket conclusion that one can never promulgate new methods for method-defined parameters based on a different determinative technique leaves little room for technology improvements. Furthermore, EPA is keenly interested in supporting the development and use of ''green'' methods such as ASTM D7575 that do not require solvents. As such, EPA considered various approaches for allowing its use as an alternative to approved methods while minimizing the well founded concern that the two methods may affect compliance. In other words, in those applications where the two methods produce results that are comparable enough not to affect compliance, EPA wants to encourage the use of non-solvent based methods such as ASTM D7575. On the other hand, EPA wants to prevent the use of ASTM D7575 in those applications where the two methods differ in their results and have the potential to affect a facility's compliance status. Here, there simply is not enough data to make a nationwide determination. Until such time that EPA has enough data to make such a determination, EPA has concluded such determinations should be made on a case by case basis rather than a nationwide basis. As a result, EPA has decided not to approve ASTM D7575 as an alternative oil and grease method in Part 136.

EPA also considered a novel approach in which it would approve ASTM D7575 as an alternative oil and grease method in Part 136 with a requirement to demonstrate comparability (side-by-side data) to the permitting authority. To determine comparability for a specific application, a permittee could use the specific side by side comparison procedures recommended in the guidance document that was developed when Method 1664A was promulgated (see''Analytical Method Guidance for EPA Method 1664A Implementation and Use (40 CFR part 136),'' EPA/821–R–00–003, February 2000). Under this approach, a permittee would only be able to use ASTM D7575 if the recommended procedures demonstrated comparability. This approach would provide for a non-solvent based alternative to measuring oil and grease and eliminate the compliance concerns noted above. This approach would be novel because EPA has never approved a method for nationwide use with such a requirement. As explained in Section II.A, the purpose of promulgating Part 136 methods for nationwide use is to simplify the permitting process and reduce burden to the permittees and the permitting authority (often the state). As a result, EPA consulted with various permitting authorities on this consideration. Feedback from permitting authorities indicated that reviewing side by side comparison data would be a huge burden on the states and that many POTWs lack both the expertise and staff to conduct a side by side comparison. As a result, EPA rejected this approach.

C. ASTM D7575 as an Alternative Oil and Grease Method in Permit Specific Applications

In EPA's effort to promote the use of newer and more efficient methods, EPA looked at a third option—the use of EPA's Alternate Test Procedures process spelled out in the regulations at 40 CFR 136.5. EPA considered this approach for encouraging and allowing the use of ASTM D7575 while eliminating the associated compliance concerns using existing regulatory authority. As explained in Section F, EPA recognizes that new technologies and approaches are constantly being developed and, as such, Part 136 currently allows for permittees to gain approval of the use of an alternate method for a specific application at a facility or type of discharge that is different from the approved test procedure. Therefore, the authority already exists under § 136.5 for a permittee to request the use of ASTM D7575 as an alternative oil and grease method for a specific use (i.e. limited use ATP). The burden to review such requests rests on the EPA Regional ATP Coordinators rather than the permitting authority which is often a state or a local control authority. As such, EPA encourages permittees to carefully consider whether or not ASTM D7575 is an acceptable alternative to the existing methods for their specific matrix and, if supported by data, to make such requests to their Regional ATP Coordinator. To the extent that such requests are widespread, EPA headquarters will provide technical support to the Regional ATP Coordinators.

Part 136 already stipulates that an applicant must provide comparability data for the performance of the proposed method compared to the reference method to eliminate compliance concerns. EPA anticipates that requests for the use of ASTM D7575 as an alternative oil and grease method could be widespread, thus EPA wants to ensure that such requests are handled consistently. To that end, EPA recommends that applicants demonstrate comparability by conducting a side-by-side comparison using the specific procedures (e.g. sampling frequency, number of samples, QA/QC, and statistical analyses) recommended in the guidance document that was developed when Method 1664A was promulgated [Analytical Method Guidance for EPA Method 1664A Implementation and Use (40 CFR part 136), EPA/821–R–00–003, February 2000]. Comparability could be shown if this side by side comparison demonstrates there is not a significant difference between the promulgated method and ASTM D7575. Finally, EPA notes that such requests may provide sufficient additional data that may allow EPA at a later date to later make a nationwide determination on the approval of ASTM D7575 as an alternative oil and grease method.

IV. New Docket Materials

1. Response to Comment document
2. Response from ASTM re: technical questions
3. Memo describing outreach to states and control authorities on burden
4. May 14, 1999 **Federal Register** (64 FR 26315)
5. ''Analytical Method Guidance for EPA Method 1664A Implementation and Use (40 CFR

part 136),'' EPA/821–R–00–003, February 2000

Dated: February 27, 2013.

Nancy K. Stoner,

Acting Assistant Administrator.

[FR Doc. 2013–05248 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2011–0357; FRL–9373–9]

Fenpyrazamine; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fenpyrazamine in or on multiple commodities which are identified and discussed later in this document. Valent U.S.A. Corporation and Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective March 6, 2013. Objections and requests for hearings must be received on or before May 6, 2013, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2011–0357, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Gene Benbow, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0235; email address: *benbow.gene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2011–0357 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 6, 2013. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b). In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2011–0357, by one of the following methods:

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 6, 2011 (76 FR 39358) (FRL–8875–6) and of July 20, 2011 (76 FR 43233) (FRL–8880–1), EPA issued documents pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of pesticide petitions (PP 1F7841) by Valent U.S.A. Corporation, 1600 Riviera Ave., Suite 200, Walnut Creek, CA 94596 and PP 1E7850 by IR–4, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petitions requested that 40 CFR part 180 be amended by establishing tolerances for residues of the fungicide fenpyrazamine, S-allyl 5-amino-2-isopropyl-4-(2-methylphenyl)-3-oxo-2,3-dihydropyrazole-1-carbothioate, in or on: Almond at 0.02 parts per million (ppm); almond, hulls at 1.5 ppm; lettuce, head at 2.5 ppm; lettuce, leaf at 2.5 ppm; small fruit vine climbing subgroup, except fuzzy kiwi fruit, crop subgroup 13–07F at 3.5 ppm; grape, juice at 7.0 ppm; grape, raisins at 4.5 ppm; low growing berry subgroup 13–07G at 3.0 ppm (PP 1F7841); pistachio at 0.02 ppm; Caneberry subgroup 13–07A at 7.0 ppm; Bushberry subgroup 13–07B at 7.0 ppm; and ginseng at 0.80 ppm (PP 1E7850). Those documents referenced a summary of the petitions prepared by Valent U.S.A. Corporation, the registrant, which are available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notices of filing.

Based upon review of the data supporting the petition, EPA has determined that the tolerances should be based upon parent fenpyrazamine only, has revised the tolerance levels for several commodities, and determined a tolerance is not needed for raisins. The reason for these changes is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue * * *.'' Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fenpyrazamine including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with fenpyrazamine follows.

A. Toxicological Profile

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

The principal toxicological findings for fenpyrazamine in repeated dose studies in rodents, rabbits, and dogs were reduced bodyweights/bodyweight weight gains. In addition, thyroid follicular cell hypertrophy was observed in rats in the subchronic, chronic/carcinogenicity and reproduction toxicity (parental animals only) studies. Although increased liver weights, hepatocellular hypertrophy, and alterations in hematology and clinical chemistry parameters were observed in several studies, they were not considered to be toxicologically relevant since the magnitude of the changes was within normal variability. The liver alterations were therefore considered adaptive rather than adverse effects.

There was no evidence of increased susceptibility of developing organisms after *in utero* or post-natal exposure to fenpyrazamine in the developmental toxicity studies (rats and rabbits) or the multi-generation reproduction toxicity study. In both the rat and rabbit developmental studies, maternal effects (decreased body weight) occurred at doses lower than or equal to those eliciting developmental effects (decreased fetal weight, skeletal variations in rats and late abortions and premature deliveries in rabbits). Since the late abortions and premature deliveries occurred at doses higher than the maternal LOAEL, this finding is not considered to be indicative of susceptibility. In the multi-generation reproduction toxicity study, thyroid toxicity was observed in parental animals at the same dose eliciting decreased body weights in the offspring. Reproductive effects manifested as decreases in implantations and increases in postimplantation loss occurred at a dose level approximately 4x higher than the parental and offspring LOAELs.

The only potential sign of neurotoxicity was a decrease in total motor activity and total number of rearings observed in the acute neurotoxicity study in rats. However, given that the liver is the target tissue, these effects may be nonspecific effects secondary to general toxicity. These effects were not observed in the subchronic neurotoxicity or any other studies in the database.

In a 28-day dermal toxicity study, no hazard was identified at the limit dose 1,000 milligrams/kilogram/day (mg/kg/day). Similarly, an immunotoxicity study in rats did not indicate that the immune system is a target for fenpyrazamine toxicity.

Although an increase in the incidence of hepatocellular and thyroid follicular carcinomas was noted in the chronic/carcinogenicity study in rats, the concern for these findings is low based on the following weight of evidence considerations:

1. The marginal increases occurred only at the high dose;

2. There was no reduction in the latency period (i.e., tumors were seen only at the terminal sacrifice); and

3. The incidences were only slightly outside the historical control range of the testing laboratories.

In addition, no neoplastic lesions attributable to treatment were observed in the carcinogenicity study in mice and no indication of mutagenicity was noted in the mutagenicity battery. Based on this evidence, in accordance with the Agency's 2005 Guidelines for Cancer Risk Assessment, EPA classified fenpyrazamine as ''Not Likely to be Carcinogenic to Humans''.

Specific information on the studies received and the nature of the adverse effects caused by fenpyrazamine as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in section 4.5.4 in the document ''Human Health Risk Assessment for the Section 3 Registration and Establishment of Tolerances on Almond, Small Fruit Climbing Subgroup 13–07F, Head and Leaf Lettuce, and Low Growing Berry Subgroup 13–07G, Bushberry Subgroup 13–07B, Caneberry Subgroup 13–07A, Ginseng, and Pistachio'' in docket ID number EPA–HQ–OPP–2011–0357.

B. Toxicological Points of Departure/Levels of Concern

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

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

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

Exposure/Scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children and females 13–49 years of age).	NOAEL = 80 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Acute RfD = 0.8 mg/kg/day aPAD = 0.8 mg/kg/day	Acute Neurotoxicity Screening Battery—Rats. LOAEL = based on a statistically significant decrease in total motor activity (total distance) in males at 400 and 2,000 mg/kg/day on day 1. Number of rearings was statistically decreased in males at 400 and 2,000 mg/kg/day, and in females at 2,000 mg/kg/day on day 1.
Chronic dietary (All populations)	NOAEL = 30 mg/kg/day UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.3 mg/kg/day cPAD = 0.3 mg/kg/day	Developmental Toxicity Study in Rabbits. Maternal LOAEL = 50 mg/kg/day [based on decreased body weight and food consumption].
Cancer (Oral, dermal, inhalation)	Fenpyrazamine is classified as "Not Likely to be Carcinogenic to Humans".		

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = FQPA Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. LOC = level of concern. N/A = not applicable.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fenpyrazamine, EPA considered exposure under the petitioned-for tolerances in 40 CFR 180. EPA assessed dietary exposures from fenpyrazamine in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for fenpyrazamine. In estimating acute dietary exposure, EPA used food consumption information from the 2003 to 2008 United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). For residue levels in food, EPA assumed 100 percent crop treated (PCT) and tolerance level residues of parent fenpyrazamine plus the maximum residue of S–2188–DC (expressed as parent fenpyrazamine) observed in the crop field trials for the proposed uses.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the 2003 to 2008 United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). For residue levels in food, EPA assumed 100 PCT and tolerance level residues of parent fenpyrazamine plus the maximum residue of S–2188–DC (expressed as parent fenpyrazamine) observed in the crop field trials for the proposed uses.

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

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for fenpyrazamine. Tolerance level residues and 100 PCT were assumed for all food commodities.

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

Based on the Tier 1 FQPA Index Reservoir Screening Tool (FIRST v. 1.1.1, released March 26, 2008) for surface water and the Screening Concentration in Ground Water (SCI–GROW) model for ground water, the estimated drinking water concentrations (EDWCs) of fenpyrazamine for acute exposures are estimated to be 213.5 parts per billion (ppb) for surface water and 1.31 ppb for ground water. The chronic exposures are estimated to be 72.5 ppb for surface water and 1.31 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 213.5 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 72.5 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Fenpyrazamine is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found fenpyrazamine to share a common mechanism of toxicity with any other substances, and fenpyrazamine does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that fenpyrazamine does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants

and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of increased pre- and/or postnatal susceptibility based on the results of the rat and rabbit prenatal developmental toxicity studies, and the rat 2-generation reproductive toxicity study.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

i. The toxicity database for fenpyrazamine is complete.

ii. There is no evidence of increased pre- and/or postnatal susceptibility for fenpyrazamine.

iii. There is no residual uncertainty in the exposure database for fenpyrazamine with respect to dietary (food and water) exposure. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues of parent fenpyrazamine plus the maximum reside of the metabolite S–2188–DC, empirical concentration factors and default processing factors. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to fenpyrazamine in drinking water. These assessments will not underestimate the exposure and risks posed by fenpyrazamine.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the aPAD and chronic population-adjusted dose (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-term, intermediate-term, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists. Since there are no residential uses proposed for fenpyrazamine, the aggregate risks are equal to the dietary and drinking water assessments.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fenpyrazamine will occupy 9.2% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to fenpyrazamine from food and water will utilize 7.3% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure.

3. *Short-term and intermediate-term risk.* Short-term and intermediate-term aggregate exposure takes into account short-term or intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Fenpyrazamine is not registered for any use patterns that would result in short-term or intermediate-term residential exposure. Short-term and intermediate-term risk is assessed based on short-term or intermediate-term residential exposure plus chronic dietary exposure. Because there is no short-term or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-term or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term and intermediate-term risk for fenpyrazamine.

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

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Parent fenpyrazamine only is the residue of concern for tolerance enforcement purposes. Valent U.S.A. Corporation has submitted the results of an independent laboratory validation (ILV) by liquid chromatography and mass spectrometry (LC/MS/MS), Method RM–45C–1, titled ''Determination of S–2188 and S–2188–DC in crops''. The method is considered adequate for enforcement of tolerances in plant commodities.

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

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Fenpyrazamine is a new active ingredient and MRLs have not been established by Codex, Canada, or Mexico for the commodities proposed for registration in the US.

C. Revisions to Petitioned-For Tolerances

The Agency established parent fenpyrazamine only as the residue of concern for tolerance enforcement in plants and tolerances were recommended accordingly. These differ from the tolerances proposed by the registrant, which are based on residues of parent fenpyrazamine and the metabolite S–2188–DC expressed as fenpyrazamine. In addition, the Organization for the Economical Cooperation and Development (OECD) calculation procedures were used to estimate the tolerances and based on these procedures, the Agency has determined that the lettuce, head tolerance should be lowered from 2.0 to 1.5 ppm; lettuce, leaf from 2.5 ppm to 2 ppm; Caneberry subgroup 13–07A from 7.0 ppm to 5 ppm; Bushberry subgroup 13–07B from 7.0 ppm to 5 ppm; small fruit vine climbing subgroup except fuzzy kiwi fruit, subgroup 13–07F from 3.5 ppm to 3 ppm; and grape, juice from 7.0 ppm to 4 ppm. Finally, the submitted grape processing data indicate that residues of parent fenpyrazamine only concentrate in raisins at 1.1x. Therefore, the concentration factor for raisin is not

high enough to justify the need of a separate tolerance for raisins.

V. Conclusion

Therefore, tolerances are established for residues of fenpyrazamine, S-allyl 5-amino-2-isopropyl-4-(2-methylphenyl)-3-oxo-2,3-dihydropyrazole-1-carbothioate, in or on Almond at 0.02 ppm; almond, hulls at 1.5 ppm; pistachio at 0.02 ppm; lettuce, head at 1.5 ppm; lettuce, leaf at 2 ppm; Caneberry subgroup 13–07A at 5 ppm; Bushberry subgroup 13–07B at 5 ppm; small fruit vine climbing subgroup except fuzzy kiwi fruit, subgroup 13–07F at 3 ppm; grape, juice at 4 ppm; low growing berry subgroup 13–07G at 3 ppm; and ginseng at 0.7 ppm.

VI. Statutory and Executive Order Reviews

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

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

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 21, 2013.

Steven Bradbury,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In subpart C, add § 180.671 to read as follows:

§ 180.671 Fenpyrazamine; tolerances for residues.

(a) *General.* Tolerances are established for residues of the fungicide fenpyrazamine, in or on the following commodities. Compliance with the tolerance levels specified in the following table is to be determined by measuring only fenpyrazamine S-allyl 5-amino-2-isopropyl-4-(2-methylphenyl)-3-oxo-2,3-dihydropyrazole-1-carbothioate, in or on the following commodities:

Commodity	Parts per million
Almond	0.02
Almond, hulls	1.5
Berry, low growing, subgroup 13–07G	3
Bushberry subgroup 13–07B	5
Caneberry subgroup 13–07A	5
Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F	3
Ginseng	0.7
Grape, juice	4
Lettuce, head	1.5
Lettuce, leaf	2
Pistachio	0.02

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 2013–04813 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 120918468–3111–02]

RIN 0648–XC536

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the 2013 total allowable catch of pollock in the West Yakutat District of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 3, 2013, through 2400 hours, A.l.t., December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the

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

The 2013 total allowable catch (TAC) of pollock in the West Yakutat District of the GOA is 3,385 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish of the GOA (78 FR 13162, February 26, 2013).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2013 TAC of pollock in the West Yakutat District of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,335 mt and is setting aside the remaining 50 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in the West Yakutat District of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in the West Yakutat District of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 28, 2013.

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

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

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

Dated: March 1, 2013.

Kara Meckley,

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

[FR Doc. 2013–05174 Filed 3–1–13; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 44
Wednesday, March 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.

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2011–BT–STD–0006]

RIN 1904–AC43

Energy Conservation Program: Availability of the Preliminary Technical Support Document for General Service Fluorescent Lamps and Incandescent Reflector Lamps

Correction

In proposed rule document 2013–04711, appearing on pages 13563–13566 in the issue of Thursday, February 28, 2013, make the following correction:

On page 13563, in the second column, in the sixth paragraph, on the first and second lines, ''*GSFL-IRL_2011-STD-0006@ee.doe.gov*'' should read ''*GSFL-IRL_2011-STD-0006@ee.doe.gov*''.

[FR Doc. C1–2013–04711 Filed 3–5–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0220; Directorate Identifier 2013–CE–002–AD]

RIN 2120–AA64

Airworthiness Directives; Slingsby Sailplanes Ltd. Sailplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Slingsby Sailplanes Ltd. Models Dart T.51, Dart T.51/17, and Dart T.51/17R sailplanes equipped with aluminum alloy spar booms that would supersede an existing AD. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as an incident of glue joint failure on a starboard wing caused by water entering the area of the airbrake box that resulted in delamination and corrosion in the area of the aluminum alloy spar booms and the wing attach fittings. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 22, 2013.

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

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

For service information identified in this proposed AD, contact Slingsby Advanced Composites Ltd., Ings Lane, Kirkbymoorside, North Yorkshire, England YO62 6EZ; telephone: +44(0)1751 432474; Internet: none. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0220; Directorate Identifier 2013–CE–002–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On October 22, 1998, we issued AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998), Slingsby Aviation Ltd. has revised the related service information to remove the 5-year repetitive ''cutout'' inspection and to add a repetitive annual inspection using an endoscope. The endoscope inspection method would be done using existing drain holes in the lower wing skin.

Using revised service information is mandatory within the United Kingdom airworthiness system. It is not necessary for the Civil Aviation Authority (CAA), which is the aviation authority for the United Kingdom, to issue an AD to mandate the use of new service information.

Proposing AD action is the only way the FAA can mandate the use of new service information; however, owners/

operators may request approval from the FAA to use an alternative method of compliance (AMOC).

Several U.S. operators have complained that the repetitive 5-year ''cutout'' inspection in the wooden wing skin, currently required by AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998), was by default growing larger and larger with each inspection.

We have determined that the current 5-year repetitive ''cutout'' inspections will eventually weaken the wing structure and could result in an unsafe condition. We concur with the change to the annual endoscope inspection.

Relevant Service Information

Slingsby Aviation Ltd. has issued Technical Instruction T.I. No. 109/T51, Issue 3, dated August 21, 2000. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 10 products of U.S. registry. We also estimate that it would take about 40 work-hours per product to comply with the initial inspection requirement retained from AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998) in this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the initial inspection proposed in this AD on U.S. operators to be $34,000, or $3,400 per product.

We also estimate that it would take about 2 work-hours per product to comply with the new repetitive inspection requirement in this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the new repetitive inspection proposed in this AD on U.S. operators to be $1,700, or $170 per product.

We have no way of determining the number of repetitive inspections an owner/operator will incur over the life of the sailplane or the number of sailplanes that will need repairs.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–10863 (63 FR 58624, November 2, 1998), and adding the following new AD:

Slingsby Sailplanes Ltd.: Docket No. FAA–2013–0220; Directorate Identifier 2013–CE–002–AD.

(a) Comments Due Date

We must receive comments by April 22, 2013.

(b) Affected ADs

This AD supersedes AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998).

(c) Applicability

This AD applies to Slingsby Sailplanes Ltd. Models Dart T.51, Dart T.51/17, and Dart T.51/17R sailplanes, that are:

(1) Equipped with aluminum alloy spar booms; and

(2) Certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 57: Wing.

(e) Reason

This AD was prompted by an incident of glue joint failure on a starboard wing caused by water entering the area of the airbrake box that resulted in delamination and corrosion in the area of the aluminum alloy spar booms and the wing attach fittings. The manufacturer has also issued revised service information that changes the repetitive inspection interval and method. We are issuing this AD to prevent failure of the spar assembly and adjoining structure, which could result in reduced controllability or complete loss of control.

(f) Actions and Compliance Retained From AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998)

Unless already done, do the following actions:

(1) Within the next 6 calendar months after December 14, 1998 (the effective date retained from AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998)), inspect the aluminum alloy spar booms and the wing attach fittings for delamination or corrosion damage following the ACTION section of Slingsby Aviation Ltd. Technical Instruction T.I. No. 109/T51, Issue No. 2, dated October 7, 1997, or the ACTION section of Slingsby Aviation Ltd. Technical Instruction T.I. No. 109/T51, Issue 3, dated August 21, 2000.

Note to paragraph (f)(1) of this AD: Slingsby Aviation Ltd. Technical Instruction T.I. No. 109/T51, Issue No. 2, dated October 7, 1997, and T.I. No. 109/T51, Issue 3, dated August 21, 2000, include guidance to

determine whether an affected sailplane is equipped with aluminum alloy spar booms.

(2) If any corrosion or delamination damage is found during the inspection required by paragraph (f)(1) of this AD, before further flight, contact the manufacturer at the address specified in paragraph (i) of this AD to obtain an FAA-approved repair scheme and incorporate the repair.

(g) New Actions and Compliance

(1) Within 5 years after the last inspection required by AD 98–22–15, Amendment 39–10863 (63 FR 58624, November 2, 1998) and repetitively thereafter at intervals not to exceed 12 months, using an endoscope, inspect the aluminum alloy spar booms and the wing attach fittings for delamination or corrosion damage following paragraph 11. of the ACTION section of Slingsby Aviation Ltd. Technical Instruction T.I. No. 109/T51, Issue 3, dated August 21, 2000.

(2) If any corrosion or delamination damage is found during any inspection required by paragraph (g)(1) of this AD, before further flight, contact the manufacturer at the address specified in paragraph (i) of this AD to obtain an FAA-approved repair scheme and incorporate the repair.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any sailplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not 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 unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(i) Related Information

Refer to Civil Aviation Authority (CAA) AD British AD 005–09–97, dated October 3, 1997; Slingsby Aviation Ltd. Technical Instruction T.I. No. 109/T51, Issue No. 2, dated October 7, 1997; and Slingsby Aviation Ltd. Technical Instruction T.I. No. 109/T51, Issue 3, dated August 21, 2000, for related information. For service information related to this AD, contact Slingsby Advanced Composites Ltd., Ings Lane, Kirkbymoorside, North Yorkshire, England YO62 6EZ ; telephone: +44(0)1751 432474; Internet: none. You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 27, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–05229 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0097; Directorate Identifier 2011–NM–243–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to certain The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, and 747SR series airplanes. The existing AD currently requires repetitive inspections to find cracking of the web, strap, inner chords, inner chord angle of the forward edge frame of the number 5 main entry door cutouts, the frame segment between stringers 16 and 31, and repair if necessary; and repetitive inspections for cracking of repairs. Since we issued that AD, we have received multiple reports of cracking outside of the previous fuselage inspection areas and a report of a crack that initiated at the aft edge of the inner chord rather than initiating at a fastener location, which was the previous cracking location. This proposed AD would expand the previous fuselage areas that are inspected for cracking. We are proposing this AD to detect and correct such cracks, which could cause damage to the adjacent body structure and could result in depressurization of the airplane in flight.

DATES: We must receive comments on this proposed AD by April 22, 2013.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

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

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0097; Directorate Identifier 2011–NM–243–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On September 15, 2010, we issued AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010), for certain Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, and 747SR series airplanes. That AD requires repetitive inspections to find cracking of the web, strap, inner chords, inner chord angle of the forward edge frame of the number 5 main entry door cutouts, the frame segment between stringers 16 and 31, and repair if necessary; and repetitive inspections for cracking of repairs. That AD resulted from additional reports of cracks that have been found in the strap and inner chord of the forward edge frame of the number 5 main entry door cutouts, between stringers 16 and 23. We issued that AD to detect and correct such cracks, which could cause damage to the adjacent body structure and could result in depressurization of the airplane in flight.

Actions Since Existing AD (75 FR 61337, October 5, 2010) Was Issued

Since we issued AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010), we have received multiple reports of cracking outside of the previous fuselage inspection areas and a report of a crack that initiated at the aft edge of the inner chord rather than initiating at a fastener location, which was the previous cracking location.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 747–53A2450, Revision 7, dated November 2, 2011. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2013–0097.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain all requirements of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). This proposed AD would also expand the previous fuselage areas that are inspected for cracking.

The phrase ''related investigative actions'' might be used in this proposed AD. ''Related investigative actions'' are follow-on actions that: (1) Are related to the primary actions, and (2) are actions that further investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

In addition, the phrase ''corrective actions'' might be used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Difference Between the Proposed AD and Relevant Service Information

Boeing Alert Service Bulletin 747–53A2450, Revision 7, dated November 2, 2011, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- Using a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 151 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections [retained actions from AD 2010-20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010)].	Up to 44 work-hours × $85 per hour = $3,740 per inspection cycle.	$0	Up to $3,740 per inspection cycle.	Up to $564,740 per inspection cycle.
Inspections [new proposed action].	Up to 121 work-hours × $85 per hour = $10,285 per inspection cycle.	0	Up to $10,285 per inspection cycle.	Up to $1,553,035 per inspection cycle.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed above, I certify that the proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010), and adding the following new AD:

The Boeing Company: Docket No. FAA–2013–0097; Directorate Identifier 2011–NM–243–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by April 22, 2013.

(b) Affected ADs

This AD supersedes AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010).

(c) Applicability

This AD applies to The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, and 747SR series airplanes, certificated in any category, having line numbers 1 through 1419 inclusive; except for Model 747–400 series airplanes that have been modified into the Model 747–400 large cargo freighter configuration.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by multiple reports of cracking outside of the previous inspection areas and a report of a crack that initiated at the aft edge of the inner chord rather than initiating at a fastener location. We are issuing this AD to detect and correct such cracks, which could cause damage to the adjacent body structure and could result in a rapid depressurization of the airplane.

(f) Compliance

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

(g) Retained Repetitive Inspections for Frame Segment Between Stringers 23 and 31 (No Terminating Action)

This paragraph restates the requirements of paragraph (g) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). For airplanes having line numbers 1 through 1304 inclusive: Inspect the airplane for cracks between stringers 23 and 31 per Boeing Alert Service Bulletin 747–53A2450, Revision 2, including Appendix A, dated January 4, 2001; or Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009; at the later of the applicable times specified in paragraph (h) or (i) of this AD, per table 1 to paragraphs (g) and (h) of this AD, as follows. Where there are differences between the AD and Boeing Alert Service Bulletin 747–53A2450, Revision 2, including Appendix A, dated January 4, 2001; or Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009: the AD prevails.

TABLE 1 TO PARAGRAPHS (G) AND (H) OF THIS AD—INSPECTION REQUIREMENTS

Type of inspection	Area to inspect
(1) Detailed Visual	Strap inner chords forward and aft of the web, and exposed web adjacent to the inner chords on station 2231 frame from stringers 23 through 31 per Figure 5 or Figure 6 of the service bulletins specified in paragraph (g) or (h) of this AD, as applicable.
(2) Surface High Frequency Eddy Current (HFEC).	Station 2231 inner chord angles at lower main sill interface per Figure 5 or Figure 6 of the service bulletins specified in paragraph (g) or (h) of this AD, as applicable.
(3) Open Hole HFEC	Station 2231 frame fastener locations per Figures 4 and 7, and either Figure 5 or 6 of the service bulletins specified in paragraph (g) or (h) of this AD, as applicable.
(4) Surface HFEC	Around fastener locations on station 2231 inner chords from stringers 23 through 31 per Figure 5 or Figure 6 of the service bulletins specified in paragraph (g) or (h) of this AD, as applicable.
(5) Low Frequency Eddy Current (LFEC).	Station 2231 frame strap in areas covered by the reveal per Figure 5 or Figure 6 of the service bulletins specified in paragraph (g) or (h) of this AD, as applicable.

Note 1 to paragraph (g) of this AD: There is no terminating action currently available for the inspections required by paragraph (g) of this AD.

(h) Retained Compliance Times

This paragraph restates the requirements of paragraph (h) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). Do the inspections specified in paragraph (g) of this AD at the applicable times specified in paragraph (h)(1) or (h)(2) of this AD. Repeat the inspections at intervals not to exceed 3,000 flight cycles until the inspections required by paragraph (m) or (o) of this AD are done. Where there are differences between the AD and Boeing Alert Service Bulletin 747–53A2450, Revision 2, including Appendix A, dated January 4, 2001; or Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009: the AD prevails.

(1) Do the inspections per table 1 to paragraphs (g) and (h) of this AD at the applicable time specified in the logic diagram in Figure 1 of Boeing Alert Service Bulletin 747–53A2450, Revision 2, including Appendix A, dated January 4, 2001. Where the compliance time in the logic diagram specifies a compliance time beginning ''from receipt of this service bulletin,'' this AD requires that the compliance time begin ''after September 12, 2001 (the effective date of AD 2001–16–02, Amendment 39–12370 (66 FR 41440, August 8, 2001)).''

(2) After November 9, 2010 (the effective date of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010)), do the inspections per table 1 to paragraphs (g) and

(h) of this AD at the applicable compliance time specified in paragraph 1.E., ''Compliance'' of Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009. Where the compliance time in Boeing Alert Service Bulletin 747–53A2450, Revision 2, including Appendix A, dated January 4, 2001, specifies a compliance time beginning ''after the date on Revision 2 of this service bulletin,'' this AD requires that the compliance time begin ''after September 12, 2001 (the effective date of AD 2001–16–02, Amendment 39–12370 (66 FR 41440, August 8, 2001)).''

(i) Retained Repetitive Inspections for Frame Segment Between Stringers 23 and 31

This paragraph restates the requirements of paragraph (i) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). Within 3,000 flight cycles after accomplishment of the inspections specified in Figure 1 of Boeing Alert Service Bulletin 747–53A2450, dated May 4, 2000; or Boeing Alert Service Bulletin 747–53A2450, Revision 1, dated July 6, 2000; repeat the inspections specified in paragraph (g) of this AD at intervals not to exceed 3,000 flight cycles until the inspections required by paragraph (m) or (o) of this AD are done. Where there are differences between the AD and Boeing Alert Service Bulletin 747–53A2450, Revision 2, dated January 4, 2001; or Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009: the AD prevails.

(j) Retained Additional Repetitive Inspections (for Frame Segment Between Stringers 16 and 23)

This paragraph restates the requirements of paragraph (j) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010).

(1) For all airplanes: Before the accumulation of 16,000 total flight cycles, or within 1,500 flight cycles after November 9, 2010 (the effective date of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010)), whichever occurs later, do a detailed inspection, an open hole HFEC inspection, a surface HFEC inspection, and a subsurface LFEC inspection for cracking of the forward edge frame of the number 5 main entry door cutouts, at station 2231, between stringers 16 and 23; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009. Repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles.

(2) The part number of the nut for fastener code ''K'' in Figure 7 of Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009, should be ''BACN10JC3CD,'' instead of ''BACB30JC3CD.'' In addition, the part number of the optional nut for this fastener code should be ''BACN10YR3CD,'' instead of ''BACN10YR4CD'' in Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009.

(k) Retained Repetitive Inspections for Line Numbers 1305 and On (for Frame Segment Between Stringers 23 and 31)

This paragraph restates the requirements of paragraph (k) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). For airplanes having line numbers 1305 and on: Before the accumulation of 16,000 total flight cycles, or within 1,500 flight cycles after November 9, 2010 (the effective date of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010)), whichever occurs later, do a detailed inspection, an open hole HFEC inspection, a surface HFEC inspection, and a subsurface LFEC inspection for cracking of the forward edge frame of the number 5 main entry door cutouts, at station 2231, between stringers 23 and 31; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009. Repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles.

(l) Retained Corrective Action for Paragraphs (g), (j), and (k) of This AD

This paragraph restates the requirements of paragraph (l) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). If any crack is found during any inspection required by paragraph (g), (j), or (k) of this AD, before further flight, repair the crack in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, in accordance with data meeting the type certification basis of the airplane approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings; or in accordance with Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009; as applicable. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD. As of November 9, 2010 (the effective date of AD 2010–20–08), repair the crack using a method approved in accordance with the procedures specified in paragraph (s) of this AD.

(m) Retained Post-Repair Inspections

This paragraph restates the requirements of paragraph (m) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). Except as required by paragraph (n) of this AD, for airplanes on which the forward edge frame of the number 5 main entry door cutouts, at station 2231, between stringers 16 and 31, is repaired as specified in Boeing Alert Service Bulletin 747–53A2450: Within 3,000 flight cycles after doing the repair or within 1,500 flight cycles after November 9, 2010 (the effective date of AD 2010–20–08), whichever occurs later, do the detailed, LFEC, and HFEC inspections of the repaired area for cracks, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009. If no cracking is found, repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles. If any crack is found: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (s) of this AD. Doing the inspections specified in paragraph (m) of this AD terminates the repetitive inspections required by paragraphs (g), (h), (i), (j), and (k) of this AD for the repaired area.

(n) Retained Post-Repair Inspection Restriction

This paragraph restates the requirements of paragraph (n) of AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010). For any frame that is repaired in accordance with a method other than the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2450, Revision 5, dated January 29, 2009: Do the inspection in accordance with a method approved in accordance with the procedures specified in paragraph (s) of this AD.

(o) New Repetitive Inspections With Expanded Inspection Area

Before the accumulation of 16,000 total flight cycles, or within 3,000 flight cycles after the effective date of this AD, whichever occurs later, do the inspections required by paragraphs (o)(1) through (o)(5) of this AD, except as specified in paragraph (p) of this AD. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2450, Revision 7, dated November 2, 2011. Repeat the inspections thereafter at the applicable times specified in Paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 747–53A2450, Revision 7, dated November 2, 2011. Accomplishment of the initial inspections required by this paragraph terminates the requirements of paragraphs (g) through (k) of this AD.

(1) Do a detailed inspection for cracking on the frame strap, inner chords forward and aft of the web, and exposed web adjacent to the inner chords from stringer 15 to 31.

(2) Do an HFEC inspection of the station 2231 frame fastener locations for cracking from stringer 16 to 31, including locations common to the upper main sill strap and stringer clip at stringer 16.

(3) Do an HFEC inspection for cracking of the frame inner chords around the fastener heads from stringer 15 to 31.

(4) Do an HFEC inspection for cracking of the aft edge of the aft inner chord, of the forward edge of the forward inner chord, and of the forward and aft edges of the frame strap from stringer 15 to 31.

(5) Do an LFEC inspection for cracking of the station 2231 frame strap from stringer 16 to 31 in areas covered by the reveal.

(p) New Post-Repair Inspection for Repaired Areas

For airplanes on which the post-repair inspections are being done as specified in paragraph (m) of this AD: For the repaired area only, continue the inspections as specified in paragraph (m) of this AD in lieu of the inspections specified in paragraph (o) of this AD.

(q) New Corrective Action

If any cracking is found during any inspection required by paragraph (o), (p), or (r) of this AD: Before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (s) of this AD.

(r) New Post-Repair Repetitive Inspections and Corrective Action

For any airplane repaired as specified in paragraph (q) of this AD: Within 3,000 flight

cycles after doing the repair, do detailed, LFEC, and HFEC inspections of the repaired area for cracking, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 747–53A2450, Revision 7, dated November 2, 2011. If no cracking is found, repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles. If any cracking is found: Before further flight, do the actions specified in paragraph (q) of this AD.

(s) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

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

(4) AMOCs approved previously in accordance with AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010), are approved as AMOCs for the corresponding provisions of paragraphs (g) through (m) of this AD.

(5) AMOCs approved previously in accordance with AD 2010–20–08, Amendment 39–16442 (75 FR 61337, October 5, 2010), that have post-repair inspections, are approved as AMOCs for the corresponding provisions of paragraph (o) of this AD for the repaired area only.

(t) Related Information

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

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P. O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on February 25, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–05178 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1334; Airspace Docket No. 12–ASO–18]

Proposed Establishment of Class E Airspace; Sanibel, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Sanibel, FL, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) special Standard Instrument Approach Procedure (SIAP) serving Sanibel Island Heliport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before April 22, 2013.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–1334; Airspace Docket No. 12–ASO–18, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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 (FAA Docket No. FAA–2012–1334; Airspace Docket No. 12–ASO–18) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–1334; Airspace Docket No. 12–ASO–18.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *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 the **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 Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's 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

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Sanibel, FL providing the controlled airspace required to support the new Copter RNAV (GPS) special standard instrument approach procedures for Sanibel Island Heliport. Controlled airspace extending upward from 700 feet above the surface is required for IFR operations within a 6-mile radius of the point in space coordinates of the heliport.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will 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 proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed 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 establish Class E airspace at Sanibel Island Heliport, Sanibel, FL.

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.

Lists 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 CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO FL E5 Sanibel, FL [New]

Sanibel Island Heliport, FL
(Lat. 26°27′46″ N., long. 82°9′18″ W.)
Point in Space Coordinates
(Lat. 26°27′46″ N., long. 82°9′18″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point in Space Coordinates (lat. 26°27′46″ N., long. 82°9′18″ W.) serving Sanibel Island Heliport.

Issued in College Park, Georgia, on February 15, 2013.

Barry A. Knight,

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

[FR Doc. 2013–05203 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1335; Airspace Docket No. 12–ASO–19]

Proposed Establishment of Class E Airspace; Captiva, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Captiva, FL, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) special Standard Instrument Approach Procedure (SIAP) serving Upper Captiva Island Heliport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before April 22, 2013.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–1335; Airspace Docket No. 12–ASO–19, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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 (FAA Docket No. FAA–2012–1335; Airspace Docket No. 12–ASO–19) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–1335; Airspace Docket No. 12–ASO–19.'' The postcard

will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *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 the **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 Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's 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

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Captiva, FL providing the controlled airspace required to support the new Copter RNAV (GPS) special standard instrument approach procedures for Upper Captiva Island Heliport. Controlled airspace extending upward from 700 feet above the surface is required for IFR operations within a 6-mile radius of the point in space coordinates of the heliport.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will 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 proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed 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 establish Class E airspace at Upper Captiva Island Heliport, Captiva, FL.

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.

Lists 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 CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO FL E5 Captiva, FL [New]

Upper Captiva Island Heliport, FL
(Lat. 26°36′11″ N., long. 82°13′0″ W.)
Point in Space Coordinates
(Lat. 26°36′11″ N., long. 82°13′0″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point in Space Coordinates (lat. 26°36′11″ N., long. 82°13′0″ W.) serving Upper Captiva Island Heliport.

Issued in College Park, Georgia, on February 15, 2013.

Barry A. Knight,

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

[FR Doc. 2013–05217 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1341; Airspace Docket No. 12–ASO–47]

Proposed Establishment of Class E Airspace; Cleveland, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Cleveland, TN, to accommodate the Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Cleveland Regional Jetport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Comments must be received on or before April 22, 2013. The Director of the **Federal Register** approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA, Order 7400.9 and publication of conforming amendments.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation,

Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–1341; Airspace Docket No. 12–ASO–47, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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 (FAA Docket No. FAA–2012–1341; Airspace Docket No. 12–ASO–47) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–1341; Airspace Docket No. 12–ASO–47.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *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 the **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 Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's 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

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Cleveland, TN, providing the controlled airspace required to support the RNAV (GPS) standard instrument approach procedures for Cleveland Regional Jetport. Controlled airspace extending upward from 700 feet above the surface would be established within a 7.4-mile radius of the airport, with an extension from the radius to 12 miles southwest of the airport for the safety and management of IFR operations.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will 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 proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed 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 establish Class E airspace at Cleveland Regional Jetport, Cleveland, TN.

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.

Lists 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 Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, effective September 15, 2012, is amended as follows:

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

* * * * *

ASO FL E5 Cleveland, TN [New]

Cleveland Regional Jetport, TN
(Lat. 35°12′41″ N., long. 84°47′59″ W.)

That airspace extending upward from 700 feet above the surface within a 7.4-mile radius of Cleveland Regional Jetport, and within 2-miles each side of the 209° bearing from the airport, extending from the 7.4-mile radius to 12-miles southwest of the airport.

Issued in College Park, Georgia, on February 15, 2013.

Barry A. Knight,

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

[FR Doc. 2013–05210 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1336; Airspace Docket No. 12–ASO–20]

Proposed Establishment of Class E Airspace; Pine Island, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Pine Island, FL, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) special Standard Instrument Approach Procedure (SIAP) serving Pine Island Heliport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before April 22, 2013.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–1336; Airspace Docket No. 12–ASO–20, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov*.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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 (FAA Docket No. FAA–2012–1336; Airspace Docket No. 12–ASO–20) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov*.

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–1336; Airspace Docket No. 12–ASO–20.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *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 the **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 Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's 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

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Pine Island, FL providing the controlled airspace required to support the new Copter RNAV (GPS) special standard instrument approach procedures for Pine Island Heliport. Controlled airspace extending upward from 700 feet above the surface is required for IFR operations within a 6-mile radius of the point in space coordinates of the heliport.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will 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 proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed 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 establish Class E airspace at Pine Island Heliport, Pine Island, FL.

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.

Lists 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 CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO FL E5 Pine Island, FL [New]

Pine Island Heliport, FL
(Lat. 26°36′24″ N., long. 82°6′39″ W.)
Point in Space Coordinates
(Lat. 26°36′24″ N., long. 82°6′39″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point in Space Coordinates (lat. 26°36′24″ N., long. 82°6′39″ W.) serving Pine Island Heliport.

Issued in College Park, Georgia, on February 15, 2013.

Barry A. Knight,

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

[FR Doc. 2013–05207 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1097; Airspace Docket No. 12–AGL–1]

Proposed Establishment of Class E Airspace; Linton, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Linton, ND. Controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAP) at Linton Municipal Airport. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at the airport.

DATES: 0901 UTC. Comments must be received on or before April 22, 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–2012–1097/Airspace Docket No. 12–AGL–1, 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–2012–1097/Airspace Docket No. 12–AGL–1.'' 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 establishing Class E airspace extending upward from 700 and 1,200 feet above the surface to accommodate new standard instrument approach procedures at Linton Municipal Airport, Linton, ND. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9W, dated August 8, 2012 and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace 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 regulation is within the scope of that authority as it would establish controlled airspace at Linton Municipal Airport, Linton, ND.

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

* * * * *

AGL ND E5 Linton, ND [New]

Linton Municipal Airport, ND
(Lat. 46°13′14″ N., long. 100°14′44″ W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Linton Municipal Airport, and that airspace extending upward from 1,200 feet above the surface within a 64-mile radius of the airport.

Issued in Fort Worth, TX, on February 12, 2013.

David P. Medina,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2013–05206 Filed 3–5–13; 8:45 am]

BILLING CODE 4901–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2012–1337; Airspace Docket No. 12–ASO–21]

Proposed Establishment of Class E Airspace; Boca Grande, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E Airspace at Boca Grande, FL, to accommodate a new Area Navigation (RNAV) Global Positioning System (GPS) special Standard Instrument Approach Procedure (SIAP) serving Boca Grande Heliport. This action would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Comments must be received on or before April 22, 2013.

ADDRESSES: Send comments on this rule to: U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey, SE., Washington, DC 20590–0001; Telephone: 1–800–647–5527; Fax: 202–493–2251. You must identify the Docket Number FAA–2012–1337; Airspace Docket No. 12–ASO–21, at the beginning of your comments. You may also submit and review received comments through the Internet at *http://www.regulations.gov.*

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this rule 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 (FAA Docket No. FAA–2012–1337; Airspace Docket No. 12–ASO–21) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2012–1337; Airspace Docket No. 12–ASO–21.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded from and comments submitted through *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 the **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 Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, Georgia 30337.

Persons interested in being placed on a mailing list for future NPRM's 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

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to establish Class E airspace at Boca Grande, FL providing the controlled airspace required to support the new Copter RNAV (GPS) special standard instrument approach procedures for Boca Grande Heliport. Controlled airspace extending upward from 700 feet above the surface is required for IFR operations within a 6-mile radius of the point in space coordinates of the heliport.

Class E airspace designations are published in Paragraph 6005 of FAA order 7400.9W, dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will 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 proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This proposed 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 establish Class E airspace at Boca Grande Heliport, Boca Grande, FL.

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.

Lists 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 CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO FL E5 Boca Grande, FL [New]

Boca Grande Heliport, FL
(Lat. 26°44′33″ N., long. 82°15′32″ W.)
Point in Space Coordinates
(Lat. 26°44′33″ N., long. 82°15′32″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Point in Space Coordinates (lat. 26°44′33″ N., long. 82°15′32″ W.) serving Boca Grande Heliport.

Issued in College Park, Georgia, on February 15, 2013.

Barry A. Knight,

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

[FR Doc. 2013–05215 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[CFDA Number: 84.133B–1.]

Proposed Priority—National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Center on Research and Capacity Building for Minority Entities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for the Disability and Rehabilitation Research Projects and Centers Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, this notice proposes a priority for a Rehabilitation Research and Training Center (RRTC) on Research and Capacity Building for Minority Entities. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2013 and later years. We take this action to focus research attention on areas of national need. We intend this priority to improve employment outcomes for individuals with disabilities.

DATES: We must receive your comments on or before April 5, 2013.

ADDRESSES: Address all comments about this notice to Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., room 5133, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

If you prefer to send your comments by email, use the following address: *marlene.spencer@ed.gov.* You must include ''Proposed Priority—RRTC on Research and Capacity Building for Minority Entities'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Marlene Spencer. Telephone: (202) 245–7532 or by email: *marlene.spencer@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay

Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This notice of proposed priority is in concert with NIDRR's currently approved Long-Range Plan (Plan). The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: *www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

Through the implementation of the Plan, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training methods to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms for integrating research and practice; and (6) disseminate findings.

This notice proposes a priority that NIDRR intends to use for RRTC competitions in FY 2013 and possibly later years. However, nothing precludes NIDRR from publishing additional priorities, if needed. Furthermore, NIDRR is under no obligation to make an award for this priority. The decision to make an award will be based on the quality of applications received and available funding.

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority, we urge you to identify clearly the specific topic that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 5133, 550 12th Street SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT.**

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities; and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

RRTC Program

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to improve the effectiveness of services authorized under the Rehabilitation Act, through advanced research, training, technical assistance, and dissemination activities in general problem areas, as specified by NIDRR. Such activities are designed to benefit rehabilitation service providers, individuals with disabilities, and the family members or other authorized representatives of individuals with disabilities. Additional information on the RRTC program can be found at: *www.ed.gov/rschstat/research/pubs/resprogram.html#RRTC.*

Statutory and Regulatory Requirements of RRTCs RRTCs must—

- Carry out coordinated advanced programs of rehabilitation research;
- Provide training, including graduate, pre-service, and in-service training, to help rehabilitation personnel more effectively provide rehabilitation services to individuals with disabilities;
- Provide technical assistance to individuals with disabilities, their representatives, providers, and other interested parties;
- Disseminate informational materials to individuals with disabilities, their representatives, providers, and other interested parties; and
- Serve as centers of national excellence in rehabilitation research for individuals with disabilities, their representatives, providers, and other interested parties.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Program Regulations: 34 CFR part 350.

Proposed Priority

This notice contains one proposed priority.

RRTC on Research and Capacity Building for Minority Entities.

Background

There are approximately 19.6 million people between the ages of 18 and 64 with a disability in the United States. Among people in the United States between the ages of 18 and 64, 10.4 percent of non-Hispanic Whites, 7.9 percent of Hispanics, and 4 percent of Asians reported having a disability in 2011, as compared with 13.6 percent of Blacks or African Americans, and 17.1 percent of American Indians or Alaskan Natives (Erickson et al., 2012). Not only do some racial and ethnic populations experience higher rates of disability than non-Hispanic Whites, but there are other examples of disparate outcomes in various life domains for racial and ethnic populations when compared to non-Hispanic Whites. For example, adult Hispanics, American Indians or Alaska Natives, and Blacks or African Americans with disabilities are significantly more likely to report fair or poor health (55.2 percent, 50.5 percent, and 46.6 percent, respectively) compared to non-Hispanic White and Asian individuals with disabilities (36.9 percent and 24.9 percent, respectively) (Wolf et al., 2008). Blacks or African Americans and Hispanics with disabilities have significantly higher rates of unemployment (23.5 percent and 20.3 percent, respectively), relative to non-Hispanic White individuals with disabilities (13.7 percent) (Bureau of Labor Statistics, 2011).

The disparities in outcomes provided the basis for section 21 of the Rehabilitation Act (29 U.S.C. 718). Section 21 requires NIDRR to reserve a portion of its funds each year for certain outreach activities, which may include making awards to minority entities and Indian tribes to conduct research, training, and technical assistance or related activities to improve services for individuals with disabilities from traditionally underserved racial and ethnic minority populations. The requirements in section 21 are aimed at helping individuals with disabilities from minority backgrounds and communities overcome the numerous challenges they face. These challenges

include language barriers; cultural traditions and attitudes about disability; limited numbers of professional rehabilitation specialists and researchers from minority backgrounds; higher rates of poverty and lower rates of formal education; physical, social, and informational isolation from mainstream disability and rehabilitation agencies; and cultural identity and cross-cultural mistrust, among others (Balcazar et al., 2010). The section 21 requirements are aligned with NIDRR's commitment to develop new knowledge, interventions, and products that lead to improved outcomes for all individuals with disabilities, as well as to build the research capacity of entities with close cultural and social connections to individuals with disabilities from minority backgrounds.

Minority entities are under-represented in the field of disability and rehabilitation research, and, specifically, historically Black colleges or universities (HBCUs) are under-represented among NIDRR's grantees (Moore et al., 2012). A minority entity, as defined in section 21 of the Rehabilitation Act (29 U.S.C. 718), is a historically Black college or university, a Hispanic-serving institution of higher education, an American Indian tribal college or university, or another institution of higher education whose minority student enrollment is at least 50 percent. Efforts are needed to build the capacity of HBCUs and other minority entities to conduct disability and rehabilitation research and develop rehabilitation professionals to address the ongoing challenges of providing equal opportunity and benefit to individuals with disabilities from traditionally underserved minority backgrounds and communities (Moore et al., 2012).

References

Balcazar, F.E., Suarez-Balcazar, Y., Taylor-Ritzler, T., & Keys, C. (2010). Race, Culture, and Disability: Rehabilitation, Science, and Practice. Sudbury, MA: Jones & Bartlett.

Bureau of Labor Statistics, U.S. Department of Labor. Persons with a Disability: Labor Force Characteristics-2011. Retrieved July 19, 2012, from: *www.bls.gov/news.release/pdf/disabl.pdf.*

Erickson, W., Lee, C., & von Schrader, S. (2012). Disability Statistics from the 2010 American Community Survey. Ithaca, NY: Cornell University Rehabilitation Research and Training Center on Disability Demographics and Statistics. Retrieved July 23, 2012, from: *www.disabilitystatistics.org.*

Moore, C.L., Johnson, J.E., Manyibe, E.O., Washington, A.L., Uchegbu, N., & Eugene-Cross, K. (2012). Barriers to the Participation of Historically Black Colleges and Universities in the Federal Disability and Rehabilitation Research and Development Enterprise: The Researchers' Perspective. Oklahoma City: Department of Rehabilitation Counseling and Disability Studies/Langston University.

Wolf, L.A., Armour, B.S., & Campbell, V.A. (2008). Racial/Ethnic Disparities in Self-Rated Health Status among Adults with and without Disabilities. Retrieved from *cdc.gov/mmwr/preview/mmwrhtml/mm5739a1.htm.*

Proposed Priority

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority to establish a Rehabilitation Research and Training Center (RRTC) on Research and Capacity Building for Minority Entities. One purpose of the RRTC is to generate new knowledge about the experiences and outcomes of individuals with disabilities from racial and ethnic minority backgrounds that can be used as a foundation for developing interventions to improve those outcomes. Another purpose of the RRTC is to enhance rehabilitation research capacity at minority entities, as defined in section 21 of the Rehabilitation Act (29 U.S.C 718). The RRTC must contribute to these outcomes by:

(a) Conducting research that examines experiences and outcomes of individuals with disabilities from traditionally underserved racial and ethnic populations. Applicants must focus their research activities on topics that fall under at least one of the following major life domains identified in NIDRR's Final Long-Range Plan for FY 2005–2009: (1) Employment, (2) Participation and Community Living, or (3) Health and Function.

(b) Conducting research on the feasibility and potential effectiveness of methods and models for enhancing disability and rehabilitation research capacity and infrastructure at minority entities.

(c) Serving as a national resource center for minority entities that are seeking to develop their research infrastructure, and to enhance their capacity to engage in disability and rehabilitation research. The RRTC must provide technical assistance and training to minority entities in order to develop their institutional research infrastructure and enhance their capacity to conduct disability and rehabilitation research.

(d) Involving individuals with disabilities from traditionally underserved racial and ethnic populations in planning and implementing the RRTC's activities and evaluating its work.

(e) Providing outreach and training that enhances awareness of NIDRR and its research programs among minority entities.

(f) Developing and implementing a strategy for disseminating research, training, and technical assistance products developed by the RRTC. The RRTC's dissemination strategy must include an online information dissemination system that meets a government- or industry-recognized standard for accessibility by individuals with disabilities.

Types of Priorities

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority: We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant

regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement 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 stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority only on a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this proposed priority is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years. Projects similar to the new RTTC have been completed successfully, and the new RTTC, established consistently with this priority, is expected to improve the lives of individuals with disabilities from minority backgrounds; generate through research and development, disseminate, and promote the use of new information that will improve the outcomes for individuals with disabilities; and increase the capacity of minority entities to conduct disability and rehabilitation research and develop rehabilitation professionals.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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 Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

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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: March 1, 2013.

Michael K. Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–05225 Filed 3–5–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

34 CFR Chapter III

[CFDA Number: 84.133B–10.]

Proposed Priority—National Institute on Disability and Rehabilitation Research—Rehabilitation Research and Training Center

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Proposed priority.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority under the Rehabilitation Research and Training Center (RRTC) Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR). Specifically, this notice proposes a priority for an RRTC on Promoting Healthy Aging for Individuals with Long-Term Physical Disabilities. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2013 and later years. We take this action to focus research attention on an area of national need. We intend the priority to contribute to improved health and function outcomes for individuals aging with long-term physical disabilities.

DATES: We must receive your comments on or before April 5, 2013.

ADDRESSES: Address all comments about this notice to Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue SW., room 5133, Potomac Center Plaza (PCP), Washington, DC 20202–2700.

If you prefer to send your comments by email, use the following address: *marlene.spencer@ed.gov.* You must include the phrase ''Proposed Priority for Promoting Healthy Aging for Individuals with Long-Term Physical Disabilities'' in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Marlene Spencer. Telephone: (202) 245–7532 or by email: *marlene.spencer@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: This proposed priority is in concert with NIDRR's Long-Range Plan (Plan). The Plan, which was published in the **Federal Register** on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site: *www.ed.gov/about/offices/list/osers/nidrr/policy.html.*

Through the implementation of the Plan, NIDRR seeks to: (1) Improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training methods to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms for integrating research and practice; and (6) disseminate findings.

This notice proposes one priority that NIDRR intends to use for one or more competitions in FY 2013 and possibly later years. However, nothing precludes NIDRR from publishing additional priorities, if needed. Furthermore, NIDRR is under no obligation to make an award using this priority. The decision to make an award will be based on the quality of applications received and available funding.

Invitation To Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority, we urge you to identify clearly the specific topic that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this proposed priority in room 5133, 550 12th Street SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Rehabilitation Research and Training Centers

The purpose of the RRTCs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, is to achieve the goals of, and improve the effectiveness of, services authorized under the Rehabilitation Act through advanced research, training, technical assistance, and dissemination activities in general problem areas, as specified by NIDRR. These activities are designed to benefit rehabilitation service providers, individuals with disabilities, and the family members or other authorized representatives of individuals with disabilities. Additional information on the RRTC program can be found at: *www.ed.gov/rschstat/research/pubs/resprogram.html#RRTC.*

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

Applicable Program Regulations: 34 CFR part 350.

Proposed Priority

This notice contains one proposed priority.

RRTC on Promoting Healthy Aging for Individuals with Long-Term Physical Disabilities.

Background

Of the 51.5 million adults with a disability, 41.5 million have disabilities in the physical domain (Brault, 2012). These numbers will likely grow significantly in the next 25 to 30 years as the baby boom generation continues to enter later life, when the risk of disability is the highest (IOM, 2007).

In 2010, 29.5 million Americans aged 21 to 64, or 16.6 percent of the working-age population, reported disabilities (Brault, 2012). This large working-age group includes people who are aging with life-long and early-onset disabilities that were once associated with shortened life expectancy (IOM, 2007; Jensen et al., 2011; Kemp & Mosqueda, 2004). This segment of the disabled population with early-onset, life-long disabilities is now experiencing the benefits of increased longevity as well as premature or atypical aging related to their conditions (Groah et al., 2012; IOM, 2007; Jensen et al., 2011; Kemp & Mosqueda, 2004).

Aging with disability is now a common experience of individuals with significant physical disabilities (Kemp & Mosqueda, 2004). We still lack national statistics on the size of this emerging population due to limitations in major national surveys that track disability, which do not collect information on age of onset or duration of primary disability (IOM, 2007; Washko et al., 2012). However, the most recent estimates available indicate that approximately seven to nine percent of adults had a disability with onset before age 20, and approximately 20 to 30 percent experienced the onset of their disability between ages 20 and 44 (Verbrugge & Yang, 2002).

Regardless of timing of onset, as individuals with long-term disabilities age, many face significant new challenges to their health and independence due to the onset of secondary conditions associated with changes in the underlying impairment (Groah et al., 2012; IOM, 2007; Jensen et al., 2011; Kemp & Mosqueda, 2004; Kinny et al., 2004). The Institute of Medicine has defined a ''secondary condition'' as ''any additional physical or mental health condition that occurs as a result of having a primary disabling condition,'' including pain, fatigue, and muscle weakness (IOM, 2007).

Working-age individuals living with long-term disabilities may also

experience atypical or accelerated aging due to earlier onset and higher rates of age-related chronic conditions compared to their same-age non-disabled counterparts (Groah et al., 2012; IOM, 2007; Jensen et al., 2011). These chronic health problems may include, for example, osteoarthritis, osteoporosis, falls, chronic respiratory conditions, diabetes, and heart disease (Freid et al., 2012; Iezzoni, 2010; Jensen et al., 2011; Kemp & Mosqueda, 2004; Kinny et al., 2004; Ravesloot et al., 2007).

Addressing the rehabilitation and health care needs of individuals aging with disabilities involves challenges for providing and coordinating a range of appropriate health care services, financing those services, and evaluating their ongoing effectiveness (Iezzoni, 2010; Washko et al., 2012). Considerable anecdotal evidence and numerous small-scale studies indicate that the negative effects of secondary conditions can be managed and even prevented through rehabilitation and health-promotion activities (Groah et al., 2012; Harrison, 2006; Jensen et al., 2011; Ravesloot et al. 2007 & 2005; Rimmer et al., 2000). However, there are few evidence-based interventions to promote healthy aging of individuals with physical disabilities outside of the post-acute setting (Groah et al., 2012; Harrison, 2006; Jensen et al., 2011). Only recently has the topic of secondary conditions and aging with disability begun to receive attention in the public health and gerontology literatures (Groah & Kehn, 2010; Iezzoni, 2010; Ravesloot et al., 2007; Washko et al., 2012).

The limitations in evidence-based information available to guide the treatment, management, and prevention of secondary conditions and to promote the overall health of individuals aging with physical disability is of particular concern given demographic trends (Harrison, 2006; Jensen et al., 2011; Ravesloot et al., 2007). For example, of the 27 objectives identified for improvement in the most recent *Healthy People 2020* initiative, under the topic area of ''Disability and Health'' only four evidence-based community interventions are cited to guide implementation of these objectives. None of these objectives focus on prevention of secondary conditions or health promotion programs for individuals with long-term disabilities (Healthy People 2020, 2010).

To respond to the challenges and opportunities at the intersection of aging and disability, NIDRR proposes to fund a Rehabilitation Research and Training Center (RRTC) on Promoting Healthy Aging for Individuals with Long-Term Physical Disabilities. The goal of this proposed priority is to advance knowledge and accelerate the development, modification, and evaluation of evidence-based interventions and strategies that can be applied in clinical and community-based settings to promote healthy aging and to reduce secondary conditions for individuals with physical disabilities. To achieve these goals, NIDRR encourages collaborations among rehabilitation and aging researchers and between academic research centers and community organizations serving individuals aging with disabilities.

References

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Definitions

The research that is proposed under this priority must be focused on one or more stages of research. If the RRTC is to conduct research that can be categorized under more than one research stage, or research that progresses from one stage to another, those research stages must be clearly specified. For purposes of this priority, the stages of research, which we published for comment on January 25, 2013 (78 FR 5330), are:

(i) *Exploration and Discovery* means the stage of research that generates hypotheses or theories by conducting new and refined analyses of data, producing observational findings, and creating other sources of research-based

information. This research stage may include identifying or describing the barriers to and facilitators of improved outcomes of individuals with disabilities, as well as identifying or describing existing practices, programs, or policies that are associated with important aspects of the lives of individuals with disabilities. Results achieved under this stage of research may inform the development of interventions or lead to evaluations of interventions or policies. The results of the exploration and discovery stage of research may also be used to inform decisions or priorities.

(ii) *Intervention Development* means the stage of research that focuses on generating and testing interventions that have the potential to improve outcomes for individuals with disabilities. Intervention development involves determining the active components of possible interventions, developing measures that would be required to illustrate outcomes, specifying target populations, conducting field tests, and assessing the feasibility of conducting a well-designed intervention study. Results from this stage of research may be used to inform the design of a study to test the efficacy of an intervention.

(iii) *Intervention Efficacy* means the stage of research during which a project evaluates and tests whether an intervention is feasible, practical, and has the potential to yield positive outcomes for individuals with disabilities. Efficacy research may assess the strength of the relationships between an intervention and outcomes, and may identify factors or individual characteristics that affect the relationship between the intervention and outcomes. Efficacy research can inform decisions about whether there is sufficient evidence to support ''scaling-up'' an intervention to other sites and contexts. This stage of research can include assessing the training needed for wide-scale implementation of the intervention, and approaches to evaluation of the intervention in real world applications.

(iv) *Scale-Up Evaluation* means the stage of research during which a project analyzes whether an intervention is effective in producing improved outcomes for individuals with disabilities when implemented in a real-world setting. During this stage of research, a project tests the outcomes of an evidence-based intervention in different settings. The project examines the challenges to successful replication of the intervention, and the circumstances and activities that contribute to successful adoption of the intervention in real-world settings. This stage of research may also include well-designed studies of an intervention that has been widely adopted in practice, but that lacks a sufficient evidence-base to demonstrate its effectiveness.

Proposed Priority:

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for an RRTC on Promoting Healthy Aging for Individuals with Long-Term Physical Disabilities. The RRTC must contribute to the development of new knowledge and accelerate the development, modification, and evaluation of evidence-based interventions and strategies that can be applied in clinical and community-based settings to promote healthy aging, including reducing secondary conditions, of individuals with long-term physical disabilities.

To contribute to this outcome the RRTC must—

(a) Conduct research activities in one or more of the following priority areas, focusing on individuals aging with long-term physical disabilities as a group or on individuals in specific disability or demographic subpopulations of individuals with long-term physical disabilities:

(i) Individual and environmental factors associated with improved access to rehabilitation and health care resulting in improved health and function outcomes for individuals aging with long-term physical disabilities.

(ii) Interventions that contribute to improved health and function outcomes for individuals aging with long-term physical disabilities. Interventions include any strategy, practice, program, policy, or tool that, when implemented as intended, contributes to improvements in outcomes for the specified population.

(iii) Effects of government practices, policies, and programs on health care access and on health and function outcomes for individuals aging with long-term physical disabilities.

(iv) Technology to improve health and function outcomes for individuals aging with long-term physical disabilities;

(b) Focus its research on one or more specific stages of research. If the RRTC is to conduct research that can be categorized under more than one of the research stages, or research that progresses from one stage to another, those stages must be clearly specified. These stages and their definitions are provided in the ''Definitions'' section of this notice;

(c) Serve as a national resource center related to health and function for individuals aging with long-term physical disabilities, their families, and other stakeholders by:

(i) Providing information and technical assistance to service providers, individuals aging with long-term physical disabilities and their representatives, and other key stakeholders;

(ii) Providing training, including graduate, pre-service, and in-service training, to rehabilitation providers and other disability service providers, to facilitate more effective delivery of services to individuals aging with long-term physical disabilities. This training may be provided through conferences, workshops, public education programs, in-service training programs, and similar activities;

(iii) Disseminating research-based information and materials related to health and function for individuals aging with long-term physical disabilities; and

(d) Involve key stakeholder groups in the activities conducted under paragraph (a) in order to maximize the relevance and usability of the new knowledge generated by the RRTC.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority:

We will announce the final priority in a notice in the **Federal Register**. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or

selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement 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 stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing this proposed priority only upon a reasoned determination that its benefits would justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Program have been well established over the years. Projects similar to the RRTC have been completed successfully, and the proposed priority will generate new knowledge through research. The new RRTC will generate, disseminate, and promote the use of new information that would improve outcomes for individuals with disabilities in the areas of community living and participation, employment, and health and function.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

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 Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or TTY, call the FRS, toll free, at 1–800–877–8339.

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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: March 1, 2013.

Michael Yudin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–05227 Filed 3–5–13; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2011–0360; FRL–9380–8]

Tetrachlorvinphos; Proposed Extension of Time-Limited Interim Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This regulation proposes the extension of the time-limited interim tolerances for the combined residues of the insecticide tetrachlorvinphos, including its metabolites, in or on multiple commodities which are identified in Unit III of this document, under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: Comments must be received on or before March 11, 2013.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2011–0360, by one of the following methods:

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

FOR FURTHER INFORMATION CONTACT: Carmen Rodia, Registration Division (7504P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460–0001; telephone number: (703) 306–0327; email address: *rodia.carmen@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Background

A detailed summary of the background related to EPA's extension of the time-limited interim tolerances for the combined residues of the insecticide tetrachlorvinphos, including its metabolites, in or on multiple commodities can be found in the **Federal Register** notices of June 8, 2011 (76 FR 33184) (FRL–8874–7) and September 16, 2011 (76 FR 57657) (FRL–8887–5). The referenced documents are available in the docket established by this action, which is described under **ADDRESSES**. Locate and click on the hyperlink for docket ID number EPA–HQ–OPP–2011–0360. Double-click on the documents to view the referenced background summary information.

III. Proposal

EPA, on its own initiative, under section 408(e) of the FFDCA, 21 U.S.C. 346a(e), is proposing to extend the expiration dates of the time-limited interim tolerances for the combined residues of the insecticide tetrachlorvinphos, including its metabolites, in or on cattle, fat (of which no more than 0.1 part per million (ppm) is tetrachlorvinphos *per se*) at 0.2 ppm; cattle, kidney (of which no more than 0.05 ppm is tetrachlorvinphos *per se*) at 1.0 ppm; cattle, liver (of which no more than 0.05 ppm is tetrachlorvinphos *per se*) at 0.5 ppm; cattle, meat (of which no more than 2.0 ppm is tetrachlorvinphos *per se*) at 2.0 ppm; cattle, meat byproducts, except kidney and liver at 1.0 ppm; egg (of which no more than 0.05 ppm is tetrachlorvinphos *per se*) at 0.2 ppm; hog, fat (of which no more than 0.1 ppm is tetrachlorvinphos *per se*) at 0.2 ppm; hog, kidney (of which no more than 0.05 ppm is tetrachlorvinphos *per se*) at 1.0 ppm; hog, liver (of which no more than 0.05 ppm is tetrachlorvinphos *per se*) at 0.5 ppm; hog, meat (of which no more than 2.0 ppm is tetrachlorvinphos *per se*) at 2.0 ppm; hog, meat byproducts, except kidney and liver at 1.0 ppm; milk, fat (reflecting negligible residues in whole milk and of which no more than 0.05 ppm is tetrachlorvinphos *per se*) at 0.05 ppm; poultry, fat (of which no more than 7.0 ppm is tetrachlorvinphos *per se*) at 7.0 ppm; poultry, liver (of which no more than 0.05 ppm is tetrachlorvinphos *per se*) at 2.0 ppm; poultry, meat (of which no more than 3.0 ppm is tetrachlorvinphos *per se*) at 3.0 ppm; and poultry, meat byproducts, except liver at 2.0 ppm. The existing tolerances, which are found in 40 CFR 180.252 will expire on March 18, 2013. EPA is proposing a new expiration date of August 18, 2013, for these tolerances.

As discussed in the previous rulemakings, these time-limited interim tolerances for tetrachlorvinphos, and its metabolites, have been determined to be safe based on previously submitted magnitude of residue data. See the 2011 proposed and final rules (76 FR 33184, June 8, 2011 and 76 FR 57657, September 16, 2011); the 2008 proposed and final rules (73 FR 6867, February 6, 2008 and 73 FR 53732, September 17, 2008); and the 2002 notice (67 FR 52985, Aug. 14, 2002). In order to support making these tolerances permanent, EPA required the submission of new magnitude of residue data. The registrant submitted livestock magnitude of residue data, and storage stability data to support previously submitted magnitude of residue data in poultry and cattle, and a waiver request for the swine magnitude of residue data. Based on that data, EPA has concluded that the data confirm previous findings made by the Agency with regard to the

level of residues of tetrachlorvinphos in livestock commodities and consequently, the safety finding for these tolerances. The Agency is proposing an interim extension of the expiration dates of these time-limited interim tolerances in order to maintain the status quo while allowing the public a sufficient time to comment on the proposal to make these time-limited interim tolerances permanent.

IV. Shortened Comment Period

FFDCA section 408(e)(2) requires a comment period of not less than 60 days on EPA tolerance actions proposed on the Agency's initiative unless EPA ''for good cause finds that a shorter comment period would be in the public interest * * *.'' EPA has determined that such good cause exists here. This rulemaking is intended to provide an interim extension of the existing time-limited tolerances for tetrachlorvinphos to allow the Agency sufficient time to comply with the procedural requirements of section 408(e)(2). As indicated in Unit III, EPA's review of the submitted data confirms the Agency's previous safety findings and supports allowing these tolerances to remain in effect, and EPA intends to initiate a section 408(e) rulemaking to amend these time-limited tolerances to be permanent.

The existing time-limited interim tolerances are set to expire on March 18, 2013, which does not allow sufficient time for the Agency to provide a 60-day public comment period on a proposal to make these tolerances permanent. EPA intends to give the public the full 60 days to comment on this proposal, so it is proposing to extend the expiration date of the existing time-limited tolerances to maintain the status quo for the duration of the rulemaking to make the time-limited tolerances permanent. It is in the public interest to retain the existing tolerances for a sufficient period to enable the public to have an adequate opportunity to comment on the Agency's proposal to make these tolerances permanent; thus, EPA concludes there is good cause to limit the comment period for this interim proposal to 5 days.

V. Statutory and Executive Order Reviews

This proposed rule proposes to amend a tolerance under FFDCA section 408(e). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this proposed rule has been exempted from review under Executive Order 12866 due to its lack of significance, this proposed rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This proposed rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*). Nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note). Pursuant to the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that this proposed action will not have significant negative economic impact on a substantial number of small entities. In fact, this rule will have no impact because it merely maintains the status quo by leaving in effect existing tolerances for 5 months beyond the existing expiration dates. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled ''Federalism'' (64 FR 43255, August 10, 1999). Executive Order 13132 requires 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 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 rule directly regulates growers, food processors, food handlers, and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this proposed rule does not have any ''tribal implications'' as described in Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000). Executive Order 13175 requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' ''Policies that have tribal implications'' is defined in the Executive order to include regulations that have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' This proposed rule will not have substantial direct effects on tribal governments, 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, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this proposed rule.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 2013.

G. Jeffrey Herndon,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR chapter I be amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.252, paragraph (a), revise the table to read as follows:

§ 180.252 Tetrachlorvinphos; tolerances for residues.

(a) * * *

Commodity	Parts per million	Expiration/ revocation date
Cattle, fat (of which no more than 0.1 ppm is tetrachlorvinphos *per se*)	0.2	8/18/13
Cattle, kidney (of which no more than 0.05 ppm is tetrachlorvinphos *per se*)	1.0	8/18/13
Cattle, liver (of which no more than 0.05 ppm is tetrachlorvinphos *per se*)	0.5	8/18/13
Cattle, meat (of which no more than 2.0 ppm is tetrachlorvinphos *per se*)	2.0	8/18/13
Cattle, meat byproducts, except kidney and liver	1.0	8/18/13
Egg (of which no more than 0.05 ppm is tetrachlorvinphos *per se*)	0.2	8/18/13
Hog, fat (of which no more than 0.1 ppm is tetrachlorvinphos *per se*)	0.2	8/18/13
Hog, kidney (of which no more than 0.05 ppm is tetrachlorvinphos *per se*)	1.0	8/18/13
Hog, liver (of which no more than 0.05 ppm is tetrachlorvinphos *per se*)	0.5	8/18/13
Hog, meat (of which no more than 2.0 ppm is tetrachlorvinphos *per se*)	2.0	8/18/13
Hog, meat byproducts, except kidney and liver	1.0	8/18/13
Milk, fat (reflecting negligible residues in whole milk and of which no more than 0.05 ppm is tetrachlorvinphos *per se*)	0.05	8/18/13
Poultry, fat (of which no more than 7.0 ppm is tetrachlorvinphos *per se*)	7.0	8/18/13
Poultry, liver (of which no more than 0.05 ppm is tetrachlorvinphos *per se*)	2.0	8/18/13
Poultry, meat (of which no more than 3.0 ppm is tetrachlorvinphos *per se*)	3.0	8/18/13
Poultry, meat byproducts, except liver	2.0	8/18/13

* * * * *

[FR Doc. 2013–04934 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 99–25; Report No. 2973]

Petition for Reconsideration of Action in a Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petitions for reconsideration.

SUMMARY: In this document. Petitions for Reconsideration (Petitions) have been filed in the Commission's rulemaking proceeding by Michael Couzens and Alan Korn Esq on behalf of Michael Couzens and Alan Korn, Brandy Doyle and Paul Bame, on behalf of Prometheus Radio Project, Don Schellhardt, Esq., on behalf of LET CITIES IN!!, Michelle Eyre, on behalf of REC Networks, and Donald E. Martin P.C., on behalf of LifeTalk Radio, Inc.

DATES: Oppositions to the Petitions must be filed by March 21, 2013. Replies to an opposition must be filed April 1, 2013.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Parul P. Desai, Media Bureau, 202–418–8217.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 2973, released February 21, 2013. The full text of Report No. 2973 is available for viewing and copying in Room CY–B402, 445 12th Street SW., Washington, DC or may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI) (1–800–378–3160). The Commission will not send a copy of this *Notice* pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), because this *Notice* does not have an impact on any rules of particular applicability.

Subject: Creation of a Low Power Radio Service, Amendment of Service and Eligibility Rules for FM Broadcast Translator Station, Petition for Reconsideration of Fifth Order on Reconsideration and Sixth Report and Order, published at 77 FR 21002, April 9, 2012, in MB Docket No. 99–25, and published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) of the Commission's rules.

Number of Petitions Filed: 5.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–05192 Filed 3–5–13; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 300 and 679

[Docket No. 120223143–3156–01]

RIN 0648–BB94

Amendment 94 to the Gulf of Alaska Fishery Management Plan and Regulatory Amendments for Community Quota Entities

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 94 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP), which would amend certain sablefish provisions of the Individual Fishing Quota Program for the Fixed-Gear Commercial Fisheries for Pacific Halibut and Sablefish in Waters in and off Alaska (IFQ Program). Amendment 94 and its proposed implementing regulations would revise the vessel use caps applicable to sablefish quota share (QS) held by Gulf of Alaska (GOA) Community Quota Entities (CQEs). NMFS is proposing the same regulatory revisions to the vessel use caps applicable to halibut QS held by GOA CQEs. In this action, NMFS is also proposing to revise the IFQ Program regulations to add three eligible communities to the CQE Program; to allow CQEs in International Pacific Halibut Commission regulatory area 3A (Area 3A) to purchase vessel category D halibut QS; to revise CQE annual reporting requirements, including specifying requirements for the charter halibut program; to clarify the CQE floating processor landing reporting requirements; and to consolidate CQE Program eligibility by community in a single table in the regulations.

DATES: Comments must be received no later than 5 p.m., Alaska local time, on April 5, 2013.

ADDRESSES: You may submit comments on this document, identified by FDMS Docket Number NOAA–NMFS–2012–0040, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/*

#!docketDetail;D=NOAA-NMFS-2012-0040, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

• *Fax:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Fax comments to (907) 586–7557.

• *Hand delivery to the Federal Building:* Address written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Deliver comments to 709 West 9th Street, Room 420A, Juneau, AK.

Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Electronic copies of the Regulatory Impact Review (RIR) prepared for Amendment 94 and the changes to the vessel use caps applicable to halibut IFQ derived from CQE QS, the RIR prepared for the regulatory amendment to add three communities to the list of CQE eligible communities, and the RIR prepared for the regulatory amendment to allow CQEs in Area 3A to purchase vessel category D halibut QS are available from *http://www.regulations.gov* or from the NMFS Alaska Region Web site at *http://alaskafisheries.noaa.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this action may be submitted to NMFS at the above address and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Peggy Murphy, (907) 586–7228.

SUPPLEMENTARY INFORMATION:

Regulatory Authority

NMFS proposes regulations to implement Amendment 94 to the FMP and regulatory amendments to revise the GOA CQE Program. The North Pacific Fishery Management Council (Council) recommended and NMFS approved the FMP in 1978 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*). Regulations implementing the FMP and general regulations governing groundfish appear at 50 CFR part 679. Fishing for Pacific halibut (*Hippoglossus stenolepis*) is managed by the International Pacific Halibut Commission (IPHC) and the Council under the Northern Pacific Halibut Act of 1982 (Halibut Act). Section 773(c) of the Halibut Act authorizes the Council to develop regulations that are in addition to, and not in conflict with, approved IPHC regulations. Such Council-recommended regulations may be implemented by NMFS only after approval by the Secretary of Commerce.

Background on the IFQ and CQE Program

The IFQ Program, a limited access privilege program for the commercial fixed-gear halibut fisheries off Alaska and sablefish (*Anoplopoma fimbria*) fisheries in the EEZ off Alaska, was recommended by the Council in 1992 and approved by NMFS in 1993. Initial implementing rules were published November 9, 1993 (58 FR 59375), and fishing under the IFQ Program began on March 15, 1995. The IFQ Program limits access to the halibut and sablefish fisheries to those persons holding QS in specific management areas. The IFQ Program for the sablefish fishery is implemented by the FMP and Federal regulations at 50 CFR part 679 under the authority of the Magnuson-Stevens Act. The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 679 under the authority of the Halibut Act. A comprehensive explanation of the IFQ Program can be found in the final rule implementing the program (58 FR 59375, November 9, 1993).

The IFQ Program changed the management structure of the fixed-gear halibut and sablefish fishery by issuing QS to qualified persons who owned or leased a vessel that made fixed-gear landings of those species from 1988 to 1990. Halibut QS was issued specific to one of eight IPHC halibut management areas throughout the Bering Sea and Aleutian Islands (BSAI) and GOA, and four vessel categories: Freezer (catcher/processor) category (A share); catcher vessel greater than 60 ft. length overall (LOA) (B share); catcher vessel 36 ft. to 60 ft. LOA (C share); and catcher vessel 35 ft. LOA or less (D share). Sablefish QS was issued specific to one of six sablefish management areas throughout the BSAI and GOA, and three vessel categories: freezer (catcher/processor) category (A share); catcher vessel greater than 60 ft. LOA (B share); and catcher vessel 60 ft. LOA or less (C share). The amount of halibut and sablefish that each QS holder may harvest is calculated annually and issued as individual fishing quota (IFQ) in pounds on an IFQ permit. An IFQ halibut permit authorizes participation in the fixed-gear fishery for Pacific halibut in and off Alaska, and an IFQ sablefish permit authorizes participation in most fixed-gear sablefish fisheries off Alaska. IFQ permits are issued annually to persons holding Pacific halibut and sablefish QS or to those persons who are recipients of IFQ transfers from QS holders.

The IFQ Program was structured to retain the owner-operator nature of the fixed-gear halibut and sablefish fisheries and limit consolidation of QS. The QS may be permanently transferred or leased with several restrictions by type of QS and management area. Only persons who were initially issued category B, C, and D catcher vessel QS, S-type corporations formed by initial issuee individuals, or individuals who qualify as IFQ crew members are allowed to hold or purchase catcher vessel QS. Thus, the IFQ Program restricts holders of catcher vessel QS to individuals and initial recipients. With few exceptions, individual QS holders are required to be on board the vessel to fish the IFQ.

Although the IFQ Program resulted in significant safety and economic benefits for many fishermen, since the inception of the IFQ Program, many residents of Alaska's smaller remote coastal communities who held QS have transferred their QS to non-community residents or moved out of the smaller coastal communities. As a result, the number of resident QS holders has declined substantially in most of the GOA communities with IFQ Program participants. This transfer of halibut and sablefish QS and the associated fishing effort from the GOA's smaller remote coastal communities has limited the ability of residents to locally purchase or lease QS and reduced the diversity of fisheries to which fishermen in remote coastal communities have access. The ability of fishermen in a remote coastal community to purchase QS or maintain existing QS may be limited by a variety

of factors both shared among and unique to each community. Although the specific causes for decreasing QS holdings in a specific community may vary, the net effect is overall lower participation by residents of these communities in the halibut and sablefish IFQ fisheries. The substantial decline in the number of resident QS holders and the total amount of QS held by residents of remote coastal communities may have aggravated unemployment and related social and economic conditions in those communities. The Council recognized that a number of remote coastal communities were struggling to remain economically viable. The Council developed the CQE Program to provide these communities with long-term opportunities to access the halibut and sablefish resources. The Council recommended the CQE Program as an amendment to the IFQ Program in 2002 (GOA Amendment 66), and NMFS implemented the program in 2004 (69 FR 23681, April 30, 2004).

The Community Quota Entity (CQE) Program allows a distinct set of 42 remote coastal communities in the GOA that met historic participation criteria in the halibut and sablefish fisheries to purchase and hold catcher vessel halibut QS in halibut Areas 2C, 3A, and 3B, and catcher vessel sablefish QS in the GOA. The communities are eligible to participate in the CQE Program once they are represented by a NMFS-approved non-profit entity called a CQE. The CQE is the holder of the QS and is issued the IFQ annually by NMFS. With certain exceptions, the QS must remain with the CQE. This program structure creates a permanent asset for the community to use. The structure promotes community access to QS to generate participation in, and fishery revenues from, the commercial halibut and sablefish fisheries.

To participate in the CQE Program, an eligible community must first acquire a statement of support from the community governing body, then form a CQE and have that CQE approved by NMFS to represent the community. After NMFS approval, a CQE may receive catcher vessel QS for the represented community(ies) through NMFS-approved transfers. The eligible communities and the community governing body that recommends the CQE are listed in Table 21 to 50 CFR part 679. Once the CQE holds QS, the CQE can lease the annual IFQ resulting from the CQE-held QS to individual community residents. The CQE Program also promotes QS ownership by individual community residents. Individuals who lease annual IFQ from the CQE could use IFQ revenue to purchase their own QS. The Council believed, and NMFS agrees, that both the CQE and non-CQE-held QS are important in terms of providing community residents fishing access that promotes the economic health of communities.

Current CQE Program regulations include several provisions affecting the use of QS and the annual IFQ by the CQE. Under some provisions, a CQE has the same privileges and is held to the same limitations as individual users. For example, CQE-held QS is subject to the same area use cap that applies to non-CQE-held QS. In other instances, the CQE is subject to less restrictive measures than individual QS holders. For example, the catcher vessel size classes do not apply to QS and the IFQ held by CQEs. In yet other instances, the CQE must operate under more restrictive measures than individual QS holders, in part to protect existing QS holders and preserve entry-level opportunities for fishermen. For example, CQEs currently cannot purchase Area 2C or Area 3A vessel category D halibut QS. This limitation is proposed to be changed through this rule. A comprehensive explanation of these CQE Program provisions can be found in the final rule authorizing the CQE program (69 FR 23681, April 30, 2004).

The Charter Halibut Limited Access Permit Program, License Limitation Program, and the CQE Program

Since the CQE Program began, NMFS has implemented regulations that authorize the allocation of limited access fishing privileges for the guided sport halibut fishery and the GOA groundfish fishery for Pacific cod, to be allotted to select communities that are eligible to form a CQE. For the guided sport halibut fishery, the Council and NMFS authorized certain communities in Southeast Alaska and Southcentral Alaska, Areas 2C and 3A, to request and receive a limited number of charter halibut permits, and designate a charter operator to use a community charter halibut permit to participate in the charter halibut fisheries. Amendment 86 authorized CQEs representing certain communities in the Central and Western GOA to request and receive a limited number of Pacific cod endorsed non-trawl groundfish License Limitation Program (LLP) licenses and assign those LLP licenses to specified users and vessels operating in those CQE communities. The Council and NMFS wanted to enhance access to the groundfish and halibut fisheries and generate revenues for communities. Further, the Council and NMFS wanted to provide for direct participation by individuals residing in, or operating out of, CQE communities. A description of the specific rationale and criteria considered by the Council and NMFS when authorizing these additional fishery access opportunities to CQEs are provided in the final rules implementing these programs and are not repeated here (75 FR 554, January 5, 2010; 76 FR 15826, March 22, 2011). Generally, the Council chose to rely on the criteria defined under Amendment 66 to determine the subsets of coastal communities that may benefit from participation opportunities in the guided sport halibut and GOA Pacific cod fisheries.

Review of the IFQ Program and CQE Program and Proposed Modifications to the Programs

Between December 2010 and October 2011, the Council recommended three proposals to change the GOA CQE Program. In addition, NMFS has identified a need to revise recordkeeping and recording requirements for the CQE Program. Based on the Council's three recommendations and NMFS's review of recordkeeping and reporting requirements in the CQE Program, this proposed rule would implement four separate actions: (1) Revise the vessel use cap applied to sablefish QS held by GOA CQEs (Amendment 94) and to halibut QS held by CQEs; (2) add three communities to the list of CQE-eligible communities; (3) allow CQEs in Area 3A to purchase halibut vessel category D QS; and (4) add and update annual recordkeeping and recording requirements for CQEs participating in limited access programs for charter halibut fisheries and the GOA Pacific cod endorsed non-trawl groundfish fisheries. Action 1 as it relates to sablefish requires amendment of the GOA FMP. Action 1, as it relates to halibut and actions 2 through action 4, require amendments to the IFQ Program and CQE Program regulations. The Council recommended Action 1 in October 2011, Action 2 in December 2010, and Action 3 in February 2011. Under Action 4, NMFS is proposing regulations to: (1) Carry-out Council intent for CQE recordkeeping and reporting; (2) clarify community eligibility in the CQE Program in Table 21 to part 679; and (3) correct minor errors in current regulations.

Actions Proposed by This Rule

The four proposed actions are described below.

Action 1: Revise Vessel Use Cap for Sablefish (Amendment 94) and Halibut

Action 1 would amend the GOA FMP and Federal regulations at § 679.42(h)(1)(ii) and (h)(2)(ii) to make the vessel use caps applicable to vessels fishing either sablefish or halibut IFQ derived from CQE-held QS similar to those applicable to vessels fishing sablefish or halibut derived from non-CQE-held QS. The current vessel use cap that applies to vessels fishing IFQ derived from CQE-held QS can be more restrictive than the vessel use caps that apply to vessels harvesting only non-CQE-held IFQ. Revising the current vessel use cap would provide community residents with additional access to vessels to fish IFQs leased from CQEs and may enable more CQEs and eligible community residents to participate in the IFQ Program.

The existing FMP and IFQ CQE regulations provide that a vessel may not be used to harvest more than 50,000 pounds (22.7 mt) of IFQ from any QS source if the vessel is used to harvest IFQ derived from QS held by a CQE. As a result, community residents leasing IFQ from a CQE may use the IFQ only on vessels that harvest annually no more than 50,000 pounds of IFQ in total: IFQ derived from CQE-held QS plus IFQ derived from non-CQE-held QS count towards the cap. The Council established these limitations in the original CQE Program to prevent consolidation of IFQ harvest on a small number of vessels and broadly distribute the benefits from fishing activities among CQE community residents.

The proposed regulations would exclude IFQ derived from non-CQE-held QS from the 50,000 pound vessel use cap. Only IFQ derived from CQE-held QS would count towards the vessel use cap. The effect would be that the following annual vessel use caps would apply to all vessels harvesting IFQ: No vessel could be used to harvest (1) more than 50,000 pounds (22.7 mt) of halibut or sablefish IFQ leased from a CQE, and (2) more halibut or sablefish IFQ than the IFQ Program overall vessel use caps. The existing IFQ Program halibut vessel use caps would remain at 1 percent of the Area 2C halibut IFQ total catch limit and 0.5 percent of the combined halibut total catch limits in all halibut regulatory areas off Alaska (Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E). The existing IFQ Program sablefish vessel use caps would remain at 1 percent of the Southeast sablefish IFQ total allowable catch (TAC) and 1 percent of the combined sablefish TAC in all sablefish regulatory areas off Alaska (GOA and BSAI).

Under Action 1, if, during any fishing year, a vessel was used to harvest halibut IFQ or sablefish IFQ derived from CQE-held QS and non-CQE-held QS, the harvests of IFQ derived from the non-CQE-held QS would not accrue against either the halibut 50,000 pound vessel use cap or the sablefish 50,000 pound vessel use cap for IFQ leased from a CQE. However, the harvests of halibut and sablefish IFQ derived from all sources would accrue against the overall vessel use caps. In effect, a vessel could not use more than 50,000 pounds of halibut IFQ and 50,000 pounds of sablefish IFQ derived from QS held by a CQE during the fishing year. A vessel could be used to harvest additional IFQ from non-CQE-held QS up to the overall vessel use caps applicable in the IFQ Program, if the overall vessel use caps are greater than 50,000 pounds. If the vessel use caps in the IFQ Program are lower than 50,000 pounds in a given year, then the lowest vessel use cap would apply. For example, in the Area 2C halibut fishery in 2011, the overall vessel use cap for the IFQ Program of 1 percent of the Area 2C halibut IFQ total catch limit was 23,300 pounds. This 23,300-pound limit would have been more restrictive than the 50,000-pound vessel use cap for IFQ leased from a CQE, as proposed under Action 1. Alternatively, for Areas 3A and 3B, the 50,000-pound vessel use cap for halibut IFQ derived from CQE-held QS would have been more restrictive in 2011 because the overall vessel use cap of 0.5 percent of the combined halibut total catch limits in all halibut regulatory areas was 151,910 pounds.

Since the CQE Program was implemented, community residents have found that the current vessel use cap prevents CQE communities and residents from realizing the intended benefits of the Program. The restrictions impede development of community-based fisheries by limiting the use of IFQ by CQEs, community residents, and owners of vessels in the IFQ fleet. The current CQE vessel use cap eliminates the opportunity for community residents leasing IFQ from a CQE to use a vessel that has harvested or will harvest more than 50,000 pounds of IFQ, even if it is the only vessel available for use by a CQE community. Also, the existing regulations restrict the option for multiple residents leasing IFQ from a CQE to combine their IFQ on a vessel if the cumulative IFQ, derived from both CQE-held and non-CQE-held QS, exceeds 50,000 pounds.

CQE representatives told the Council that the existing 50,000-pound (22.7 mt) IFQ vessel use cap reduces flexibility and opportunity to use IFQ leased from CQEs on larger vessels. The use of larger vessels could increase employment of community residents as crew and improve safety at sea during bad weather. As discussed in Section 2.1 of the analysis prepared for this action (See **ADDRESSES**), representatives of CQEs also told the Council that the use of CQE-leased IFQ on vessels owned by non-CQE community residents is important to the program's success, as many of the eligible CQE community residents may be entry-level fishermen or fishermen with no vessels or very small vessels. Changing the vessel use cap would increase the flexibility of CQEs to lease IFQ to community residents who do not own vessels. The change also could help residents find employment as crew members. These entry-level fishermen could fish the IFQ derived from CQE-held QS on other vessels to work their way into the fishery. The opportunity to lease IFQ in the short-term and sell fish may help community residents purchase QS from the CQE over the longer term.

The proposed rule likely would provide additional opportunities for a CQE to lease IFQ to community residents, as the pool of potential resident applicants could increase if there were a larger pool of potential vessels from which residents could fish CQE-leased IFQ. CQEs and community residents leasing IFQ from CQEs may benefit from an increased availability of vessels that would be able to use additional CQE-leased IFQ onboard under the proposed revision to exclude IFQ derived from non-CQE-held QS from the 50,000-pound vessel use cap applicable when using IFQ derived from CQE-held QS is onboard. The proposed revision, in effect, would increase a vessel's overall IFQ use cap. The resulting increased harvesting opportunity could benefit CQE communities through increases in revenues and CQE purchases of QS. Such resources are important for CQE communities to develop short and longer term financial and fishery business plans.

The Council also considered the Status Quo Alternative and a third alternative (Alternative 3) that would have eliminated the existing 50,000-pound vessel use caps applicable when using CQE quota onboard. Under Alternative 3, vessels would not have been restricted to 50,000 pounds of IFQ derived from CQE-held QS but would have continued to be subject to the regular vessel use caps. Section 2.6 of the analysis discusses the alternative actions reviewed by the Council. In

selecting the Preferred Alternative and not Alternative 3, the Council made a policy choice to retain some limitation on the distribution of benefits among vessels. The Council's choice is intended to equitably distribute the potential benefits of CQE-held QS and IFQ throughout the communities.

Action 2: Add Three CQE Communities

Proposed Action 2 would add the communities of Game Creek and Naukati Bay in Area 2C, and Cold Bay in Area 3B to the list of communities that are eligible to participate in the GOA CQE Program. In establishing the CQE Program, the Council adopted a specific list of eligible communities to limit entry of new communities into the CQE Program. A community not specifically designated on the list of communities adopted by the Council may apply directly to the Council to be included. In this event, the Council may modify the list of eligible communities through a regulatory amendment approved by the Secretary. The purpose of proposed Action 2 is to add three communities to the list of eligible communities in Table 21 to part 679. To qualify as eligible to purchase QS, a community must meet the following criteria: (1) Have a population of less than 1,500 people and at least 20 persons, based on the 2000 U.S. Census; (2) be located on the GOA coast of the North Pacific Ocean; (3) have direct access to saltwater; (4) have no direct road access to larger communities with a population greater than 1,500 persons; (5) have historic participation in the halibut and sablefish fisheries; and (6) be listed in Table 21 to part 679.

The communities of Game Creek and Naukati Bay petitioned the Council in March 2010 to be added to the list of CQE-eligible communities. Upon receiving the petitions from Game Creek and Naukati Bay, the Council reviewed all communities that are located on the coast of Areas 2C, 3A, or 3B. The Council and NMFS found the community of Cold Bay eligible, and the city of Cold Bay agreed to represent the community in approval of a CQE. The Council evaluated each of the three communities with respect to criteria 1 through 5 as described above and determined they would be eligible to participate as CQE communities. The Council recommended that the communities be added to the list of eligible CQE communities in Table 21 to part 679. The proposed action would revise Table 21 to part 679 to add the communities of Game Creek, Naukati Bay and Cold Bay as eligible to participate in the CQE Program.

If this action is approved, then each of the three eligible communities would need to meet applicable requirements to participate in the CQE Program. Each of the three communities would need to form a new (or use an existing) qualified non-profit entity to represent the eligible community as a CQE, as required by regulations at § 679.41(l). Once the non-profit entity is formed, it must have written approval from the governing body of the community to submit an application to NMFS for review and approval to participate in the CQE Program. Upon approval by NMFS, the non-profit entity becomes a CQE and is permitted to purchase and hold halibut and sablefish QS on behalf of the community. The CQEs representing Game Creek and Naukati Bay would be eligible to purchase halibut catcher vessel QS in Area 2C and Area 3A, and sablefish catcher vessel QS in the GOA (Southeast, West Yakutat, Central Gulf and Western Gulf). The CQE representing Cold Bay would be eligible to purchase halibut catcher vessel QS in Area 3A and Area 3B, and GOA sablefish catcher vessel QS.

The Council also reviewed these three communities with respect to eligibility criteria for the other limited access programs for which the existing CQEs are eligible: The charter halibut limited access program and the LLP for GOA groundfish. The Council determined that the communities of Naukati Bay and Game Creek would meet the regulatory criteria to be eligible to participate as CQE communities in the charter halibut limited access program (75 FR 554, January 5, 2010). The Council determined the community of Cold Bay would not be eligible because it is located in the Alaska Peninsula regulatory area, Area 3B. Only CQEs representing certain communities in Southeast Alaska and Southcentral Alaska, Areas 2C and 3A, are allowed to request and receive a limited number of charter halibut permits. If Naukati Bay and Game Creek are approved as eligible, then each community's CQE could request up to four charter halibut permits endorsed for Area 2C. Four is the maximum number of charter halibut permits that CQE communities located in Area 2C may request. In its December 2010 recommendation for this proposed action, the Council noted that the number of additional permits that could potentially be issued to CQEs representing Naukati Bay and Game Greek does not significantly change the projected number of charter halibut permits to be issued in the Area 2C charter halibut fishery. The additional permits would not be expected to substantially increase fishing in the guided sport halibut fishery in Area 2C.

The Council also determined the community of Cold Bay would be eligible to participate as a CQE community in the GOA Pacific cod LLP. Naukati Bay and Game Creek would not be eligible to participate in the GOA Pacific cod LLP because they are located in Southeast Alaska and the LLP affects the Western and Central GOA. Cold Bay could, if approved, have its CQE request Pacific cod endorsed non-trawl groundfish LLP licenses as implemented by NMFS under the GOA fixed gear recency action under GOA FMP Amendment 86 (76 FR 15826, March 22, 2011). Under LLP regulations, the community of Cold Bay would be eligible to receive a maximum of two Western GOA LLP licenses with endorsements for Pacific cod and pot gear.

The Council and NMFS considered the potential effects of adding three new communities to the CQE Program on existing users of the halibut and groundfish resources of the GOA and the residents of Cold Bay, Game Creek, and Naukati Bay. This section briefly summarizes the conclusions discussed in Section 2.9.2 of the analysis prepared for this action (see **ADDRESSES**). The primary effect of the proposed action to add three new communities to the CQE Program on participants in the halibut and sablefish IFQ fisheries would be greater competition for QS purchases and resulting increased prices for QS. However, CQE use caps in current regulations limit the total amount of halibut and sablefish QS that could be purchased by a CQE and by CQEs in aggregate. Those CQE caps (see § 679.42(e)(4) through (e)(5) for sablefish and § 679.42(f)(2) for halibut) would remain unchanged under the proposed action. Thus, the potential for increased competition and increased prices would be limited. Adding new communities to the program could create additional competition for communities to purchase up to the individual CQE use caps before the aggregate CQE cap is reached. This potential is also considered limited. Although 30 of the currently eligible 42 communities have formed CQEs, only a small amount of QS has been purchased by CQEs under the program. The Council's 5-year review of the CQE Program in March 2010 showed that one of the biggest challenges facing CQEs appears to be financing QS purchases. The lack of credit history and the fact that CQEs are non-profit organizations increases lending risks for financial institutions. Another financial limitation to QS purchases is the administrative cost

necessary to both establish and maintain the CQE.

NMFS does not know if proposed action 2 would result in increased community access to the halibut and sablefish fisheries due to the limited financing options and high quota prices seen in recent years. Council analysis indicated that CQE communities are most likely to participate in the charter halibut limited access program because they would receive a limited number of community charter halibut permits at no cost. Furthermore, the charter halibut permit program does not restrict charter halibut permit use only to CQE community residents. Overall, the Council concluded that adding communities to the CQE Program would have a limited impact on existing users of the halibut and groundfish resources of the GOA, but would provide additional opportunities to the residents of Cold Bay, Game Creek, and Naukati Bay.

Action 3: Allow CQEs in Area 3A To Purchase Vessel Category D Halibut QS

Currently, regulations prohibit the transfer of vessel category D halibut quota share to a CQE representing a community or communities in halibut regulatory Area 3A. Vessel category D halibut QS may only be fished on catcher vessels 35 ft. LOA or less. Proposed Action 3 would allow a CQE representing a community(ies) in Area 3A to hold QS that is assigned to vessel category D. The purpose of proposed action 3 is to allow some redistribution of vessel category D QS to CQEs, thereby increasing fishing opportunities for CQE communities in Area 3A and for the owners of the small category D boats they may use. Vessel category D QS is generally the least expensive category of halibut QS because non-CQE IFQ derived from category D QS can only be used on the smallest category of catcher vessel. It is often purchased and used by smaller operations or new entrants. Based on public testimony received from residents of communities located in Area 3A and its review of the CQE Program, the Council determined that additional CQEs in Area 3A could participate in the CQE Program if they were eligible to purchase vessel category D halibut QS.

Currently, the CQEs representing communities in Area 3A and Area 2C are allowed to purchase vessel category B and C halibut QS, but unlike individual holders, are prohibited from purchasing vessel category D halibut QS. The CQEs representing communities in Area 3B can purchase vessel category D halibut QS. Proposed Action 3 has three provisions and would allow CQEs representing communities in Area 3A to hold a limited amount of vessel category D halibut QS in Area 3A as described in more detail below. No change to Area 2C was proposed by the public, and no change to Area 2C would be made by this proposed rule.

The CQE Program was implemented about 10 years after implementation of the IFQ Program. By that time, most CQE communities had experienced substantial migration of locally held QS to larger communities. The CQE Program allowed these eligible communities to purchase limited amounts of vessel category B and C halibut and sablefish QS, but did not allow for purchase of vessel category D QS. One of the primary reasons the Council originally prohibited CQE purchase of vessel category D QS was to ensure that vessel category D QS would continue to be available to new IFQ Program entrants and crew members. The Council was concerned that an influx of CQEs in halibut regulatory Areas 2C and 3A would drive up demand and price for vessel category D QS and reduce the available vessel category D QS for individuals. To date, few CQEs hold any halibut QS; the small number of CQEs representing communities in Area 3B were not prohibited from purchasing vessel category D QS. The Council and NMFS found no clear evidence demonstrating a potential conflict between the limited number of new IFQ Program entrants and CQEs in Area 3B.

At the time the CQE Program was implemented in 2004, 14 communities became eligible for the CQE Program in Area 3A. Residents in 11 of those communities held about 9 percent of the total amount of Area 3A vessel category D halibut QS. Since then, all 14 communities in Area 3A have formed CQEs approved by NMFS. However, only 2 CQEs have purchased a very small amount of halibut QS due to difficulties in securing favorable financing terms. Section 2.4.3.2 of the analysis prepared for this proposed action (see **ADDRESSES**) provides additional detail on halibut QS holdings by Area 3A CQE communities.

The amount of QS designated as vessel category D QS in Area 2C, Area 3A, and Area 3B is relatively small compared to vessel category A, B, and C QS. Section 2.6.2 of the analysis notes that Area 3A CQE community residents currently hold less than 3 percent of the total catcher vessel QS, and about 30 percent of that QS is vessel category D QS. The vessel category D QS held by community residents is one potential source of QS for CQEs to acquire additional QS. The Council's review of the CQE Program noted that CQE community residents who are transferring QS are more likely to offer the CQE favorable financing terms to purchase their QS if they are transitioning out of the fishery. Allowing Area 3A CQEs to purchase vessel category D QS could build equity and increase the potential that CQEs acquire halibut QS in Area 3A. The CQEs' acquisition of halibut QS would further the goals of the Council by enabling CQE communities to sustain community participation in the fishery.

The first provision would require that CQEs that purchase and hold Area 3A, vessel category D, QS, fish the annual halibut IFQ on category D vessels (vessels less than or equal to 35 ft. LOA). These less than 35 ft. LOA vessels are typically used by an entry-level participant and by most residents in Area 3A communities.

The second provision of this proposed action would cap the purchase of vessel category D QS by eligible Area 3A CQEs at 1,223,740 units (132,293 pounds in 2010). The new cap equals the number of vessel category D QS units initially issued to individual residents of Area 3A CQE communities. If Area 3A CQE communities purchase sufficient QS to reach the cap, then NMFS would notify Area 3A CQEs that no more vessel category D QS could be transferred, and further transfers would be prohibited by NMFS. The Council recommended this limit to provide opportunities for CQEs to hold an amount of vessel category D QS up to the amount historically held by CQE residents. However, the cap amount would not significantly expand the total holdings of vessel category D QS in CQE communities or significantly increase potential competition for vessel category D QS between non-CQE and CQE QS holders.

As described in Section 2.6.2 of the analysis, the use cap of 1,223,740 units of vessel category D QS represents 9.6 percent of the total Area 3A, vessel category D QS. This means more than 90 percent of Area 3A, vessel category D QS would remain accessible to non-CQE QS holders. Therefore, the maximum effect, as limited by this action, would be the redistribution of up to 1,223,740 units of Area 3A, vessel category D, halibut QS from non-CQE QS holders to CQEs.

The third provision of this proposed action would remove the current restriction on the minimum size block that a CQE could purchase of Area 3A, vessel category D, halibut QS. A block is a consolidation of QS units that may not be divided. The IFQ Program initially issued QS in blocks to address

various problems. Most initially issued QS that resulted in less than the equivalent of 20,000 pounds (9 mt) of IFQ (in 1994 pound equivalents) was ''blocked,'' that is, issued as an inseparable unit. Subsequent amendments to the IFQ Program created a variety of block sizes that were available for transfer. One of the primary purposes of QS blocks and the amendments to the block provisions was to conserve small blocks of QS that could be purchased at a relatively low cost by crew members and new entrants to the IFQ fisheries. As the experience of these fishermen increased and the size of their fishing operations grew, larger amounts of QS were needed to accommodate this growth. The method of a ''sweep-up'' was introduced to allow very small blocks of QS to be permanently consolidated so as to be practical to fish without exceeding block use caps. Over time, the Council and NMFS made moderate increases in the sweep-up levels to allow greater amounts of QS to be swept-up into larger amounts that could be fished more economically. Section 2.6.2 of the analysis prepared for this action provides additional detail on the development and regulation of QS blocks and is not repeated here.

CQEs are currently prohibited from purchasing a halibut QS block in Area 3A that consists of less than 46,520 QS units. The majority of vessel category D halibut QS available in Area 3A is in small blocks less than or equal to the current sweep-up limit of 46,520 QS units. At the time of analysis (2010), 10 percent of the Area 3A, vessel category D, halibut QS was unblocked, 28 percent was blocked at levels greater than the sweep-up limit (large blocks), and 62 percent was blocked at levels less than or equal to the sweep-up limit (small blocks). The Council reviewed these data and determined that current regulations requiring CQEs to use unblocked QS and large blocks of QS limit the opportunity for CQEs in Area 3A to purchase vessel category D QS. CQEs have few opportunities to purchase vessel category D QS from residents of CQE communities who are either retiring out of the fishery or transitioning to a different category of QS. Therefore, the Council added the provision allowing CQEs to purchase any size block of vessel category D halibut QS in Area 3A.

The primary effect of the three provisions of this proposed action on existing IFQ and CQE Program participants would be the potential for greater competition in the market for purchasing vessel category D halibut QS, which could result in a higher price. While this potential for competition would affect all current and potential QS holders, including resident fishermen of CQE communities, the impacts of the proposed action on all IFQ Program participants would be limited by the total amount of vessel category D halibut QS available for sale and the extent that CQEs are capable of purchasing vessel category D QS in Area 3A. Given current financing options to secure funding for a QS purchase and the trend of reduced rates of halibut QS transfers, the Council and NMFS could not determine through the analysis of this action whether allowing CQEs to access vessel category D QS in Area 3A would have an impact on the amount of vessel category D QS transfers or the overall market price for the purchase of vessel category D QS. While CQEs would likely continue to have difficulty in funding the purchase of QS, this action would potentially provide more opportunity for communities to participate in the halibut QS market.

Action 4: Technical Revisions to Recordkeeping and Reporting

Action 4 would amend CQE recordkeeping and reporting requirements, clarify CQE Program eligibility for individual communities, and correct minor errors in current program regulations.

Annual Reporting

When the Council developed the CQE Program, it recommended that CQEs prepare and submit an annual report to NMFS that described the prior year's business and fishing operations. The annual report requirements capture three performance standards that the Council established for CQEs. The performance standards are (1) equitable distribution of IFQ leases within a community, (2) the use of IFQ by local crew members, and (3) the percentage of IFQ resulting from community-held QS that is fished on an annual basis. A CQE's annual report is used by the Council to measure the CQE's prior year's performance against these standards. These annual reports are used to track the progress of the CQEs and assess whether the CQE issuance of the fishing privileges is meeting the overall goal of the CQE Program.

The current CQE annual report requirements for CQE leases of IFQ halibut and sablefish in the IFQ Program are found in the recordkeeping and reporting regulations in § 679.5(l)(8). The CQE annual reporting requirements for CQE assignment of Pacific cod endorsed non-trawl groundfish LLP licenses are in § 679.4(k)(10)(G) of the regulations. The remaining annual reporting requirements for the CQE assignment of LLP licenses are in regulations at § 679.5(l)(8) (i.e., CQE lease of IFQ).

Currently, there are no requirements for CQEs to submit an annual report on their use of community charter halibut permits in the charter halibut limited access program. Following implementation of the charter halibut limited access program, NMFS reviewed the Council's recommendation for the issuance of charter halibut permits to CQEs. NMFS determined that the Council intended that CQEs include information on the distribution and use of charter halibut permits in their annual report, following the same requirements for the IFQ and LLP program annual reports. Therefore, NMFS proposes specific CQE annual reporting requirements for use of community charter halibut permits in the charter halibut limited access program.

This action proposes the consolidation of CQE annual reporting requirements for all CQE participation in Federal fishery management programs in § 679.5(t), the recordkeeping and reporting regulations. Proposed paragraph (t) would describe both general reporting requirements for CQE annual reports and specific reporting requirements for any CQE participating in the IFQ, charter halibut limited access, and LLP programs. The action would also revise § 679.4(k), Permits, and § 679.5(l), Recordkeeping and Reporting, to reference the single location for annual reporting regulations at § 679.5(t). Finally, the action would add the CQE annual reporting requirement to the charter halibut limited access program at § 300.67(k)(7). These proposed changes would streamline regulatory text and provide CQEs with a single reference to determine their annual reporting requirements.

CQE Floating Processor Landing Report Requirements

This action would revise the recordkeeping and reporting regulations at § 679.5(e) for CQE floating processors. Under Amendment 83 to the GOA FMP, NMFS implemented regulations that allow vessels to receive and process catch harvested by other vessels within the municipal boundaries of CQEs located in the Central and Western GOA (76 FR 74670, December 1, 2011). This proposed action would not modify provisions applicable to the general use of CQE floating processors that were established and described in the final rule implementing Amendment 83, but would clarify specific reporting

requirements that must be met. The current regulations at § 679.5(e)(6) state that CQE floating processors that receive groundfish from catcher vessels must submit a daily mothership landing report in the eLandings electronic reporting system that they were taking deliveries within the municipal boundary of a CQE community. However, NMFS proposes this reporting should occur on the shoreside processor landing report for two reasons: first, a shoreside landing report provides a more accurate report of CQE floating processing activity, and second, it will improve the timely collection and assessment of landing data. As such, this action proposes to move the reporting requirement from § 679.5(e)(6) to § 679.5(e)(5). In addition, the definition of a mothership at § 679.2(3), which is specific to CQE floating processors, would no longer be needed and would therefore be removed.

Modify Table 21 to Part 679

This action would make three modifications to Table 21 to part 679 by adding column headings to describe the management areas where CQE Program communities may use halibut and sablefish. The preambles to the proposed and final rules for GOA Amendment 66 describe the specific communities that may use halibut and sablefish IFQ (proposed rule: 68 FR 59564, October 16, 2003; final rule: 69 FR 23681, April 30, 2004). Under GOA Amendment 66, the Council allowed a distinct set of 42 remote coastal communities with historic participation in the halibut and sablefish fisheries to purchase and hold halibut QS in halibut regulatory Areas 2C, 3A, and 3B of the GOA and sablefish QS in the Southeast and Southcentral Alaska.

Currently, Table 21 to part 679 that lists these communities does not clearly delineate which communities may lease halibut IFQ in Areas 3A and 3B. The first modification NMFS proposes is to correct this error in Table 21. This correction is needed to accurately describe community eligibility to lease halibut QS by halibut IFQ regulatory area. This proposed correction to Table 21 would eliminate potential confusion by the regulated public. Since implementation of the CQE Program, any halibut QS issued to a CQE included the corresponding IFQ regulatory area on the permit. This permit is the primary document used by authorized enforcement officers to determine in what regulatory area a fisherman is allowed to fish IFQ derived from the QS. Despite the absence of the information in Table 21 in current regulations, NMFS would not issue a halibut QS permit to a CQE with the incorrect IFQ regulatory areas.

Currently, Table 21 does not indicate the CQE Program communities in the GOA that are eligible to use sablefish QS. NMFS proposes a second modification to Table 21 that would add a column to specify the CQE communities in the GOA that may lease sablefish IFQ.

NMFS proposes a third modification to add columns to Table 21 to list the maximum number and the halibut IFQ regulatory area of charter halibut limited access permits that may be granted to CQEs representing specific communities. The halibut charter moratorium program (75 FR 554, January 5, 2010) issued a limited number of charter halibut permits to each CQE representing a community in Area 2C and Area 3A that meets specific criteria denoting underdeveloped charter halibut ports. Currently, the regulations lack a single listing of the number of permits each community is eligible to receive. NMFS proposes to list in Table 21 the maximum number of charter halibut limited access permits that may be issued in halibut IFQ regulatory Area 2C and Area 3A by eligible community.

The three proposed modifications to Table 21 would assist CQEs and other stakeholders in referencing fishing program eligibility by CQE community. If approved, these modifications to Table 21 would be made in conjunction with the proposed actions in this rule to add three new communities to the CQE Program and to remove Table 50 to part 679.

Remove Table 50 to Part 679

NMFS determined from a review of Table 21 to part 679 that the information in Table 50 to part 679 would be best incorporated into Table 21. Table 50 originated as part of Amendment 86 to the FMP to modify the License Limitation Program (LLP) for groundfish fisheries (76 FR 15826, March 22, 2011). As previously explained, Amendment 86 authorized CQEs representing certain communities in the Central and Western GOA to request and receive a limited number of Pacific cod endorsed non-trawl groundfish LLP licenses and assign those LLP licenses to specified users and vessels operating in those CQE communities. Table 50 lists the maximum number and the regulatory area specification of those groundfish LLP licenses that may be granted to CQEs representing the specific GOA communities. Currently, all communities listed in Table 50 are also included in Table 21. Combining Table 21 and Table 50 would consolidate regulations describing each CQE community's eligibility to participate in Federal fishery management programs in the GOA. The revised Table 21 would clearly define each CQE community's opportunities and remove duplicate information currently contained in Table 50. As proposed, CQEs and other stakeholders would be able to reference Table 21 and efficiently locate all the fishing programs for which a specific CQE community is eligible.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with Amendment 94, the Halibut Act, the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Community quota entities are the only entities that will be directly impacted by this proposed rule. Under the terms of the Regulatory Flexibility Act, CQEs are always considered small entities.

If the proposed actions are implemented, each action would have a positive impact on the affected small entities because they would increase CQE fishing opportunities over the status quo. The action to relieve the vessel use cap restriction when individual, non-CQE IFQ is fished on board the vessel removes an overly restrictive management provision. By removing this provision, CQE communities will have more opportunities to fish than they are currently allowed. The addition of three new communities to the list of communities eligible to form a CQE correctly identifies all of the communities eligible to participate in the CQE Program, thus ensuring that eligible communities are not being left out of the program. The action to allow Area 3A communities to purchase D category halibut QS would not have adverse economic impacts on directly regulated small entities and would preserve fishing opportunities in small rural communities.

Because of the voluntary nature of the CQE Program, and the fact that the proposed actions would increase CQE fishing opportunities, this rule would not impose significant adverse economic impacts on a substantial number of small entities. As a result, an Initial Regulatory Flexibility Analysis is not required and none has been prepared.

Projected Reporting, Recordkeeping and Other Compliance Requirements

The proposed rule would require additional reporting, recordkeeping, and other compliance requirements by CQEs. Specifically, the proposed rule would require CQEs to add a description of the previous year's business and fishing operations for the charter halibut limited access program to its annual report submitted to NMFS. The reports are currently, and would continue to be, reviewed by NMFS. Information would be released to the Council, if requested, in a manner that is consistent with section 402(b) of the Magnuson-Stevens Act and applicable agency regulations and policies.

Duplicate, Overlapping, or Conflicting Federal Rules

No Federal rules that might duplicate, overlap, or conflict with these proposed actions have been identified.

Collection-of-Information

This proposed rule contains collection-of-information requirements subject to review and approval by OMB under the Paperwork Reduction Act (PRA). These requirements have been submitted to OMB for approval and are listed below by OMB control number. To improve efficiency and clarity, the CQE activities are being brought together with other CQE forms under one collection.

OMB Control No. 0648–0272

Two forms (Application for a Non-profit Corporation to be Designated as a Community Quota Entity (CQE) and Application for Transfer of QS/IFQ to or from a CQE) are removed from this IFQ Program collection and are placed in the new ACQE collection (see below). No changes are made to the forms.

OMB Control No. 0648–0334

Three elements (Application for a CQE to Receive a Non-trawl Groundfish LLP License; Letter of Authorization for Persons Using LLP Licenses Assigned to a CQE; and CQE Annual Report) are removed from this License Limitation Program (LLP) and are placed in the new ACQE collection (see below). No changes are made to the elements.

OMB Control No. 0648–ACQE

Public reporting burden is estimated to average 200 hours per response for Application to become a Community Quota Entity (CQE); two hours per response for Application for Transfer of QS/IFQ to or from a CQE; 20 hours for Application for a CQE to Receive a Non-trawl Groundfish LLP License; 40 hours for CQE Annual Report; and one hour for a CQE Letter of Authorization. The estimated reporting burden includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

NMFS seeks public comment regarding whether this proposed collection-of-information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or by fax to (202) 395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall 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.

List of Subjects

50 CFR Part 300

Fisheries, Reporting and recordkeeping requirements.

50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: February 28, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR parts 300 and 679 as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

■ 1. The authority citation for part 300 continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 2. In § 300.67, revise paragraph (k)(2)(i) and add paragraph (k)(7) to read as follows:

§ 300.67 Charter halibut limited access program.

* * * * *

(k) * * *

(2) * * *

(i) For Area 2C: Angoon, Coffman Cove, Edna Bay, Game Creek, Hollis, Hoonah, Hydaburg, Kake, Kasaan, Klawock, Metlakatla, Meyers Chuck, Naukati Bay, Pelican, Point Baker, Port Alexander, Port Protection, Tenakee, Thorne Bay, Whale Pass.

* * * * *

(7) An annual report on the use of charter halibut permits must be submitted by the CQE as required at § 679.5(t) of this title.

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 3. The authority citation for part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447.

§ 679.2 [Amended]

■ 4. In § 679.2, remove paragraph (3) of the definition for ''Mothership.''

■ 5. In § 679.4, revise paragraphs (k)(10)(vi)(A), (k)(10)(vi)(C) introductory text, (k)(10)(vi)(C)(*2*), (k)(10)(vi)(F)(*1*), (k)(10)(vi)(F)(*2*), and (k)(10)(vi)(G) to read as follows:

§ 679.4 Permits.

* * * * *

(k) * * *

(10) * * *

(vi) * * *

(A) Each CQE that has been approved by the Regional Administrator under the requirements of § 679.41(l)(3) to represent a community listed in Table 21 to part 679 that is eligible for Pacific cod endorsed non-trawl groundfish licenses, may apply to receive the maximum number of groundfish licenses listed in Table 21 to part 679 on behalf of the eligible communities listed in Table 21 to part 679 that CQE is designated to represent. In order to receive a groundfish license, a CQE must submit a complete application for a groundfish license to the Regional Administer, NMFS, P.O. Box 21668, Juneau, AK 99802. A CQE may not apply for, and may not receive more

than the maximum number of groundfish licenses designated in the regulatory area specified for a community as listed in Table 21 to part 679.

* * * * *

(C) A groundfish license approved for issuance to a CQE by the Regional Administrator for a community listed in Table 21 to part 679:

* * * * *

(*2*) Will have only the regional designation specified for that community as listed in Table 21 to part 679;

* * * * *

(F) * * *

(*1*) NMFS will issue only pot gear Pacific cod endorsements for groundfish licenses with a Western Gulf of Alaska designation to CQEs on behalf of a community listed in Table 21 to part 679.

(*2*) NMFS will issue either a pot gear or a hook-and-line gear Pacific cod endorsement for a groundfish license with a Central Gulf of Alaska designation to CQEs on behalf of a community listed in Table 21 to part 679 based on the application for a groundfish license as described in paragraph (k)(10)(vi)(B) of this section provided that application is received by NMFS not later than six months after April 21, 2011. If an application to receive a groundfish license with a Central Gulf of Alaska designation on behalf of a community listed in Table 21 to part 679 is received later than six months after April 21, 2011, NMFS will issue an equal number of pot gear and hook-and-line gear Pacific cod endorsements for a groundfish license issued to the CQE on behalf of a community listed in Table 21 to part 679. In cases where the total number of groundfish licenses issued on behalf of a community listed in Table 21 to part 679 is not even, NMFS will issue one more groundfish license with a pot gear Pacific cod endorsement than the number of groundfish licenses with a hook-and-line gear Pacific cod endorsement.

(G) An annual report on the use of Pacific cod endorsed non-trawl groundfish licenses shall be submitted by the CQE as required at § 679.5(t).

* * * * *

■ 6. In § 679.5,

■ a. Remove paragraph (e)(6)(i)(A)(*12*) and redesignate paragraph (e)(6)(i)(A)(*13*) as paragraph (e)(6)(i)(A)(*12*);

■ b. Revise paragraphs (e)(3)(iv)(A), (e)(3)(iv)(B), (e)(5) introductory text, (e)(5)(i), (e)(6) introductory text, and (l)(8); and

■ c. Add paragraphs (e)(5)(i)(A)(*12*) and (t) to read as follows:

§ 679.5 Recordkeeping and reporting (R&R).

* * * * *

(e) * * *

(3) * * *

(iv) * * *

(A) *Groundfish shoreside processor, SFP, or CQE floating processor.* If a groundfish shoreside processor, SFP, or CQE floating processor, enter the FPP number.

(B) *Groundfish catcher/processor or mothership.* If a groundfish catcher/processor or mothership, enter the FFP number.

* * * * *

(5) *Shoreside processor, SFP, or CQE floating processor landing report.* The manager of a shoreside processor, SFP, or CQE floating processor that receives groundfish from a catcher vessel issued an FFP under § 679.4 and that is required to have an FPP under § 679.4(f) must use eLandings or other NMFS-approved software to submit a daily landing report during the fishing year to report processor identification information and the following information under paragraphs (e)(5)(i) through (iii) of this section:

(i) Information entered for each groundfish delivery to a shoreside processor, SFP, or CQE floating processor. The User for a shoreside processor, SFP, or CQE floating processor must enter the following information (see paragraphs (e)(5)(i)(A) through (C) of this section) for each groundfish delivery (other than IFQ sablefish) provided by the operator of a catcher vessel, the operator or manager of an associated buying station, and from processors for reprocessing or rehandling product into eLandings or other NMFS-approved software:

(A) * * *

(*12*) If receiving deliveries of groundfish in the marine municipal boundaries of a CQE community listed in Table 21 to this part.

* * * * *

(6) *Mothership landing report.* The operator of a mothership that is issued an FFP under § 679.4(b) that receives groundfish from a catcher vessel required to have an FFP under § 679.4 is required to use eLandings or other NMFS-approved software to submit a daily landing report during the fishing year to report processor identification information and the following information under paragraphs (e)(6)(i) through (iii) of this section:

* * * * *

(l) * * *

(8) An annual report on the halibut and sablefish IFQ activity must be submitted by the CQE as required at § 679.5(t).

* * * * *

(t) *Community Entity Quota Program Annual Report*—(1) *Applicability.* A CQE must submit an annual report on the CQE's administrative activities, business operation, and community fishing activities for each calendar year it holds any of the following: Community charter halibut permits as described at § 300.67(k), halibut and sablefish individual fishing quota (IFQ) and quota shares (QS) as described at § 679.41(l)(3), and community Pacific cod endorsed non-trawl groundfish license limitation program (LLP) licenses as described at § 679.4(k)(10)(vi)(F)(*2*). The CQE may combine annual reports about its holdings of community charter halibut permits, IFQ, and LLPs in one report. A CQE must submit annual report data for the community charter halibut permit, IFQ, and LLP permits it held during the calendar year. A CQE is not required to submit an annual report for any calendar year in which it did not hold any community charter halibut permits, IFQ, or LLPs.

(2) *Time limits and submittal.* By January 31, the CQE must submit a complete annual report for the prior calendar year to the Regional Administrator, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, and to the governing body of each community represented by the CQE as identified in Table 21 to this part.

(3) *Complete annual report.* A complete annual report contains all general report requirements listed in paragraphs (t)(4)(i) through (t)(4)(iii) and all program specific report requirements applicable to the CQE as described in paragraphs (t)(5)(i) through (t)(5)(iii).

(4) *General report requirements.* Each CQE must report the following information:

(i) The eligible community or communities, represented by the CQE, any new communities, and any withdrawn communities;

(ii) Any changes in the bylaws of the CQE, board of directors, or other key management personnel; and

(iii) Copies of minutes and other relevant decision making documents from all CQE board meetings held during the prior calendar year.

(5) *Program specific report requirements.* Each CQE must report business operations and fishing activity for the charter halibut permit, IFQ, and LLP programs for each eligible community represented by the CQE.

(i) If a community in Table 21 to part 679 was issued one or more charter halibut permits held on behalf of the community by a CQE, then the CQE must complete paragraphs (t)(5)(iv)(A) through (I) of this section;

(ii) If a community in Table 21 to part 679 leased halibut and sablefish IFQ derived from the QS held on behalf of the community by a CQE, then the CQE must complete paragraphs (t)(5)(v)(A) through (J) of this section; and

(iii) If a community in Table 21 to part 679 was assigned one or more Pacific cod endorsed non-trawl groundfish licenses held on behalf of the community by a CQE, then the CQE must complete paragraphs (t)(5)(vi)(A) through (J) of this section.

(iv) *Charter Halibut Limited Access Program.* For each community represented by the CQE, the program specific report for charter halibut permits held by a CQE, must include:

(A) The total number of charter halibut permits held by the CQE at the start of the calendar year, at the end of the calendar year, and projected to be held in the next calendar year;

(B) A description of the process used by the CQE to solicit applications from persons to use charter halibut permits that the CQE is holding on behalf of the eligible community;

(C) The total number of persons who applied to use one or more charter halibut permits;

(D) Name, business address, city and state, and number of charter halibut permits requested by each person who applied to use a charter halibut permit held by the CQE;

(E) A detailed description of the criteria used by the CQE to distribute charter halibut permits among persons who applied to use one or more charter halibut permits that the CQE is holding on behalf of the eligible community;

(F) For each person issued one or more charter halibut permits held by a CQE, provide their name, business address, city and state, ADF&G logbook number(s), and the number(s) of each charter halibut permits they were authorized to use with the corresponding regulatory area endorsement and angler endorsement;

(G) For each vessel authorized to participate in the charter halibut fishery using one or more charter halibut permits held by the CQE, provide the vessel name, ADF&G vessel registration number, USCG documentation number, length overall, home port and each charter halibut permits number held by the CQE and used onboard the vessel;

(H) For each vessel authorized to participate in the charter halibut fishery using one or more charter halibut permits held by the CQE, provide each set of ports from which the vessel departed and to which it returned, and the total number of trips that occurred to and from each set of ports when one or more charter halibut permits held by the CQE was used onboard the vessel; and

(I) For each community represented by the CQE, provide any payments made to the CQE for use of the charter halibut permits.

(v) *Individual Fishing Quota Program.* For each community represented by the CQE, the program specific report for halibut IFQ or sablefish IFQ that were derived from QS held by the CQE must include:

(A) The total amount of halibut QS and total amount of sablefish QS held by the CQE at the start of the calendar year, at the end of the calendar year, and projected to be held in the next calendar year;

(B) A description of the process used by the CQE to solicit applications from eligible community residents to use IFQ that is derived from QS that the CQE is holding on behalf of the eligible community;

(C) The total number of community residents who applied to use IFQ derived from QS held by the CQE;

(D) Name, business address, city and state, and amount of IFQ requested by each person who applied to use IFQ derived from QS held by the CQE;

(E) A detailed description of the criteria used by the CQE to distribute IFQ among eligible community residents who applied to use IFQ held by the CQE;

(F) For each person who leased IFQ derived from QS held by the CQE, provide their name, business address, city and state, each IFQ permit number, and the total pounds of halibut IFQ and total pounds of sablefish IFQ they were authorized to use through each IFQ permit number;

(G) For each vessel used to harvest IFQ derived from QS held by the CQE, provide the vessel name, ADF&G vessel registration number, USCG documentation number, length overall, home port, and each IFQ permit number(s) used onboard;

(H) A description of the efforts made by the CQE to ensure crew members onboard the vessels used to harvest the IFQ derived from QS held by the CQE are residents of the CQE eligible community;

(I) Name, resident city and state, and business address, city and state of each person employed as a crew member on each vessel used to harvest IFQ derived from QS held by the CQE; and

(J) For each community whose residents landed IFQ derived from QS held by the CQE, provide any payments made to the CQE for use of the IFQ.

(vi) *License Limitation Program.* For each community represented by the CQE, the program specific report for GOA Pacific cod endorsed non-trawl groundfish licenses held by a CQE must include:

(A) The total number of LLP groundfish licenses by gear type endorsement held by the CQE at the start of the calendar year, at the end of the calendar year, and projected to be held in the next calendar year;

(B) A description of the process used by the CQE to solicit applications from residents of the eligible community to use LLP groundfish license(s) that the CQE is holding on behalf of the eligible community;

(C) The total number of community residents who applied to use an LLP groundfish license held by the CQE;

(D) Name, business address, city and state, and number of LLP groundfish licenses requested by each person who applied to use a LLP groundfish license held by the CQE;

(E) A detailed description of the criteria used by the CQE to distribute LLP groundfish licenses among eligible community residents who applied to use LLP groundfish licenses held by the CQE;

(F) For each person assigned one or more LLP groundfish licenses held by the CQE, provide their name, business address, city and state, and LLP groundfish license numbers for permits of each gear endorsement type they were authorized to use;

(G) For each vessel authorized to harvest LLP groundfish using one or more LLP groundfish licenses held by the CQE, provide the vessel name, ADF&G vessel registration number, USCG documentation number, length overall, home port, and each LLP groundfish license number used onboard;

(H) A description of the efforts by the CQE to ensure crew members onboard the vessels authorized to harvest LLP groundfish using one or more LLP groundfish licenses held by the CQE are residents of the eligible community;

(I) Name, resident city and state, and business address, city and state, of each person employed as a crew member on each vessel authorized to harvest LLP groundfish using one or more LLP groundfish licenses held by the CQE; and

(J) For each community whose residents made landings using one or more LLP groundfish licenses held by the CQE, provide any payments made to

the CQE for use of the LLP groundfish licenses.

■ 7. In § 679.41, revise paragraphs (c)(10)(ii) and (g)(5) to read as follows:

§ 679.41 Transfer of quota shares and IFQ.

* * * * *

(c) * * *

(10) * * *

(ii) The CQE applying to receive or transfer QS, has submitted a complete annual report required by § 679.5(t);

* * * * *

(g) * * *

(5) A CQE may not hold QS in halibut IFQ regulatory area 2C that is assigned to vessel category D.

(i) A CQE may not hold QS in halibut IFQ regulatory area 3A that is assigned to vessel category D on behalf of a community that is located in halibut IFQ regulatory areas 2C or 3B as listed in Table 21 to part 679.

(ii) In aggregate, CQEs may not hold an amount of QS in halibut IFQ regulatory area 3A that is assigned to vessel category D in excess of 1,233,740 QS units.

* * * * *

■ 8. In § 679.42, revise paragraphs (a)(2)(iii), (h)(1)(ii), and (h)(2)(ii) to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

(a) * * *

(2) * * *

(iii) IFQ derived from QS held by a CQE may be used to harvest IFQ species from a vessel of any length, with the exception of IFQ derived from QS in IFQ regulatory area 3A that is assigned to vessel category D.

* * * * *

(h) * * *

(1) * * *

(ii) No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from QS held by a CQE, and no vessel used to harvest IFQ halibut derived from QS held by a CQE may be used to harvest more IFQ halibut than the vessel use caps specified in paragraphs (h)(1) and (h)(1)(i).

(2) * * *

(ii) No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ sablefish derived from QS held by a CQE, and no vessel used to harvest IFQ sablefish derived from QS and held by a CQE may be used to harvest more IFQ sablefish than the vessel use caps specified in paragraphs (h)(2) and (h)(2)(i).

* * * * *

■ 9. Revise Table 21 to part 679 to read as follows:

TABLE 21 TO PART 679—ELIGIBLE COMMUNITIES, HALIBUT IFQ REGULATORY AREA LOCATION, COMMUNITY GOVERNING BODY THAT RECOMMENDS THE CQE, AND THE FISHING PROGRAMS AND ASSOCIATED AREAS WHERE A CQE REPRESENTING AN ELIGIBLE COMMUNITY MAY BE PERMITTED TO PARTICIPATE

Eligible GOA community	Halibut IFQ regulatory area in which the community is located	Community governing body that recommends the CQE	May lease halibut QS in halibut IFQ regulatory			May lease sablefish QS in sablefish IFQ regulatory areas	Maximum number of CHPs that may be issued in halibut IFQ regulatory		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be assigned in the GOA groundfish regulatory area	
			Area 2C	Area 3A	Area 3B	CG, SE, WG, and WY (All GOA)	Area 2C	Area 3A	Central GOA	Western GOA
Akhiok	3A	City of Akhiok		X	X	X		7	2	
Angoon	2C	City of Angoon	X	X		X	4			
Chenega Bay	3A	Chenega IRA Village.		X	X	X		7	2	
Chignik	3B	City of Chignik		X	X	X			3	
Chignik Lagoon	3B	Chignik Lagoon Village Council.		X	X	X			4	
Chignik Lake	3B	Chignik Lake Traditional Council.		X	X	X			2	
Coffman Cove	2C	City of Coffman Cove.	X	X		X	4			
Cold Bay	3B	City of Cold Bay		X	X	X				2
Craig	2C	City of Craig	X	X		X				
Edna Bay	2C	Edna Bay Community Association.	X	X		X	4			
Elfin Cove	2C	Community of Elfin Cove.	X	X		X				
Game Creek	2C	N/A	X	X		X	4			
Gustavus	2C	Gustavus Community Association.	X	X		X				
Halibut Cove	3A	N/A		X	X	X		7	2	
Hollis	2C	Hollis Community Council.	X	X		X	4			
Hoonah	2C	City of Hoonah	X	X		X	4			
Hydaburg	2C	City of Hydaburg	X	X		X	4			
Ivanof Bay	3B	Ivanof Bay Village Council.		X	X	X				2
Kake	2C	City of Kake	X	X		X	4			
Karluk	3A	Native Village of Karluk.		X	X	X		7	2	
Kasaan	2C	City of Kasaan	X	X		X	4			
King Cove	3B	City of King Cove		X	X	X				9

TABLE 21 TO PART 679—ELIGIBLE COMMUNITIES, HALIBUT IFQ REGULATORY AREA LOCATION, COMMUNITY GOVERNING BODY THAT RECOMMENDS THE CQE, AND THE FISHING PROGRAMS AND ASSOCIATED AREAS WHERE A CQE REPRESENTING AN ELIGIBLE COMMUNITY MAY BE PERMITTED TO PARTICIPATE—Continued

Eligible GOA community	Halibut IFQ regulatory area in which the community is located	Community governing body that recommends the CQE	May lease halibut QS in halibut IFQ regulatory			May lease sablefish QS in sablefish IFQ regulatory areas	Maximum number of CHPs that may be issued in halibut IFQ regulatory		Maximum number of Pacific cod endorsed non-trawl groundfish licenses that may be assigned in the GOA groundfish regulatory area	
			Area 2C	Area 3A	Area 3B	CG, SE, WG, and WY (All GOA)	Area 2C	Area 3A	Central GOA	Western GOA
Klawock	2C	City of Klawock	X	X		X	4			
Larsen Bay	3A	City of Larsen Bay.		X	X	X		7	2	
Metlakatla	2C	Metlakatla Indian Village.	X	X		X	4			
Meyers Chuck	2C	N/A	X	X		X	4			
Nanwalek	3A	Nanwalek IRA Council.		X	X	X		7	2	
Naukati Bay	2C	Naukati Bay, Inc	X	X		X	4			
Old Harbor	3A	City of Old Harbor.		X	X	X		7	5	
Ouzinkie	3A	City of Ouzinkie		X	X	X		7	9	
Pelican	2C	City of Pelican	X	X		X	4			
Perryville	3B	Native Village of Perryville.		X	X	X				2
Point Baker	2C	Point Baker Community.	X	X		X	4			
Port Alexander	2C	City of Port Alexander.	X	X		X	4			
Port Graham	3A	Port Graham Village Council.		X	X	X		7	2	
Port Lions	3A	City of Port Lions		X	X	X		7	6	
Port Protection	2C	Port Protection Community Association.	X	X		X	4			
Sand Point	3B	City of Sand Point.		X	X	X				14
Seldovia	3A	City of Seldovia		X	X	X		7	8	
Tatitlek	3A	Native Village of Tatitlek.		X	X	X		7	2	
Tenakee Springs.	2C	City of Tenakee Springs.	X	X		X	4			
Thorne Bay	2C	City of Thorne Bay.	X	X		X	4			
Tyonek	3A	Native Village of Tyonek.		X	X	X		7	2	
Whale Pass	2C	Whale Pass Community Association.	X	X		X	4			
Yakutat	3A	City of Yakutat		X	X	X		7	3	

N/A means there is not a governing body recognized in the community at this time.
CHPs are Charter halibut permits.

■ 10. Remove and reserve Table 50 to part 679.

[FR Doc. 2013–05077 Filed 3–5–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120718255–3038–01]

RIN 0648–BC38

Amendment 4 to the Corals and Reef Associated Plants and Invertebrates Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands; Seagrass Management

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 4 to the Fishery Management Plan (FMP) for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (USVI) (Coral FMP), as prepared and submitted by the Caribbean Fishery Management Council (Council). If implemented, this rule would remove seagrasses from the Coral FMP. The intent of this rule and Amendment 4 to the Coral FMP is to address the future management of seagrasses in the U.S. Caribbean exclusive economic zone (EEZ) in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Written comments must be received on or before April 5, 2013.

ADDRESSES: You may submit comments on this document, identified by ''NOAA–NMFS–2013–0021,'' by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0021,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Maria del Mar Lopez, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

Electronic copies of Amendments 4 to the Coral FMP, which include an Environmental Assessment, a regulatory flexibility analysis, a regulatory impact review, and a fishery impact statement, may be obtained from the Southeast Regional Office Web site at: *http://sero.nmfs.noaa.gov/index.html.*

FOR FURTHER INFORMATION CONTACT: Maria del Mar Lopez, Southeast Regional Office, NMFS, telephone: 727–824–5305, email: *Maria.Lopez@noaa.gov*.

SUPPLEMENTARY INFORMATION: Seagrasses in the U.S. Caribbean EEZ are managed under the Coral FMP. The Coral FMP was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622.

Background

The Magnuson-Stevens Act requires that annual catch limits (ACLs) and accountability measures (AMs) be established to end overfishing and prevent overfishing from occurring. Annual catch limits are levels of annual catch of a stock or stock complex that are set to prevent overfishing from occurring. Accountability measures are management controls to prevent ACLs from being exceeded, and to correct or mitigate overages of the ACL if they occur.

To address the requirements of the Magnuson-Stevens Act, NMFS published a final rule to implement the 2011 Caribbean ACL Amendment on December 30, 2011 (76 FR 82414). The 2011 Caribbean ACL Amendment included Amendment 3 to the Coral FMP. However, ACLs and AMs for seagrasses, which are included in the Coral FMP, were not established at that time. In Amendment 4 to the Coral FMP, the Council considered whether to set an ACL for seagrasses, designate seagrasses as ecosystem component species, or remove seagrasses from the Coral FMP. Because there is no direct or indirect harvest of any of the seagrass species listed in the Coral FMP, and future harvest is not anticipated, the Council decided to remove all seagrass species from the Coral FMP.

Management Measure Contained in This Proposed Rule

If implemented, this rule would remove seagrass species from the Coral FMP, because the Council determined that Federal management of these seagrass species is unnecessary.

The Coral FMP currently includes four individual species of seagrasses: Turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), shoal grass (*Halodule wrightii*), widgeon grass (*Ruppia maritima*), and one group of species, the sea vines (*Halophila* spp., including *H. decipiens, H. baillonis, H. engelmannii,* and *H. stipulacea* (exotic)), all of which occur in U.S. Caribbean waters. Seagrasses were included in 1994 as members of the coral reef resources fishery management unit (FMU) of the Coral FMP. The Coral FMP defined the coral reef resources FMU to include a vast array of plants and invertebrates that provide habitats that are essential to the growth, development, and survival of managed finfish and other marine organisms.

The location, presence, and distribution of seagrasses in the EEZ are not well known, but the best available scientific information indicates that the vast majority of seagrasses occur in shallower Puerto Rico commonwealth and USVI territorial waters (state waters) due to depth-associated light limitations found in the EEZ. Seagrasses are not targeted either in the EEZ or in state waters, and future harvest is not anticipated. Both Puerto Rico and the USVI regulate activities involving seagrasses through their respective coastal zone management programs. Seagrasses have been identified as essential fish habitat (EFH) for stocks within the four Council FMPs (Queen Conch Resources of Puerto Rico and the USVI, Reef Fish Fishery of Puerto Rico and the USVI, Spiny Lobster Fishery of Puerto Rico and the USVI, and Coral). Essential fish habitat is defined by the Magnuson-Stevens Act as those waters and substrates necessary to fish for spawning, breeding, feeding or for growth to maturity. Additionally, seagrasses have been identified as habitat areas of particular concern (HAPC) within special areas in state waters.

The Magnuson-Stevens Act's National Standard 7 guidelines require Councils to prepare FMPs only for overfished fisheries and other fisheries where regulation would serve some useful purpose, and where the present or

future benefit of regulation would justify the costs. Because there is no known harvest of seagrass species, these species occur predominantly in state waters, and seagrasses are designated as EFH and HAPC in all of the Council FMPs, the Council determined that Federal management of seagrasses is unnecessary.

Other Changes Contained in This Proposed Rule

This rule would also remove an outdated reference that aquarium trade species are for data collection purposes only, and correct boundary line descriptions for the Caribbean island management areas implemented in the 2010 Caribbean ACL Amendment.

In 50 CFR part 622, Appendix A, NMFS proposes to remove the text regarding aquarium trade species as being in the ''data collection'' category in the Coral FMP and the Reef Fish FMP (Table 1 and Table 2). The 2011 Caribbean ACL Amendment removed aquarium trade species from the data collection category and set management reference points and an ACL.

This rule also proposes to correct two waypoint descriptions and three boundary line descriptions in Appendix E to part 622 that were implemented in the final rule for Amendment 2 to the Queen Conch FMP and Amendment 5 to the Reef Fish FMP (2010 Caribbean ACL Amendment)(76 FR 82404, December 30, 2011). NMFS has determined that the description of waypoints B and C in the Puerto Rico Management Area (in Table 1) and waypoints B and C in the St. Thomas/St. John Management Area (in Table 3), as well as the boundary line that connects these two waypoints, were incorrectly described in that final rule. NMFS proposes to remove the description for points B and C in Appendix E, and maintain just the waypoints because the waypoints themselves are sufficient description of the boundary in those instances. NMFS also proposes to revise the description of the boundary line that connects waypoints B and C in Appendix E to be ''the 3-nautical mile Territorial boundary of the St. Thomas/St. John island group'' instead of ''the EEZ/Territorial boundary,'' to be consistent with the Council's intent for the specification of these Caribbean island management areas. Additionally, NMFS has determined that two boundary lines, one in the St. Croix Management Area (in Table 2) and one in the St. Thomas/St. John Management Area (in Table 3), were incorrectly described as the ''EEZ/Territorial boundary'' and are proposed to be revised to ''International/EEZ boundary.'' These revisions would also be consistent with the Council's intent for the specification of these Caribbean island management areas.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the AA has determined that this proposed rule is consistent with the amendment, the Magnuson-Stevens Act and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows:

The purpose of this proposed rule is to address management of seagrasses in the EEZ. This proposed rule would remove seagrasses from the Coral FMP because there is no direct or indirect harvest of these species in the EEZ and no harvest is expected in the future. The Magnuson-Stevens Act provides the statutory basis for the proposed action.

No duplicative, overlapping, or conflicting Federal rules have been identified.

No small entities have been identified that would be expected to be affected by this proposed action. As previously stated, this proposed rule would remove all seagrass species from the Coral FMP. No harvest of these species by any entities has been documented. As a result, this proposed rule would not be expected to directly apply to any small entities.

This proposed rule would not establish any new reporting, record-keeping, or other compliance requirements.

The proposed removal of all seagrass species from the FMP would eliminate Federal management of these species. Other than the HAPC and EFH designations discussed in the preamble, no regulations have been implemented to protect seagrasses or otherwise manage seagrass harvest or the resource since the development of the Coral FMP. However, no harvest of seagrasses from either the Caribbean EEZ or state waters has been documented. As a result, no entities, either large or small, are expected to incur any direct change in revenue or profit if this rule is implemented.

In addition to the one action considered in Amendment 4 to the Coral FMP and included in this proposed rule, this proposed rule would make two changes to the regulatory text in 50 CFR part 622. These proposed changes are described in the preamble. These changes clarify language associated with prior regulatory action. As a result, none of these proposed changes in the regulatory text would be expected to result in any reduction in profits to any small entities.

Based on the discussion above, NMFS determines that this rule, if implemented, would not be expected to have any direct adverse economic impact on any small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: February 27, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In Appendix A to part 622, Tables 1 and 2 are revised to read as follows:

Appendix A to Part 622—Species Tables

Table 1 of Appendix A to Part 622—Caribbean Coral Reef Resources

I. Coelenterates—Phylum Coelenterata
A. Hydrocorals—Class Hydrozoa
1. Hydroids—Order Athecatae
Family Milleporidae
Millepora spp., Fire corals
Family Stylasteridae
Stylaster roseus, Rose lace corals
B. Anthozoans—Class Anthozoa
1. Soft corals—Order Alcyonacea
Family Anthothelidae
Erythropodium caribaeorum, Encrusting gorgonian
Iciligorgia schrammi, Deepwater sea fan
Family Briaridae
Briareum asbestinum, Corky sea finger
Family Clavulariidae
Carijoa riisei
Telesto spp.
2. Gorgonian corals—Order Gorgonacea
Family Ellisellidae
Ellisella spp., Sea whips
Family Gorgoniidae

Gorgonia flabellum, Venus sea fan
G. mariae, Wide-mesh sea fan
G. ventalina, Common sea fan
Pseudopterogorgia acerosa, Sea plume
P. albatrossae
P. americana, Slimy sea plume
P. bipinnata, Bipinnate plume
P. rigida
Pterogorgia anceps, Angular sea whip
P. citrina, Yellow sea whip
Family Plexauridae
Eunicea calyculata, Warty sea rod
E. clavigera
E. fusca, Doughnut sea rod
E. knighti
E. laciniata
E. laxispica
E. mammosa, Swollen-knob
E. succinea, Shelf-knob sea rod
E. touneforti
Muricea atlantica
M. elongata, Orange spiny rod
M. laxa, Delicate spiny rod
M. muricata, Spiny sea fan
M. pinnata, Long spine sea fan
Muriceopsis spp.
M. flavida, Rough sea plume
M. sulphurea
Plexaura flexuosa, Bent sea rod
P. homomalla, Black sea rod
Plexaurella dichotoma, Slit-pore sea rod
P. fusifera
P. grandiflora
P. grisea
P. nutans, Giant slit-pore
Pseudoplexaura crucis
P. flagellosa
P. porosa, Porous sea rod
P. wagenaari
3. Hard Corals—Order Scleractinia
Family Acroporidae
Acropora cervicornis, Staghorn coral
A. palmata, Elkhorn coral
A. prolifera, Fused staghorn
Family Agaricidae
Agaricia agaricities, Lettuce leaf coral
A. fragilis, Fragile saucer
A. lamarcki, Lamarck's sheet
A. tenuifolia, Thin leaf lettuce
Leptoseris cucullata, Sunray lettuce
Family Astrocoeniidae
Stephanocoenia michelinii, Blushing star
Family Caryophyllidae
Eusmilia fastigiata, Flower coral
Tubastrea aurea, Cup coral
Family Faviidae
Cladocora arbuscula, Tube coral
Colpophyllia natans, Boulder coral
Diploria clivosa, Knobby brain coral
D. labyrinthiformis, Grooved brain
D. strigosa, Symmetrical brain
Favia fragum, Golfball coral
Manicina areolata, Rose coral
M. mayori, Tortugas rose coral
Montastrea annularis, Boulder star coral
M. cavernosa, Great star coral
Solenastrea bournoni, Smooth star coral
Family Meandrinidae
Dendrogyra cylindrus, Pillar coral
Dichocoenia stellaris, Pancake star
D. stokesi, Elliptical star
Meandrina meandrites, Maze coral
Family Mussidae
Isophyllastrea rigida, Rough star coral
Isophyllia sinuosa, Sinuous cactus
Mussa angulosa, Large flower coral
Mycetophyllia aliciae, Thin fungus coral
M. danae, Fat fungus coral
M. ferox, Grooved fungus
M. lamarckiana, Fungus coral
Scolymia cubensis, Artichoke coral
S. lacera, Solitary disk
Family Oculinidae
Oculina diffusa, Ivory bush coral
Family Pocilloporidae
Madracis decactis, Ten-ray star coral
M. mirabilis, Yellow pencil
Family Poritidae
Porites astreoides, Mustard hill coral
P. branneri, Blue crust coral
P. divaricata, Small finger coral
P. porites, Finger coral
Family Rhizangiidae
Astrangia solitaria, Dwarf cup coral
Phyllangia americana, Hidden cup coral
Family Siderastreidae
Siderastrea radians, Lesser starlet
S. siderea, Massive starlet
4. Black Corals—Order Antipatharia
Antipathes spp., Bushy black coral
Stichopathes spp., Wire coral
II. [Reserved]
Aquarium Trade Species in the Caribbean Coral FMP
I. Sponges—Phylum Porifera
A. Demosponges—Class Demospongiae
Aphimedon compressa, Erect rope sponge
Chondrilla nucula, Chicken liver sponge
Cynachirella alloclada
Geodia neptuni, Potato sponge
Haliclona spp., Finger sponge
Myriastra spp.
Niphates digitalis, Pink vase sponge
N. erecta, Lavender rope sponge
Spinosella policifera
S. vaginalis
Tethya crypta
II. Coelenterates—Phylum Coelenterata
A. Anthozoans—Class Anthozoa
1. Anemones—Order Actiniaria
Aiptasia tagetes, Pale anemone
Bartholomea annulata, Corkscrew anemone
Condylactis gigantea, Giant pink-tipped anemone
Hereractis lucida, Knobby anemone
Lebrunia spp., Staghorn anemone
Stichodactyla helianthus, Sun anemone
2. Colonial Anemones—Order Zoanthidea
Zoanthus spp., Sea mat
3. False Corals—Order Corallimorpharia
Discosoma spp. (formerly *Rhodactis*), False coral
Ricordia florida, Florida false coral
III. Annelid Worms—Phylum Annelida
A. Polychaetes—Class Polychaeta
Family Sabellidae, Feather duster worms
Sabellastarte spp., Tube worms
S. magnifica, Magnificent duster
Family Serpulidae
Spirobranchus giganteus, Christmas tree worm
IV. Mollusks—Phylum Mollusca
A. Gastropods—Class Gastropoda
Family Elysiidae
Tridachia crispata, Lettuce sea slug
Family Olividae
Oliva reticularis, Netted olive
Family Ovulidae
Cyphoma gibbosum, Flamingo tongue
B. Bivalves—Class Bivalvia
Family Limidae
Lima spp., Fileclams
L. scabra, Rough fileclam
Family Spondylidae
Spondylus americanus, Atlantic thorny oyster
C. Cephalopods—Class Cephalopoda
1. Octopuses—Order Octopoda
Family Octopodidae
Octopus spp. (except the Common octopus, *O. vulgaris*)
V. Arthropods—Phylum Arthropoda
A. Crustaceans—Subphylum Crustacea
1. Decapods—Order Decapoda
Family Alpheidae
Alpheaus armatus, Snapping shrimp
Family Diogenidae
Paguristes spp., Hermit crabs
P. cadenati, Red reef hermit
Family Grapsidae
Percnon gibbesi, Nimble spray crab
Family Hippolytidae
Lysmata spp., Peppermint shrimp
Thor amboinensis, Anemone shrimp
Family Majidae, Coral crabs
Mithrax spp., Clinging crabs
M. cinctimanus, Banded clinging
M. sculptus, Green clinging
Stenorhynchus seticornis, Yellowline arrow
Family Palaemonida
Periclimenes spp., Cleaner shrimp
Family Squillidae, Mantis crabs
Gonodactylus spp.
Lysiosquilla spp.
Family Stenopodidae, Coral shrimp
Stenopus hispidus, Banded shrimp
S. scutellatus, Golden shrimp
VI. Echinoderms—Phylum Echinodermata
A. Feather stars—Class Crinoidea
Analcidometra armata, Swimming crinoid
Davidaster spp., Crinoids
Nemaster spp., Crinoids
B. Sea stars—Class Asteroidea
Astropecten spp., Sand stars
Linckia guildingii, Common comet star
Ophidiaster guildingii, Comet star
Oreaster reticulatus, Cushion sea star
C. Brittle and basket stars—Class Ophiuroidea
Astrophyton muricatum, Giant basket star
Ophiocoma spp., Brittlestars
Ophioderma spp., Brittlestars
O. rubicundum, Ruby brittlestar
D. Sea Urchins—Class Echinoidea
Diadema antillarum, Long-spined urchin
Echinometra spp., Purple urchin
Eucidaris tribuloides, Pencil urchin
Lytechinus spp., Pin cushion urchin
Tripneustes ventricosus, Sea egg
E. Sea Cucumbers—Class Holothuroidea
Holothuria spp., Sea cucumbers
VII. Chordates—Phylum Chordata
A. Tunicates—Subphylum Urochordata

Table 2 of Appendix A to Part 622—Caribbean Reef Fish

Lutjanidae—Snappers
Unit 1
Black snapper, *Apsilus dentatus*
Blackfin snapper, *Lutjanus buccanella*
Silk snapper, *Lutjanus vivanus*
Vermilion snapper, *Rhomboplites aurorubens*
Wenchman, *Pristipomoides aquilonaris*
Unit 2
Cardinal, *Pristipomoides macrophthalmus*

Queen snapper, *Etelis oculatus*
Unit 3
Gray snapper, *Lutjanus griseus*
Lane snapper, *Lutjanus synagris*
Mutton snapper, *Lutjanus analis*
Dog snapper, *Lutjanus jocu*
Schoolmaster, *Lutjanus apodus*
Mahogany snapper, *Lutjanus mahogani*
Unit 4
Yellowtail snapper, *Ocyurus chrysurus*
Serranidae—Sea basses and Groupers
Unit 1
Nassau Grouper, *Epinephelus striatus*
Unit 2
Goliath grouper, *Epinephelus itajara*
Unit 3
Coney, *Epinephelus fulvus*
Graysby, *Epinephelus cruentatus*
Red hind, *Epinephelus guttatus*
Rock hind, *Epinephelus adscensionis*
Unit 4
Black grouper, *Mycteroperca bonaci*
Red grouper, *Epinephelus morio*
Tiger grouper, *Mycteroperca tigris*
Yellowfin grouper, *Mycteroperca venenosa*
Unit 5
Misty grouper, *Epinephelus mystacinus*
Yellowedge grouper, *Epinephelus flavolimbatus*
Haemulidae—Grunts
White grunt, *Haemulon plumieri*
Margate, *Haemulon album*
Tomtate, *Haemulon aurolineatum*
Bluestriped grunt, *Haemulon sciurus*
French grunt, *Haemulon flavolineatum*
Porkfish, *Anisotremus virginicus*
Mullidae—Goatfishes
Spotted goatfish, *Pseudupeneus maculatus*
Yellow goatfish, *Mulloidichthys martinicus*
Sparidae—Porgies
Jolthead porgy, *Calamus bajonado*
Sea bream, *Archosargus rhomboidalis*
Sheepshead porgy, *Calamus penna*
Pluma, *Calamus pennatula*
Holocentridae—Squirrelfishes
Blackbar soldierfish, *Myripristis jacobus*
Bigeye, *Priacanthus arenatus*
Longspine squirrelfish, *Holocentrus rufus*
Squirrelfish, *Holocentrus adscensionis*
Malacanthidae—Tilefishes
Blackline tilefish, *Caulolatilus cyanops*
Sand tilefish, *Malacanthus plumieri*
Carangidae—Jacks
Blue runner, *Caranx crysos*
Horse-eye jack, *Caranx latus*
Black jack, *Caranx lugubris*
Almaco jack, *Seriola rivoliana*
Bar jack, *Caranx ruber*
Greater amberjack, *Seriola dumerili*
Yellow jack, *Caranx bartholomaei*
Scaridae—Parrotfishes
Blue parrotfish, *Scarus coeruleus*
Midnight parrotfish, *Scarus coelestinus*
Princess parrotfish, *Scarus taeniopterus*
Queen parrotfish, *Scarus vetula*
Rainbow parrotfish, *Scarus guacamaia*
Redfin parrotfish, *Sparisoma rubripinne*
Redtail parrotfish, *Sparisoma chrysopterum*
Stoplight parrotfish, *Sparisoma viride*
Redband parrotfish, *Sparisoma aurofrenatum*
Striped parrotfish, *Scarus croicensis*
Acanthuridae—Surgeonfishes
Blue tang, *Acanthurus coeruleus*
Ocean surgeonfish, *Acanthurus bahianus*
Doctorfish, *Acanthurus chirurgus*
Balistidae—Triggerfishes
Ocean triggerfish, *Canthidermis sufflamen*
Queen triggerfish, *Balistes vetula*
Sargassum triggerfish, *Xanthichthys rigens*
Monacanthidae—Filefishes
Scrawled filefish, *Aluterus scriptus*
Whitespotted filefish, *Cantherhines macrocerus*
Black durgon, *Melichthys niger*
Ostraciidae—Boxfishes
Honeycomb cowfish, *Lactophrys polygonia*
Scrawled cowfish, *Lactophrys quadricornis*
Trunkfish, *Lactophrys trigonus*
Spotted trunkfish, *Lactophrys bicaudalis*
Smooth trunkfish, *Lactophrys triqueter*
Labridae—Wrasses
Hogfish, *Lachnolaimus maximus*
Puddingwife, *Halichoeres radiatus*
Spanish hogfish, *Bodianus rufus*
Pomacanthidae—Angelfishes
Queen angelfish, *Holacanthus ciliaris*
Gray angelfish, *Pomacanthus arcuatus*
French angelfish, *Pomacanthus paru*
Aquarium Trade Species in the Caribbean Reef Fish FMP:
Frogfish, *Antennarius* spp.
Flamefish, *Apogon maculatus*
Conchfish, *Astrapogen stellatus*
Redlip blenny, *Ophioblennius atlanticus*
Peacock flounder, *Bothus lunatus*
Longsnout butterflyfish, *Chaetodon aculeatus*
Foureye butterflyfish, *Chaetodon capistratus*
Spotfin butterflyfish, *Chaetodon ocellatus*
Banded butterflyfish, *Chaetodon striatus*
Redspotted hawkfish, *Amblycirrhitus pinos*
Flying gurnard, *Dactylopterus volitans*
Atlantic spadefish, *Chaetodipterus faber*
Neon goby, *Gobiosoma oceanops*
Rusty goby, *Priolepis hipoliti*
Royal gramma, *Gramma loreto*
Creole wrasse, *Clepticus parrae*
Yellowcheek wrasse, *Halichoeres cyanocephalus*
Yellowhead wrasse, *Halichoeres garnoti*
Clown wrasse, *Halichoeres maculipinna*
Pearly razorfish, *Hemipteronotus novacula*
Green razorfish, *Hemipteronotus splendens*
Bluehead wrasse, *Thalassoma bifasciatum*
Chain moray, *Echidna catenata*
Green moray, *Gymnothorax funebris*
Goldentail moray, *Gymnothorax miliaris*
Batfish, *Ogcocepahalus* spp.
Goldspotted eel, *Myrichthys ocellatus*
Yellowhead jawfish, *Opistognathus aurifrons*
Dusky jawfish, *Opistognathus whitehursti*
Cherubfish, *Centropyge argi*
Rock beauty, *Holacanthus tricolor*
Sergeant major, *Abudefduf saxatilis*
Blue chromis, *Chromis cyanea*
Sunshinefish, *Chromis insolata*
Yellowtail damselfish, *Microspathodon chrysurus*
Dusky damselfish, *Pomacentrus fuscus*
Beaugregory, *Pomacentrus leucostictus*
Bicolor damselfish, *Pomacentrus partitus*
Threespot damselfish, *Pomacentrus planifrons*
Glasseye snapper, *Priacanthus cruentatus*
High-hat, *Equetus acuminatus*
Jackknife-fish, *Equetus lanceolatus*
Spotted drum, *Equetus punctatus*
Scorpaenidae—Scorpionfishes
Butter hamlet, *Hypoplectrus unicolor*
Swissguard basslet, *Liopropoma rubre*
Greater soapfish, *Rypticus saponaceus*
Orangeback bass, *Serranus annularis*
Lantern bass, *Serranus baldwini*
Tobaccofish, *Serranus tabacarius*
Harlequin bass, *Serranus tigrinus*
Chalk bass, *Serranus tortugarum*
Caribbean tonguefish, *Symphurus arawak*
Seahorses, *Hippocampus* spp.
Pipefishes, *Syngnathus* spp.
Sand diver, *Synodus intermedius*
Sharpnose puffer, *Canthigaster rostrata*
Porcupinefish, *Diodon hystrix*

■ 3. In Appendix E to part 622, Tables 1, 2 and 3 are revised to read as follows:

Appendix E to Part 622—Caribbean Island/Island Group Management Areas

Table 1 of Appendix E to Part 622—*Coordinates of the Puerto Rico Management Area*

The Puerto Rico management area is bounded by rhumb lines connecting, in order, the following points.

Point	North lat.	West long.
A (intersects with the International/EEZ boundary)	19°37′29″	65°20′57″
B	18°25′46.3015″	65°06′31.866″
From Point B, proceed southerly along the 3-nautical mile Territorial boundary of the St. Thomas/St. John island group to Point C		
C	18°13′59.0606″	65°05′33.058″
D	18°01′16.9636″	64°57′38.817″
E	17°30′00.000″	65°20′00.1716″
F	16°02′53.5812″	65°20′00.1716″
From Point F, proceed southwesterly, then northerly, then easterly, and finally southerly along the International/EEZ boundary to Point A		
A (intersects with the International/EEZ boundary)	19°37′29″	65°20′57″

Table 2 of Appendix E to Part 622—
Coordinates of the St. Croix Management Area

The St. Croix management area is bounded by rhumb lines connecting, in order, the following points.

Point	North lat.	West long.
G	18°03′03″	64°38′03″
From Point G, proceed easterly, then southerly, then southwesterly along the International/EEZ boundary to Point F		
F	16°02′53.5812″	65°20′00.1716″
E	17°30′00.000″	65°20′00.1716″
D	18°01′16.9636″	64°57′38.817″
G	18°03′03″	64°38′03″

Table 3 of Appendix E to Part 622—
Coordinates of the St. Thomas/St. John Management Area

The St. Thomas/St. John management area is bounded by rhumb lines connecting, in order, the following points.

Point	North lat.	West long.
A (intersects with the International/EEZ boundary)	19°37′29″	65°20′57″
From Point A, proceed southeasterly along the International/EEZ boundary to Point G		
G	18°03′03″	64°38′03″
D	18°01′16.9636″	64°57′38.817″
C	18°13′59.0606″	65°05′33.058″
From Point C, proceed northerly along the 3-nautical mile Territorial boundary of the St. Thomas/St. John island group to Point B		
B	18°25′46.3015″	65°06′31.866″
A (intersects with the International/EEZ boundary)	19°37′29″	65°20′57″

[FR Doc. 2013–05067 Filed 3–5–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 78, No. 44
Wednesday, March 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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0040]

Notice of Affirmation of Addition of a Treatment Schedule for Methyl Bromide Fumigation of Cottonseed

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are affirming our earlier determination that it was necessary to immediately add to the Plant Protection and Quarantine Treatment Manual a treatment schedule for methyl bromide fumigation of cottonseed for the fungal plant pathogen *Fusarium oxysporum* f. sp. *vasinfectum* (FOV). In a previous notice, we made available to the public for review and comment a treatment evaluation document that described the new treatment schedule and explained why we have determined that it is effective at neutralizing FOV, certain strains of which are quarantine pests.

DATES: *Effective Date:* Effective on March 6, 2013, we are affirming the addition to the Plant Protection and Quarantine Treatment Manual of the treatment described in the notice published at 77 FR 31564–31566 on May 29, 2012.

FOR FURTHER INFORMATION CONTACT: Mr. Marc Phillips, Import Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737; (301) 851–2114.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR chapter III are intended, among other things, to prevent the introduction or dissemination of plant pests and noxious weeds into or within the United States. Under the regulations, certain plants, fruits, vegetables, and other articles must be treated before they may be moved into the United States or interstate. The phytosanitary treatments regulations contained in part 305 of 7 CFR chapter III (referred to below as the regulations) set out standards for treatments required in parts 301, 318, and 319 of 7 CFR chapter III for fruits, vegetables, and other articles.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.[1] Section 305.3 sets out a process for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (b) sets out the process for adding, revising, or removing treatment schedules when there is an immediate need to make a change. The circumstances in which an immediate need exists are described in § 305.3(b)(1). They are:

- PPQ has determined that an approved treatment schedule is ineffective at neutralizing the targeted plant pest(s).
- PPQ has determined that, in order to neutralize the targeted plant pest(s), the treatment schedule must be administered using a different process than was previously used.
- PPQ has determined that a new treatment schedule is effective, based on efficacy data, and that ongoing trade in a commodity or commodities may be adversely impacted unless the new treatment schedule is approved for use.
- The use of a treatment schedule is no longer authorized by the U.S. Environmental Protection Agency or by any other Federal entity.

In accordance with § 305.3(b), we published a notice [2] in the **Federal Register** on May 29, 2012 (77 FR 31564–31566, Docket No. APHIS–2012–0040), announcing our determination that a new methyl bromide fumigation treatment schedule to neutralize the fungal pathogen *Fusarium oxysporum* f. sp. *vasinfectum* (FOV) on cottonseed (*Gossypium* spp.) is effective, based on evidence presented in a treatment evaluation document (TED) we made available with the notice. We also determined that ongoing trade in cottonseed would be adversely impacted unless the new treatment schedule is approved for use. The treatment was added to the PPQ Treatment Manual, but was subject to change based on public comment.

We solicited comments on the notice for 60 days ending July 30, 2012. We received four comments by that date. Three commenters supported the addition of this treatment to the PPQ Treatment Manual. The other commenter objected to the use of methyl bromide fumigation in general but did not present any evidence indicating that the treatment schedule described in the TED was not effective at neutralizing FOV on cottonseed.

Therefore, in accordance with the regulations in § 305.3(b)(3), we are affirming our addition of a methyl bromide treatment schedule to neutralize the FOV, as described in the TED made available with the previous notice. The treatment schedule is numbered T301–e. The treatment schedule will be listed in the PPQ Treatment Manual, which is available at the Web address and mailing address in footnote 1 of this document.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 28th day of February 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–05142 Filed 3–5–13; 8:45 am]

BILLING CODE 3410–34–P

[1] The Treatment Manual is available on the Internet at *http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml* or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

[2] To view the notice, the treatment evaluation document, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0040.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0061]

Availability of an Environmental Assessment and Finding of No Significant Impact for the Field Release of Aphelinus glycinis for the Biological Control of the Soybean Aphid in the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and finding of no significant impact relative to the release of *Aphelinus glycinis* for the biological control of soybean aphid, *Aphis glycines,* in the continental United States. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

FOR FURTHER INFORMATION CONTACT: Dr. Shirley A. Wager-Page, Chief, Pest Permitting Branch, Registration, Identification, Permitting, and Plant Safeguarding, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 851–2323.

SUPPLEMENTARY INFORMATION:

Background

The soybean aphid, *Aphis glycinis,* which is native to Asia, was found in North America in 2000 and has since become a major pest in America. It infested 42 million acres alone in 2003, resulting in decreased soybean yields and greatly increased control costs. The soybean aphid has invaded most soybean production regions in North America, including numerous U.S. States and three Canadian Provinces.

The Animal and Plant Health Inspection Service (APHIS) is proposing to issue permits for the field release of the insect *Aphelinus glycinis* to reduce the severity of soybean damage from infestations of soybean aphid in the United States. Permitting the release of this parasite species is necessary to determine its impact on soybean aphid populations and its ability to survive in the target area.

On August 3, 2012, we published in the **Federal Register** (77 FR 46373, Docket No. APHIS–2012–0061) a notice [1] in which we announced the availability, for public review and comment, of an environmental assessment (EA) that examined the potential environmental impacts associated with the proposed release of this biological control agent into the continental United States.

We solicited comments on the EA for 30 days ending September 4, 2012. We received one comment, from a private citizen. The commenter opposed the proposed action but did not offer a rationale or any information apart from that opposition.

In this document, we are advising the public of our finding of no significant impact (FONSI) regarding the release of *Aphelinus glycinis* into the continental United States for use as a biological control agent to reduce the severity of soybean aphid infestations. The finding, which is based on the EA, reflects our determination that release of this biological control agent will not have a significant impact on the quality of the human environment.

The EA and FONSI may be viewed on the Regulations.gov Web site (see footnote 1). Copies of the EA and FONSI are also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and FONSI have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 28th day of February 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–05140 Filed 3–5–13; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the notice, EA, and FONSI go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0061.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0060]

Availability of an Environmental Assessment and Finding of No Significant Impact for a Biological Control Agent for Hemlock Woolly Adelgid

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared an environmental assessment and finding of no significant impact relative to the release of *Scymnus coniferarum* to control hemlock woolly adelgid. Based on its finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

FOR FURTHER INFORMATION CONTACT: Dr. Shirley A. Wager-Page, Chief, Pest Permitting Branch, Registration, Identification, Permitting, and Plant Safeguarding, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2323.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) is proposing to issue permits for the release of *Scymnus coniferarum,* a native predaceous beetle from the western United States, into the eastern United States for use as a biological control agent to reduce the severity of hemlock woolly adelgid (*Adelges tsugae*) infestations on hemlock.

Hemlock woolly adelgid was accidentally introduced to the eastern United States from Asia. Although native to the western United States, in the eastern United States, hemlock woolly adelgid is a destructive pest of the eastern hemlock (*Tsuga canadensis*), where it causes needle loss, abortion of buds, and the eventual death of infested trees.

On August 3, 2012, we published in the **Federal Register** (77 FR 46373–46374, Docket No. APHIS–2012–0060) a notice [1] in which we announced the availability, for public review and comment, of an environmental assessment (EA) that examined the potential environmental impacts associated with the proposed release of this biological control agent into the eastern United States.

We solicited comments on the EA for 30 days ending September 4, 2012. We received 10 comments by that date. Nine of the commenters were supportive of the proposed action. The remaining commenter opposed the proposed action but did not offer a rationale or any information apart from that opposition.

In this document, we are advising the public of our finding of no significant impact (FONSI) regarding the release of *S. coniferarum* into the eastern United States for use as a biological control agent to reduce the severity of hemlock woolly adelgid infestations. The finding, which is based on the EA, reflects our

[1] To view the notice, EA, and FONSI go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012–0060.*

determination that release of this biological control agent will not have a significant impact on the quality of the human environment.

The EA and FONSI may be viewed on the Regulations.gov Web site (see footnote 1). Copies of the EA and FONSI are also available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

The EA and FONSI have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 28th day of February 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–05141 Filed 3–5–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0077]

Notice of Availability of New Guidelines for Pest Risk Assessments of Imported Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service (APHIS) has prepared a document that describes the revised methodology that APHIS will use to conduct plant health pest risk assessments for imported fruit and vegetable commodities. These new guidelines are necessary to incorporate advancements in pest risk assessment methods, provide clearer and more transparent analyses, and streamline the market access analysis process.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Jones, Senior Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road Unit 156, Riverdale, MD 20737; (301) 851–2289.

SUPPLEMENTARY INFORMATION:

Background

On October 17, 2000, under the authority of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) began using a specific set of guidelines to conduct pathway-initiated, qualitative pest risk assessments (PRAs) for imports of fruits and vegetables. A PRA is defined by the International Plant Protection Convention (IPPC), of which the United States is a member, as an ''evaluation of the probability of the introduction and spread of a pest and the magnitude of the associated potential economic consequences.'' Following the characterization of the risk of the pest in the PRA, APHIS produces a risk management document to determine appropriate pest risk mitigation methods.

APHIS has determined that it is necessary to update the previous guidelines, which were developed over 10 years ago, in order to provide a more streamlined and efficient process for developing PRAs. Revising the PRA guidelines allows APHIS to incorporate advancements in PRA methods, provide a clearer, more transparent, and more logical order of progression of the assessment, and more closely align the assessments to the IPPC's international standards for phytosanitary measures. The new guidelines provide a more technically correct method of assessing risk by recognizing that the likelihood of pest introduction is multiplicative rather than additive; i.e., if one necessary step for the introduction of a pest has a low likelihood of occurring, there is an overall low likelihood of introduction of the pest, regardless of the likelihood of other steps. The new guidelines also address uncertainty, a principle not explicitly addressed in the previous guidelines. In addition, because the new guidelines are designed to make the PRA drafting process more efficient, we expect the time required to produce the PRAs and respond to market access requests to decrease.

The PRA guidelines document, entitled ''Guidelines for Plant Pest Risk Assessment of Imported Fruit & Vegetable Commodities,'' may be viewed on the Regulations.gov Web site at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0077* or in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 28th day of February 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–05138 Filed 3–5–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0064]

Notice of Availability of a Treatment Evaluation Document and an Environmental Assessment for Pesticide Use in the Imported Fire Ant Program

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: We are advising the public that we have determined that it is necessary to add and revise certain treatment schedules for the Imported Fire Ant Program in the Plant Protection and Quarantine Treatment Manual. Thus, we have prepared a treatment evaluation document that discusses the existing treatment schedules, describes the new treatment schedules, and explains why these changes are necessary. In addition, an environmental assessment has been prepared by the Animal and Plant Health Inspection Service relative to pesticide use in the new and revised treatments in the imported fire ant program. The environmental assessment documents our review and analysis of environmental impacts associated with proposed new pesticides and new uses for previously approved pesticides. We are making this treatment evaluation document and environmental assessment available to the public for review and comment.

DATES: We will consider all comments that we receive on or before May 6, 2013.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0064-0001*.
- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2012–0064, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

The treatment evaluation document, environmental assessment, and any comments we receive may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0064* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Brown, Director, Emergency Management, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 135, Riverdale, MD 20737–1236; (301) 851–2119.

SUPPLEMENTARY INFORMATION:

Background

The imported fire ant, *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, is an aggressive, stinging insect that, in large numbers, can seriously injure or even kill livestock, pets, and humans. The imported fire ant feeds on crops and builds large, hard mounds that damage farm and field machinery. Imported fire ants are notorious hitchhikers and are readily transported long distances when articles such as soil and nursery stock are shipped outside the infested area.

The Animal and Plant Health Inspection Service (APHIS) works to prevent further imported fire ant spread by enforcing a Federal quarantine and cooperating with imported fire ant-infested States to mitigate the risks associated with the movement of regulated articles such as nursery stock and used soil-moving equipment.

The regulations in ''Subpart—Imported Fire Ant'' (7 CFR 301.81 through 301.81–11, referred to below as the regulations) are intended to prevent the imported fire ant from spreading throughout its ecological range within the country. The regulations quarantine infested States or infested areas within States and restricts interstate movement of regulated articles to prevent the artificial spread of the imported fire ant.

Sections 301.81–4 and 301.81–5 of the regulations provide, among other things, that regulated articles requiring treatment prior to interstate movement must be treated in accordance with 7 CFR part 305, which contains our phytosanitary treatment regulations.

In § 305.2, paragraph (b) states that approved treatment schedules are set out in the Plant Protection and Quarantine (PPQ) Treatment Manual.[1] Section 305.3 sets out a process for adding, revising, or removing treatment schedules in the PPQ Treatment Manual. In that section, paragraph (a) sets out the process for adding, revising, or removing treatment schedules when there is no immediate need to make a change. The circumstances in which an immediate need exists are described in § 305.3(b)(1).

In accordance with § 305.3(a)(1), we are providing notice that we have determined that it is necessary to revise the list of insecticides and use patterns, already approved for use within the existing program, for the imported fire ant program in the PPQ Treatment Manual. As pesticide registrations change under the Environmental Protection Agency's regulations, the chemicals available for use to control imported fire ants also change. Specifically, we are adding a new immersion treatment using bifenthrin for balled-and-burlapped nursery stock and a new broadcast treatment using bifenthrin for grass sod, and clarifying the application method for drench treatment of balled-and-burlapped nursery stock.

The reasons for these revisions are described in a treatment evaluation document (TED) we have prepared to support this action. The TED may be viewed on the Regulations.gov Web site or in our reading room. You may also request paper copies of the TED by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**.

APHIS' review and analysis of the potential environmental impacts associated with the addition of insecticides and use patterns to the list of chemicals allowed in the imported fire ant quarantine are documented in detail in an environmental assessment entitled ''Pesticide Use in the Imported Fire Ant Program'' (March 2012). We are making this environmental assessment available to the public for review and comment. We will consider all comments that we receive on or before the date listed under the heading **DATES** at the beginning of this notice.

The environmental assessment may be viewed on the Regulations.gov Web site or in our reading room (see **ADDRESSES** above for a link to Regulations.gov and information on the location and hours of the reading room). You may request paper copies of the environmental assessment by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the title of the environmental assessment when requesting copies.

The environmental assessment has been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 28th day of February 2013.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–05139 Filed 3–5–13; 8:45 am]

BILLING CODE 3410–34–P

[1] The Treatment Manual is available on the Internet at *http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml* or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the USDA Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by May 6, 2013.

FOR FURTHER INFORMATION CONTACT: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave. SW., STOP 1522, Room 5162 South Building, Washington, DC 20250–1522. Telephone: (202) 690–1078. Fax: (202) 720–8435. Email: *Michele.Brooks@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele L. Brooks, Director, Program Development and Regulatory Analysis, USDA, Rural Utilities Service, STOP 1522, 1400 Independence Ave. SW., Washington, DC 20250–1522. FAX: (202) 720–8435, Email: *Michele.Brooks@wdc.usda.gov.*

Title: Preloan Procedures and Requirements for Telecommunications Program.

OMB Control Number: 0572–0079.

Type of Request: Extension of a currently approved information collection.

Abstract: The burden required by this collection consists of information that will allow the Agency to determine an applicant's eligibility to borrow from the Agency under the terms of the Rural Electrification Act (RE Act) of 1936 as amended (U.S.C. 912). This information is also used by the Agency to determine that the Government's security for loans made by the Agency is reasonably adequate and that the loans will be repaid within the time agreed.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9.17 hours per response.

Respondents: Business or other for-profit; not-for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 8.08.

Total Annual Responses: 284.

Estimated Total Annual Burden on Respondents: 3,204.

Copies of this information collection can be obtained from MaryPat Daskal, Program Development and Regulatory Analysis, at (202) 720–7853, FAX: (202) 720–8435, Email: *MaryPat.Daskal@wdc.usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: February 28, 2013.

John Charles Padalino,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2013–05143 Filed 3–5–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–2–2013]

Foreign-Trade Zone 196—Fort Worth, TX, Foreign-Trade Subzone 196A—TTI, Inc., Approval of Additional Subzone Site, Fort Worth, TX

On January 4, 2013, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by Alliance Corridor, Inc., grantee of FTZ 196, requesting an additional site for Subzone 196A subject to the existing activation limit of FTZ 196, on behalf of TTI, Inc., in Fort Worth, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (78 FR 2657, 1/14/2013). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish an additional site of Subzone 196A is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, subject to FTZ 196's 2,000-acre activation limit, and further subject to the existing sunset provision applicable to Site 1 of the subzone.

Dated: February 28, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–05208 Filed 3–5–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–905]

Certain Polyester Staple Fiber From the People's Republic of China: Preliminary Results and Rescission in Part of the 2011–2012 Antidumping Duty Administrative Review

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 certain polyester staple fiber from the People's Republic of China (''PRC''). The period of review (''POR'') is June 1, 2011, through May 31, 2012. The Department has preliminarily determined that Far Eastern Industries (Shanghai) Ltd. and Far Eastern Polychem Industries (''Far Eastern'') and Huvis Sichuan Chemical Fiber Corp. and Huvis Sichuan Polyester Fiber Ltd. (''Huvis Sichuan'') are part of the PRC-wide entity.

FOR FURTHER INFORMATION CONTACT: Steven Hampton, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0116.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is certain polyester staple fiber.[1] The product is currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') numbers 5503.20.0045 and 5503.20.0065. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of the order remains dispositive.[2]

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, please see ''Decision Memorandum for Preliminary Results of 2011–2012 Antidumping

[1] *See* Decision Memorandum for Preliminary Results and Rescission in Part of 2011–2012 Antidumping Duty Administrative Review: Certain Polyester Staple Fiber from the People's Republic of China issued concurrently with this notice for a complete description of the Scope of the Order.

[2] *See Notice of Antidumping Duty Order: Certain Polyester Staple Fiber from the People's Republic of China,* 72 FR 30545 (June 1, 2007) (''*Order*'').

Duty Administrative Review: Certain Polyester Staple Fiber from the People's Republic of China'' (''Preliminary Decision Memorandum'') from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with these preliminary results and 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 it is available to all parties in the Central Records Unit (''CRU''), 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.

Rescission in Part

Due to the timely withdrawal of the requests for review, the Department is rescinding this administrative review for Hangzhou Best Chemical Fibre Co., Ltd., Hangzhou Sanxin Paper Co., Ltd., Hangzhou Huachuang Co., Ltd., Jiaxing Fuda Chemical Fibre Factory, Nantong Luolai Chemical Fiber Co., Ltd., Nanyang Textile Co., Ltd., and Zhaoqing Tifo New Fiber Co., Ltd.

Preliminary Results of Review

The Department has preliminarily determined that Far Eastern and Huvis Sichuan are part of the PRC-wide entity, and that the following weighted-average dumping margin exists.

Exporter	Weighted-average dumping margin (percent)
PRC-wide Entity [3]	44.30

Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[4] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[5] Case and rebuttal briefs should be filed using IA ACCESS.[6]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically via IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[7] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review.[8] The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[9] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis* (*i.e.,* 0.50 percent). 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.

For the PRC-wide entity, we will instruct CBP to assess antidumping duties at an *ad valorem* rate equal to the weighted-average dumping margin published above.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by sections 751(a)(2)(C) of the Act: (1) For previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate published for the most recently completed period; (2) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the PRC-wide entity, 44.30 percent; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also 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 Department'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.

[3] The PRC-wide entity includes Far Eastern and Huvis Sichuan.

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.309(c)(2) and (d)(2).

[6] *See* 19 CFR 351.303.

[7] *See* 19 CFR 351.310(c).

[8] *See* 19 CFR 351.212(b)(1).

[9] In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

Dated: February 27, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–05205 Filed 3–5–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–894]

Certain Tissue Paper Products From the People's Republic of China: Affirmative Preliminary Determination of Circumvention of the Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

Preliminary Determination

We preliminarily determine that certain tissue paper products (tissue paper) processed by A.R. Printing and Packaging India Pvt. Ltd. (ARPP) in India, and exported to the United States, are circumventing the antidumping duty order on tissue paper from the People's Republic of China (PRC,[1] as provided in section 781(b) of the Tariff Act of 1930, as amended (the Act).

DATES: *Effective Date:* March 6, 2013.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Gemal Brangman, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–3773, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Antidumping Duty Order

The tissue paper products subject to this order are cut-to-length sheets of tissue paper having a basis weight not exceeding 29 grams per square meter.[2] The merchandise subject to this order does not have specific classification numbers assigned to them under the Harmonized Tariff Schedule of the United States (HTS). Subject merchandise may be under one or more of several different subheadings, including: 4802.30; 4802.54; 4802.61; 4802.62; 4802.69; 4804.31.1000; 4804.31.2000; 4804.31.4020; 4804.31.4040; 4804.31.6000; 4804.39; 4805.91.1090; 4805.91.5000; 4805.91.7000; 4806.40; 4808.30; 4808.90; 4811.90; 4823.90; 4820.50.00; 4802.90.00; 4805.91.90; 9505.90.40. The tariff classifications are provided for convenience and customs purposes; however, the written description of the scope of this order is dispositive.[3]

Scope of the Anti-Circumvention Inquiry

The products covered by this inquiry are tissue paper products, as described above in the ''Scope of the Antidumping Duty Order'' section, which are produced in India from PRC-origin jumbo rolls and/or cut sheets of tissue paper, and exported from India to the United States. This inquiry only covers such PRC-origin products that are processed in India and exported to the United States by ARPP.

Methodology

The Department has conducted this preliminary determination of circumvention in accordance with section 781(b) of the Tariff Act of 1930, as amended (''the Act''), and 19 CFR 351.225(h). For a full description of the methodology underlying our conclusions, please see the Preliminary Decision Memorandum. The Preliminary Decision Memorandum can be accessed directly on the internet at *http://www.trade.gov/ia/* 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 in the Central Records Unit, room 7046 of the main Department of Commerce building. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Findings

As detailed in the Preliminary Decision Memorandum, we preliminarily determine that tissue paper processed by ARPP in India from PRC-origin jumbo rolls of tissue paper and exported to the United States is circumventing the *PRC Tissue Paper Order.* We therefore determine that it is appropriate to include this merchandise within the *PRC Tissue Paper Order* and to instruct U.S. Customs and Border Protection (CBP) to suspend any entries of tissue paper products produced by ARPP from PRC-origin tissue paper.

Suspension of Liquidation

In accordance with 19 CFR 351.225(l)(2), the Department will direct CBP to suspend liquidation and to require a cash deposit of estimated duties, at the rate applicable to the exporter, on all unliquidated entries of tissue paper produced by ARPP from PRC-origin tissue paper that were entered, or withdrawn from warehouse, for consumption on or after May 3, 2012, the date of initiation of the anti-circumvention inquiry.

Notification to the International Trade Commission

The Department, consistent with section 781(e) of the Act and 19 CFR 351.225(f)(7)(i)(B), has notified the International Trade Commission (ITC) of this preliminary determination to include the merchandise subject to this inquiry within the *PRC Tissue Paper Order.* Pursuant to section 781(e) of the Act, the ITC may request consultations concerning the Department's proposed inclusion of the subject merchandise. If, after consultations, the ITC believes that a significant injury issue is presented by the proposed exclusion, it will have 15 days to provide written advice to the Department.

Public Comment

Case briefs from interested parties may be submitted no later than 30 days from the date of publication of this notice. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. *See* 19 CFR 351.309(c). This summary should be limited to five pages total, including footnotes. Rebuttal briefs limited to issues raised in the case briefs may be filed no later than 35 days after the date of publication of this notice.[4]

Interested parties, who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.[5] Requests should contain the party's name, address, and

[1] *See Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Order: Certain Tissue Paper Products from the People's Republic of China,* 70 FR 16223 (March 30, 2005) (*PRC Tissue Paper Order*).

[2] *See* memorandum entitled ''Preliminary Determination Decision Memorandum for the Anti-Circumvention Inquiry on Certain Tissue Paper Products from the People's Republic of China Involving AR Printing & Packaging India Pvt. Ltd.'' (Preliminary Decision Memorandum) issued concurrently with this notice for a complete description of the scope of the *PRC Tissue Paper Order.*

[3] *See PRC Tissue Paper Order.*

[4] *See* 19 CFR 351.309(d).

[5] *See* 19 CFR 351.310(c).

telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[6] At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief and may make rebuttal presentations only on arguments included in that party's rebuttal brief. We intend to hold a hearing, if requested, no later than 40 days after the date of publication of this notice.

Final Determination

The final determination with respect to this anti-circumvention inquiry, including the results of the Department's analysis of any written comments, will be issued no later than June 27, 2013, unless extended.

This preliminary affirmative circumvention determination is published in accordance with section 781(b) of the Act and 19 CFR 351.225.

Dated: February 27, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–05204 Filed 3–5–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC280

Atlantic Highly Migratory Species; Atlantic Shark Management Measures; 2012 Research Fishery

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

ACTION: Notice of public meeting.

SUMMARY: On November 13, 2012, we published a notice inviting qualified commercial shark permit holders to submit applications to participate in the 2013 shark research fishery. The shark research fishery allows for the collection of fishery-dependent data for future stock assessments and cooperative research with commercial fishermen to meet the shark research objectives of the Agency. Every year, the permit terms and permitted activities (e.g., number of hooks and trips, retention limits) specifically authorized for selected participants in the shark research fishery are designated depending on the scientific and research needs of the Agency, as well as the number of NMFS-approved observers available. In order to inform selected participants of this year's specific permit requirements and ensure all terms and conditions of the permit are met, we are holding a mandatory permit holder meeting for selected participants. In this notice, we announce the date and time of that meeting.

DATES: A conference call will be held on March 18, 2013.

ADDRESSES: A conference call will be conducted. See **SUPPLEMENTARY INFORMATION** for information on how to access the conference call.

FOR FURTHER INFORMATION CONTACT: Karyl Brewster-Geisz or Delisse Ortiz at (301) 427–8503.

SUPPLEMENTARY INFORMATION: The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Highly Migratory species (HMS) Fishery Management Plan (FMP) is implemented by regulations at 50 CFR part 635.

The final rule for Amendment 2 to the 2006 Consolidated HMS FMP (73 FR 35778, June 24, 2008, corrected at 73 FR 40658, July 15, 2008) established, among other things, a shark research fishery to maintain time series data for stock assessments and to meet NMFS' research objectives. The shark research fishery gathers important scientific data and allows selected commercial fishermen the opportunity to earn more revenue from selling the sharks caught, including sandbar sharks. Only the commercial shark fishermen selected to participate in the shark research fishery are authorized to land/harvest sandbar sharks subject to the sandbar quota available each year. The sandbar shark base quota is 116.6 mt dw per year through December 31, 2013, although this number may be reduced in the event of overharvests, if any. The selected shark research fishery participants also have access to the non-sandbar large coastal sharks LCS, small coastal sharks SCS, and pelagic shark quotas subject to retention limits and quotas per §§ 635.24 and 635.27, respectively.

On November 13, 2012 (77 FR 67631), we published a notice inviting qualified commercial shark permit holders to submit an application to participate in the 2013 shark research fishery. We received 13 applications, of which 12 applicants were determined to meet all the qualifications. From the 12 qualified applicants, we randomly selected 6 participants after considering how to meet research objectives in particular regions. During the annual application period, commercial shark permit holders (directed and incidental) are invited to submit an application to participate in the shark research fishery. NMFS expects to invite qualified commercial shark permit holders to submit an application for the 2014 shark research fishery later this year.

Every year, the permit terms and permitted activities (e.g., number of hooks and trips, retention limits) specifically authorized for selected participants in the shark research fishery are designated depending on the scientific and research needs of the Agency as well as the number of NMFS-approved observers available. In order to inform selected participants of this year's specific permit requirements and ensure all terms and conditions of the permit are met, per the requirements of § 635.32 (f)(4), we are holding a mandatory permit holder meeting via conference call.

The conference call will be held on March 18, 2013, from 2:00 to 4:00 p.m. (EST). Participants and interested parties should call 888–989–4986 and use the passcode 4136438. Selected participants who do not attend will not be allowed to participate in the shark research fishery. While the conference call is mandatory for selected participants, other interested parties may call in and listen to the discussion. Selected participants are encouraged to invite their captain, crew, or anyone else who may assist them in meeting the terms and conditions of the shark research research fishery permit.

Dated: March 1, 2013.

Kara Meckley,

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

[FR Doc. 2013–05201 Filed 3–5–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2012–0050]

Extension of Comment Period for Request for Comments on a Patent Small Claims Proceeding in the United States

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of extension of public comment period.

[6] *See* 19 CFR 351.310.

SUMMARY: The United States Patent and Trademark Office (''USPTO'') is extending until April 30, 2013, the period for public comment regarding a patent small claims proceeding. The USPTO is extending the public comment period to ensure stakeholders have adequate time to submit complete responses.

DATES: Written comments must be received on or before April 30, 2013.

ADDRESSES: Written comments should be sent by email to *ip.policy@uspto.gov.* Comments may also be submitted by postal mail addressed to: Mail Stop OPEA, P.O. Box 1450, Alexandria, VA 22313–1450, ATTN: Elizabeth Shaw. Although comments may be submitted by postal mail, the USPTO prefers to receive comments via email. Written comments should be identified in the subject line of the email or postal mailing as ''Patent Small Claims.'' Because comments will be made available for public inspection, information that is not desired to be made public, such as an address or phone number, should not be included.

FOR FURTHER INFORMATION CONTACT: David Gerk, Office of Policy and External Affairs, by phone 571–272–9300, by email at *David.Gerk@uspto.gov* or by mail addressed to: Mail Stop OPEA, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313–1450, ATTN: David Gerk.

SUPPLEMENTARY INFORMATION: On December 18, 2012, the USPTO published a request for comments on a patent small claims proceeding. The notice invited the public to submit written comments on or before March 18, 2013. The USPTO is now extending the period for submission of public comments until April 30, 2013.

Dated: February 28, 2013.

Teresa Stanek Rea,

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 2013–05162 Filed 3–5–13; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Government-Owned Inventions; Available for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for domestic and foreign licensing by the Department of the Navy.

The following patents are available for licensing: U.S. Patent No. 8,046,845: LIGHTWEIGHT COMBAT HELMET// U.S. Patent No. 8,061,570: QUICK RELEASE MASK BRACKET//U.S. Patent No. 8,142,127: TORQUE NUT ASSEMBLY//U.S. Patent No. 8,159,387: MULTI–TRANSMITTER INTERFEROMETRY//U.S. Patent No. 8,161,899: MULTIPLE TORPEDO MINE//U.S. Patent No. 8,167,670: BLOW–OFF FLOAT VEHICLE RECOVERY APPARATUS//U.S. Patent No. 8,186,275: NON–LETHAL PROJECTILE FOR DISPERSING PAYLOAD UPON TARGET IMPACT// U.S. Patent No. 8,196,513: STAND–OFF DISRUPTER APPARTUS//U.S. Patent No. 8,213,740: COHERENT IMAGE CORRELATION//U.S. Patent No. 8,217,318: SUBMERSIBLE HAND WARMER//U.S. Patent No. 8,226,042: SPIN CONTROL SYSTEM FOR A SUSPENDED OBJECT THAT IS TO BE DEPLOYED IN OR RECOVERED FROM WATER//U.S. Patent No. 8,281,641: TESTING SYSTEM FOR SELF–CONTAINED BREATHING APPARATUS REGULATOR//U.S. Patent No. 8,322,231: HYDROSTATIC FORCE/DISPLACEMENT MEASURING DEVICE//U.S. Patent No. 8,326,081: CORRELATION IMAGE DETECTOR// U.S. Patent No. 8,333,295: PRESSURE VESSEL//U.S. Patent No. 8,334,614: VESSEL OF INTEREST COMMUNICATIONS SYSTEM//U.S. Patent No. 8,336,536: ACTIVE HEATING SYSTEM FOR UNDERWATER DIVER//

ADDRESSES: Requests for copies of the patents cited should be directed to Office of Counsel, Naval Surface Warfare Center Panama City Division, 110 Vernon Ave., Panama City, FL 32407–7001.

FOR FURTHER INFORMATION CONTACT: Mr. James Shepherd, Patent Counsel, Naval Surface Warfare Center Panama City Division, 110 Vernon Ave., Panama City, FL 32407–7001, telephone 850–234–4646.

Authority: 35 U.S.C. 207, 37 CFR Part 404.

Dated: February 25, 2013.

C.K. Chiappetta,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2013–05231 Filed 3–5–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0023]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Vocational Rehabilitation Program/Cost Report (RSA–2)

AGENCY: Department of Education (ED), Office of Special Education and Rehabilitative Services (OSERS).

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 April 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–0023 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 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: 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: Annual Vocational Rehabilitation Program/Cost Report (RSA–2).

OMB Control Number: 1820–0017.

Type of Review: Extension without change of an existing collection of information .

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 80.

Total Estimated Number of Annual Burden Hours: 320.

Abstract: The Annual Vocational Rehabilitation Program/Cost Report (RSA 2) collects data on the vocational rehabilitation (VR) and supported employment (SE) program activities for agencies funded under the Rehabilitation Act of 1973, as amended (Rehabilitation Act). The RSA–2 captures: administrative expenditures for the VR and SE programs; VR program service expenditures by category; SE administrative expenditures and service expenditures; expenditures for the VR program by number of individuals served; the costs of types of services provided; and a breakdown of staff of the VR agencies.

Dated: February 28, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–05130 Filed 3–5–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0022]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Case Service Report (RSA–911)

AGENCY: Department of Education (ED), Office of Special Education and Rehabilitative Services (OSERS).

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 April 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–0022 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 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: 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: Case Service Report (RSA–911).

OMB Control Number: 1820–0508.

Type of Review: Extension without change of an existing collection of information.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 80.

Total Estimated Number of Annual Burden Hours: 6,500.

Abstract: The data comprising the Case Service Report (RSA–911) are mandated by the Rehabilitation Act of 1973, as amended (the Act). Applicable portions of the Rehabilitation Act explicitly or implicitly require the recording and reporting of specific data elements by state vocational rehabilitation (VR) agencies to the Rehabilitation Services Administration (RSA). Section 13 of the Act requires the Commissioner to collect and report information specified in section 101(a)(10) to the Congress and the President in the Annual Report. Section 14 of the Act requires the Commissioner to conduct evaluations of the VR program. The information from this data collection is used in evaluating the outcomes of the program. Section 626 requires the same information to be reported for individuals who received supported employment (SE) services. RSA–911 data are also needed to satisfy the requirements of Section 131 calling for an exchange of data between RSA, the Social Security Administration and the Department of Labor.

Dated: February 28, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–05128 Filed 3–5–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0025]

Agency Information Collection Activities; Comment Request; Technical Assistance To Promote the Implementation of Re-Engagement Centers for Out-of-School Youth

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before May 6, 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–0025 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 2E117, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: 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: Technical Assistance to Promote the Implementation of Re-Engagement Centers for Out-of-school youth.

OMB Control Number: 1810–New.

Type of Review: a new information collection.

Respondents/Affected Public: State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 95.

Total Estimated Number of Annual Burden Hours: 131.

Abstract: Collection of information is necessary to fulfill the terms of Solicitation Number ED–ESE–12–R–0102, ''Technical Assistance to Promote the Implementation of Re-Engagement Centers for Out-of-School Youth.'' The information will be used by the Department of Education and its contractors to produce and disseminate a resource guide that shall provide detailed guidance to Local Education Agencies and community organizations in establishing and operating re-engagement centers. The information collected will ensure that the guide is thoroughly informed by current practice and up-to-date learning from the field.

Dated: February 28, 2013.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–05131 Filed 3–5–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0021]

Agency Information Collection Activities; Comment Request; Program for the International Assessment of Adult Competencies (PIAAC) National Supplement Data Collection 2013–2014

AGENCY: Institute for Education Sciences/National Center for Education Statistics (IES/NCES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 6, 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–0021 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: 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: Program for the International Assessment of Adult Competencies (PIAAC) National Supplement Data Collection 2013–2014.

OMB Control Number: 1850–0870.

Type of Review: a revision of an existing information collection.

Respondents/Affected Public: Individuals and households.

Total Estimated Number of Annual Responses: 22,503.

Total Estimated Number of Annual Burden Hours: 6,927.

Abstract: This submission is for the 2013–14 administration of the Program for the International Assessment of Adult Competencies (PIAAC) National Supplement data collection to survey adults (16–74 years old) in households and federal and state prisons. The PIAAC National Supplement builds upon the 2011–12 PIAAC Main Study, which was coordinated by the Organization for Economic Cooperation

and Development (*http://www.oecd.org/*), sponsored by the U.S. Departments of Education and Labor in the United States, and included data collection in 23 countries in addition to the United States. PIAAC assesses adult literacy, numeracy, and problem-solving skills in technology-rich environments and collects survey information from respondents about their education and employment experience and about the skills they use at work. PIAAC builds on previous international literacy assessments including the 2002 Adult Literacy and Lifeskills Survey and the 1994–98 International Adult Literacy Survey. The PIAAC National Supplement data collection will occur between August 2013 and April 2014.

Dated: February 27, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–05129 Filed 3–5–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Proposed Agency Information Collection

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

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy has submitted to the OMB for clearance, a proposal for collection of information pursuant to the Paperwork Reduction Act of 1995. The collection would be used to develop information that will enable DOE to measure the impact and progress of DOE's National Clean Fleets Partnership (Partnership). The Partnership is an initiative through which DOE provides large private-sector fleets with technical assistance and expertise to incorporate alternative fuels and fuel saving measures into their operations successfully. The initiative builds on the established success of DOE's Clean Cities program. The Partnership was developed with input from fleet managers, industry representatives, Clean Cities program staff, and Clean Cities coordinators.

DATES: Comments regarding this proposed information collection must be received on or before April 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, please advise the OMB Desk Officer of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718 or contacted by email at *chad_s_whiteman@omb.eop.gov.*

ADDRESSES: Written comments may be sent to Desk Officer for the Department of Energy Office of Information and Regulatory Affairs Office of Management and Budget New Executive Office Building Room 10102, 735 17th Street NW., Washington, DC 20503 and to Mr. Mark Smith, Office of Energy Efficiency and Renewable Energy (EE–2G), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, or by fax at 202–586–1600, or by email at *Mark.Smith@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Mark Smith at the address listed above in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. New; (2) Information Collection Request Title: National Clean Fleets Partnership Progress; (3) Type of Request: New; (4) Purpose: DOE's Clean Cities initiative has developed a voluntary National Clean Fleets Partnership effort that establishes strategic alliances with large private fleets to help them explore and adopt alternative fuels and fuel economy measures to reduce petroleum use. The Partnership does not endeavor to engage a large number of fleets, but rather works with select fleets committed to leading the way in reducing petroleum consumption. Under a voluntary agreement, Clean Cities commits to provide each fleet with a designated account manager for assistance and support; work with fleets to develop individual partner plans to reduce petroleum use; provide technical assistance, data, access to subject matter experts, analysis, and unbiased evaluation; provide education and outreach materials to recognize a fleet's involvement with the Partnership and its accomplishments; supply mechanisms for fleet information exchange and networking; and identify and document progress related to petroleum savings, cost savings, and reductions in emissions. A participating fleet commits to appointing a primary contact; developing a petroleum use reduction plan; acting to work toward the goals set forth in the plan; tracking progress and provide baseline information and annual data on petroleum use; and participating as an active Clean Cities stakeholder.

The principal objective of collecting the information DOE seeks to gather through the Partnership effort is to allow DOE to develop an objective assessment and estimate of each fleet's impact and progress. Information requested would be used to establish a baseline of activities, vehicle inventories, and fuel use for each fleet, which will then be used for future comparisons and analyses of instituted programs and policies. A designated representative for each participating fleet will provide the requested information. The intended respondent is expected to be aware of relevant aspects of the company's fleet management, such that the gathering of information is not expected to be very resource consuming.

The Partnership effort will rely on data provided in a template spreadsheet and responses to questions the respondent chooses to answer during a phone or in-person interview. The questions and data collection would address the following topic areas: (a) Vehicle data, in terms of the number of different vehicles in the fleet sorted by fuel type and class or category of vehicle; (b) Fuel data, in terms of the quantity of fuel used in given vehicle categories or classes, based on the type of fuel; (c) Fuel use by type by zip code or other appropriate geographic zone; (d) type of infrastructure used; (e) Current and historical fleet strategies to reduce petroleum (driver training, idle reduction, alternative fuels, right sizing); and (f) Fleet operations (how vehicles are fueled). The responses and data will be compiled for the purpose of assessing progress against the fleet's baseline information, and impact in terms of increasing deployment of alternative fueled vehicles and alternative fuels themselves.

The interview that would be part of the voluntary Partnership initiative would be completed on an annual basis, at the convenience of the participating fleet, there being no date by which the questions must be completed. Calculation of progress and impacts will be undertaken on an ongoing basis, once the interview is completed.

The data and subsequent analyses will allow DOE to compare historical records dynamically, and provide the opportunity for each fleet to determine annual progress.

The Partnership is targeted at large, private-sector fleets that own or have contractual control over at least 50 percent of their vehicles and have vehicles operating in multiple States. DOE expects approximately 20 fleets to

participate in the Partnership the first year and, as a result, DOE expects a total respondent population of approximately 20 respondents the first year. Providing initial baseline information for each participating fleet, which occurs only once, is expected to take 60 minutes. Follow-up questions and clarifications for the purpose of ensuring accurate analyses are expected to take up to 90 minutes. (5) Annual Estimated Number of Respondents: 20; (6) Annual Estimated Number of Total Responses: 20; (7) Annual Estimated Number of Burden Hours: 50; and (8) Annual Estimated Reporting and Recordkeeping Cost Burden: There is no cost associated with reporting and recordkeeping.

Statutory Authority: 42 U.S.C. 13252(a)–(b); 42 U.S.C. 13255; 42 U.S.C. Sec 7256.

Issued in Washington, DC, on February 28, 2013.

Patrick B. Davis,

Director, Vehicle Technologies Program, Energy Efficiency and Renewable Energy.

[FR Doc. 2013–05153 Filed 3–5–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[Docket Number: EERE2013–VT–0014]

Proposed Agency Information Collection Extension

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

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years an information collection request with the Office of Management and Budget. Comments are invited on: (a) Whether the extended collection of information is necessary for the proper performance of the functions of DOE, including whether the information shall have practical utility; (b) the accuracy of DOE's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before May 6, 2013. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments should include DOCKET # EERE–2013–VT–0014 in the subject line of the message and be sent to: Mr. Dana V. O'Hara, Office of Energy Efficiency and Renewable Energy (EE–2G), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, or by email at *Dana.O'Hara@ee.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mr. Dana V. O'Hara, Office of Energy Efficiency and Renewable Energy (EE–2G), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 586–8063, *Dana.O'Hara@ee.doe.gov*. The information collection instrument itself is available online at *http://www1.eere.energy.gov/vehiclesandfuels/epact/docs/reporting_spreadsheet.xls*.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) *OMB No.:* 1910–5101; (2) *Information Collection Request Title:* Annual Alternative Fuel Vehicle Acquisition Report for State Government and Alternative Fuel Provider Fleets; (3) *Type of Review:* renewal; (4) *Purpose:* the information is required so that DOE can determine whether alternative fuel provider and State government fleets are in compliance with the alternative fueled vehicle acquisition mandates of sections 501 and 507(o) of the Energy Policy Act of 1992, as amended, (EPAct), whether such fleets should be allocated credits under section 508 of EPAct, and whether fleets that opted into the alternative compliance program under section 514 of EPAct are in compliance with the applicable requirements; (5) *Respondents:* approximately 300; (6) *Estimated Number of Burden Hours:* 1,970.

Statutory Authority: 42 U.S.C. 13251 et seq.

Issued in Washington, DC, on February 20, 2013.

Patrick B. Davis,

Director, Vehicle Technologies Program, Energy Efficiency and Renewable Energy.

[FR Doc. 2013–05161 Filed 3–5–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Notice and Request for Office of Management and Budget (OMB) Review and Comment.

SUMMARY: The EIA has submitted an information collection request to the OMB under the provisions of the Paperwork Reduction Act of 1995 for a proposed reinstatement and three-year approval to the Form GC–859, ''Nuclear Fuel Data Survey'' (formerly Form RW–859) OMB Control Number 1901–0287. Form RW–859 was previously used to collect data for reference year 2002 and was discontinued in 2009. The form designation has been changed to reflect the transfer of functions from the DOE Office of Civilian Radioactive Waste Management (RW) to the DOE Office of the General Counsel (GC). The form is being reinstated to collect data as of June 30, 2013.

In addition to reinstating the Nuclear Fuel Data Survey form as Form GC–859 survey, EIA is also proposing to modify the structure and content of the form from Form RW–859. Most of the data reported on Form GC–859 was previously collected by its predecessor form and will be provided to respondents so that they may update their historical data. Some data requirements from previous surveys have been eliminated and replaced by new data required by various stakeholders and data users.

DATES: Comments regarding this proposed information collection must be received on or before April 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, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4650.

ADDRESSES: Written comments should be sent to the

DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503.

And to

Department of Energy, U.S. Energy Information Administration, Attn:

Marta Gospodarczyk, EI–34, Forrestal Building, 1000 Independence Ave. SW., Washington, DC 20585, 202–586–0527, Fax at 202–586–3045, Email at *marta.gospodarczyk@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection forms and instructions should be directed to Ms. Gospodarczyk at the contact information given above. Additionally, forms and instructions may be viewed at *http://www.eia.gov/survey/#GC-859.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.:* 1901–0287;

(2) *Information Collection Request Title:* Form GC–859, ''Nuclear Fuel Data Survey'';

(3) *Type of Request:* Reinstatement and three-year approval of a previously approved data collection;

(4) *Purpose:* The Nuclear Fuel Data Survey collects data from 138 respondents (primarily commercial utilities that operate nuclear reactors). Data are collected on all discharged nuclear assemblies, projections of future assembly discharges, nuclear fuel storage capacities and inventories at reactor sites and storage facilities, complete reactor operating history, data on special fuel forms including nonstandard and failed fuel, nonfuel components, and Greater Than Class C low-level waste data.

(5) *Number of Respondents:* 138;

(6) *Annual Estimated Number of Total Responses:* 46 (data collected once during three-year approval period);

(7) *Annual Estimated Number of Burden Hours:* 3106.7;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified at 15 U.S.C. 772(b); Section 302 of the Nuclear Waste Policy Act of 1982, codified at 42 U.S.C. 10222.

Issued in Washington, DC, on February 28, 2013.

Renee Miller,

Acting Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2013–05157 Filed 3–5–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension With Changes

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy.

ACTION: Notice and request for OMB review and comment.

SUMMARY: EIA, pursuant to the Paperwork Reduction Act of 1995 and with the approval of the Office of Management and Budget, intends to extend for 3 years, with changes, the following forms:

- Form EIA–63B, ''Annual Photovoltaic Cell/Module Shipments Report,''
- Form EIA–411, ''Coordinated Bulk Power Supply Program Report,''
- Form EIA–826, ''Monthly Electric Utility Sales and Revenue Report with State Distributions,''
- Form EIA–860, ''Annual Electric Generator Report,''
- Form EIA–860M, ''Monthly Update to the Annual Electric Generator Report,''
- Form EIA–861, ''Annual Electric Power Industry Report,''
- Form EIA–861S, ''Annual Electric Power Industry Report (Short Form),'' and
- Form EIA–923, ''Power Plant Operations Report.''

In addition, EIA proposes to create the following new form:

- Form EIA–930, ''Balancing Authority Operations Report.''

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before May 6, 2013. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Send comments to Rebecca Peterson. To ensure receipt of the comments by the due date, email is recommended (*ERS2014@eia.gov*). The postal mailing address is U.S. Department of Energy, U. S. Energy Information Administration, Mail Stop EI–23, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Ms. Peterson at the email address listed above. Alternatively, Ms. Peterson may be contacted on (202)-586–4509. The proposed forms and instructions, along with related information on this clearance package, can be viewed at *http://www.eia.gov/survey/changes/electricity/.*

SUPPLEMENTARY INFORMATION: This information collection request contains the following:

(1) OMB No. 1905–0129 [1]

For the Forms EIA–411, 826, 860, 860M, 861, 861S, 923, and 930, EIA proposes to protect all contact information associated with the ''Survey Contact'' and the ''Supervisor of Contact Person for Survey'' on Schedule 1, including name, email address, telephone, and Fax number to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the Department of Energy (DOE) regulations; 10 CFR 1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. 1905. The name and business address of the survey respondents shown in Schedule 1 will continue to be released as public information.

For the Forms EIA–63B, 411, 826, 860 and 923, EIA proposes to discontinue applying disclosure limitation rules that test aggregate statistics for the risk of disclosing identifiable information. EIA intends to add the following paragraph to the section on data confidentiality: ''Disclosure limitation procedures are not applied to the statistical data published from the survey information reported on this form. There may be some statistics that are based on data from fewer than three respondents, or that are dominated by data from one or two large respondents. In these cases, it may be possible for a knowledgeable person to closely estimate the information reported by a specific respondent.''

[1] This form has been under OMB No. 1905–0196. Due to a reorganization of EIA offices, the renewables data collection program is now housed with the electricity data collection program. Therefore, EIA proposes to change the OMB number to 1905–0129.

(2) Information Collection Request Title: Form EIA–63B, ''Annual Photovoltaic Cell/Module Shipments Report''

(3) *Type of Request:* Extension, with changes, of a currently approved collection.

(4) *Purpose:* The Form EIA–63B tracks photovoltaic cell/module manufacturing, shipments, technology types, revenue and related information. The data collected on this form appear in various EIA publications. The data are used by the U.S. Department of Energy, the Congress, other government and non-government entities, and the public to monitor the current status and trends of the photovoltaic industry and to evaluate the future of the industry.

(5) *Estimated Number of Survey Respondents:* Currently there are about 168 respondents.

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is about 168.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 840 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) OMB No.: 1905–0129

(2) Information Collection Request Title: Form EIA–411, ''Coordinated Bulk Power Supply Program Report''

(3) *Type of Request:* Extension, with changes, of a currently approved collection

(4) *Purpose:* The Form EIA–411 collects information relating to the reliability of the electric power system in the lower 48 states, including regional electricity supply and demand projections for a 10-year advance period, the characteristics and frequency of outages occurring on the Bulk Electric System, and other information on the transmission system and supporting facilities. The data are collected from the regional reliability entities by the North American Electric Reliability Corp. (NERC), [2] which then organizes and edits the information and submits the data to EIA. The proposed changes include:

• Schedule 6, Part B, *Characteristics of Projected Transmission Lines:* EIA proposes to remove several questions on conductor size and material, bundling arrangements, and type of pole or tower. This information has been determined to have limited value that is outweighed by respondent burden.

• Schedule 7, Part A, *Annual Data on Transmission Line Outages for AC Lines:* The transmission line sustained outage section of the form will have a new voltage category: below 199kV. This change will make the form consistent with the expansion of the Bulk Electric System definition requested by the Federal Energy Regulatory Commission (FERC) and specific recommendations from NERC. In this section, there are other minor refinements to the outage data collected, such as disaggregating outages into the three principal classifications.

• New Schedule 8, *Annual Data on Generating Unit Outages, Deratings and Performance Indexes:* This new Schedule will present information on generating unit reliability, supplementing the reliability information on the transmission grid and the power supply/demand balance historically collected by this survey. The information will be extracted by NERC directly from its existing Generating Availability Data System (GADS). The additional burden on respondents is therefore 0.

• New Schedule 9, *Smart Grid Transmission System Devices and Applications,* will collect information on smart grid technologies now being deployed to improve the reliability of the transmission system. This includes phasor measurement units, which are used for real-time monitoring of the condition of the grid and for forensic review of grid performance and events. Information will also be collected on dynamic capability rating systems on transmission circuits. These systems provide operators with information on the true operational limits of transmission lines.

(5) *Estimated Number of Survey Respondents:* Nine respondents (the eight NERC regional entities and NERC Headquarters).

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 9.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 1,098 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) OMB No.: 1905–0129

(2) Information Collection Request Title: Form EIA–826, ''Monthly Electric Sales and Revenue with State Distributions Report''

(3) *Type of Request:* Extension, with changes, of a currently approved collection.

(4) *Purpose:* Form EIA–826 collects monthly information from a sample of electric utilities, energy service providers, and distribution companies that sell or deliver electric power to end users. Data collected on this form includes sales and revenue for all end-use sectors (residential, commercial, industrial, and transportation). This survey is the monthly complement to the annual data collection from the universe of respondents made by the short and long form versions of the Form EIA–861 survey (see below). EIA proposes to make the following changes to the form:

• Schedule 3, Part A, *Green Pricing:* Remove the green pricing schedule. EIA's understanding is that green pricing programs currently have a minimal presence in the retail power market and that this situation is not expected to change. The value of the data collection is therefore outweighed by the burden on respondents. EIA plans to continue to monitor this market and if necessary will propose reintroduction of this data collection in the future.

• Schedule 3, Part C, Advanced Metering: Separate Advanced Metering Infrastructure (AMI) into two subgroups—AMI operated solely as Automated Meter Reading (AMR) equipment, and AMI operated as AMI.

(5) *Estimated Number of Survey Respondents:* There are approximately 526 respondents.

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 6,312.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 8,647.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) OMB No.: 1905–0129

(2) Information Collection Request Title: Form EIA–860, ''Annual Electric Generator Report''

(3) *Type of Request:* Extension, with changes, of a currently approved collection.

(4) *Purpose:* Form EIA–860 collects data on existing and planned electric generation plants and associated

[2] NERC is the official national Electric Reliability Organization as designated by FERC pursuant to the Energy Policy Act of 2005. EIA has had a long-standing relationship with NERC and its predecessor for the collection of the EIA–411 data.

equipment including generators, boilers, cooling systems, and environmental control systems. Data are collected from all existing units and from planned units scheduled for initial commercial operation within 10 years of the specified reporting period (depending on the type of plant). EIA proposes the following changes:

• Schedule 1, *Identification:* collect the ownership type of the reporting entity (e.g., investor owned utility, electric power cooperative, etc.). This information is frequently requested within DOE and by outside analysts.

• Schedule 2, *Power Plant Data,* and Schedule 3, Part C, *Generator Information—Proposed Generators:* These schedules currently collect data from plants and generators expected to begin commercial operation within 10 years of the survey year. EIA proposes to reduce this time horizon to 5 years for all types of plants other than coal, nuclear, and conventional and pumped-storage hydroelectric power plants. This change reflects the relatively short planning and construction horizon for the predominant types of power plants now being proposed in the United States, such as combined cycle, wind, and solar generators. Coal, nuclear, and hydroelectric plants, in contrast, have long planning and construction periods.

• Schedule 2, *Power Plant Data*:

i. Collect the name of each plant's balancing authority instead of its regional transmission organization (RTO) or independent system operator (ISO). This change reflects an effort by EIA to align its data collections with the actual operation of the electric power system, which is based on approximately 100 ''balancing authorities'' that manage the grid. No information will be lost because EIA can use balancing authority designations to assign plants to RTOs and ISOs.

ii. Collect information on ash impoundments. The condition of ash impoundments has been an area of increasing environmental concern at the federal and state levels. The data to be collected include whether any impoundments exist at a plant, the impoundments' statuses, and whether they are lined.

iii. Put space on the schedule to collect up to three grid voltages at the power plant's point of interconnection with the grid. In the current form plants with multiple interconnection voltages must enter information into the comments section of the form, a cumbersome procedure. The revised question will simply provide space on the survey form to directly enter three voltages.

iv. Stop collection of the datum associated with a plant's geographic coordinates. EIA has found that many and probably most respondents are unable to provide a correct answer to this question.

v. Stop collection of plant geographic coordinates in minutes and seconds. The form will ask for coordinates only in modern digital format.

vi. Collect information on whether a plant that has a primary purpose other than electricity generation for sale is net metered. This information is needed to improve the accuracy with which EIA can determine small renewable capacity, particularly solar.

vii. Collect information on whether a plant or any of the individual generating units at the plant is a blackstart unit. For those units that are blackstart units, the survey will collect information on nameplate capacity and whether any of the units are identified as a ''Blackstart Resource'' in a Transmission Operator's System Restoration Plan (pursuant to NERC Reliability Standards EOP–005–1 and EOP–005–2). These new questions are intended to enhance the information on power system reliability made available by EIA to analysts and policy makers.

• Schedule 3, Part A, *Generator Information—Generators:*

i. Collect whether a combined-cycle unit can operate in simple-cycle mode by bypassing the heat recovery steam generator. These questions relate to the reliability and operational flexibility of combined cycle generators, which account for a growing share of generation capacity and actual generation. Operational flexibility is an issue of growing importance due to the introduction of variable renewable technology (solar and wind) and wider use of demand response programs. The combination of more renewable power and demand response puts a premium on the ability of generating units to rapidly start, stop, and change output to meet variations in load.

ii. Delete three questions on whether the generator is an electric utility, the date of a unit's sale, and whether the unit can deliver power to the transmission grid. EIA has determined that these questions are either duplicative or provide information of limited value.

• Schedule 3, Part B, *Generator Information—Existing Generators:*

i. Collect information on whether an uprate or derate was completed during the reporting period. This information is needed in particular to confirm when an uprate became operational at nuclear units, a subject of great interest to power market analysts and modelers.

ii. Collect data on nameplate power factor. This information, which is an indicator of the maximum potential output from a generator, will be used in verifying the reported nameplate and net capacity of the unit.

iii. Collect data on generator minimum load and minimum time required to reach full load from standby and shutdown. These questions address the operating flexibility of the power system, a topic of increased interest due to the introduction of renewable power with variable output and demand response programs. These questions are limited to units burning combustible fuels.

iv. Delete the questions relating to reactive power. EIA has been unable to collect consistent or clearly correct data on reactive power. NERC, which originally requested these data, has informed EIA that the need no longer exists.

v. Reduce the number of questions relating to fuel switching and multi-fuel operation from 13 questions to eight. The remaining questions relate to oil and gas units only. This change is made to reduce respondent burden by focusing on the fuel switching questions of greatest interest, which is essentially the issue of backup fuel for gas and oil fired units.

vi. Add new questions on the characteristics of wind turbines such as turbine manufacturer, designed average annual wind speed, wind quality class, and average hub height; and add new questions on the characteristics of solar energy systems such as identification of tracking, concentrating and collector technology, and photovoltaic panel material. These questions will provide important information on the renewable technologies which increasingly account for the additions to the nation's generating fleet.

• Schedule 3, Part C, *Generator Information—Proposed Generators:* Consistent with changes discussed above to Part B (existing generators), EIA proposes to delete questions relating to reactive power, fuel switching and multi-fuel operations at planned units.

• Schedule 5, *Generator Cost Information:*

i. Delete all questions relating to interconnection costs.

ii. Add new questions on generator construction and financing costs. There is no public source of information on the actual cost of building new power plants. Nonetheless, cost estimates are critical elements to projections of, for example, power industry capital requirements and forecasts of new builds. The proposed questions will

collect construction and financing costs as of the time of completion for most generating units. Long-lead coal and nuclear units will be required to provide annual estimates of the total cost to completion. All of the data will be treated as sensitive and protected to the extent that it satisfies the criteria for exemption under the Freedom of Information Act.

• Schedule 6, *Boiler Information:*

i. Part A, *Plant Configuration:* Reorganize the manner in which data on environmental equipment are collected to reflect that fact that a single pollution control technology can reduce emissions of more than one pollutant.

ii. Part C, *Boiler Information:* Delete the question that collects boiler manufacturer. EIA cannot identify a need for this information.

iii. Part D, *Nitrogen Oxide Emission Controls,* and Part E, *Mercury Emission Controls:* Collect information on the operating status, and installed cost of nitrogen oxide and mercury control systems.

iv. Part F, *Cooling System Information—Design Parameters:* Add a new question that collects the name of the cooling water discharge body if it is different than the intake body. This information was requested as part of EIA's joint review with U.S. Geological Survey of data relating to the energy/water nexus (an initiative recommended by the Government Accountability Office).

v. Part H, *Flue Gas Desulfurization Unit Information:* Delete the question that collects the flue gas desulfurization unit manufacturer. This information had value in the past when scrubber technology was still in the developmental stage, which is no longer the case.

vi. Part I, *Stack and Flue Information—Design Parameters:* Delete the questions that collect the geographic coordinate datum of stacks. As noted above, EIA's experience is that many and probably most respondents cannot provide a correct answer to this question.

(5) *Estimated Number of Survey Respondents:* There are approximately 3,500 respondents.

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 3,500.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 29,617 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) *OMB No.:* 1905–0129

(2) *Information Collection Request Title:* Form EIA–860M, ''Monthly Update to the Annual Electric Generator Report''

(3) *Type of Request:* Extension, with change, of a currently approved collection.

(4) *Purpose:* Form EIA–860M collects data on the status of proposed new generators scheduled to begin commercial operation within the forward 12-month period; existing generators scheduled to retire from service within the forward 12-month period; and existing generators that have proposed modifications that are scheduled for completion within one month. The information is needed to ensure a complete and accurate inventory of the nation's generating fleet, for such purposes as reliability and environmental analyses.

(5) *Estimated Number of Survey Respondents:* During a typical year a total of about 412 entities will file the form for at least one month. Note, however, that in any given month only about 170 entities fall within the reporting threshold (i.e., have a new generator that is within 12 months of entering commercial operation) and are therefore required to file the survey. Most respondents file fewer than 12 forms a year; the average is currently about 5.6 filings per year per respondent.

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 2,307.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 692 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) *OMB No.:* 1905–0129

(2) *Information Collection Request Title:* Form EIA–861, ''Annual Electric Power Plant Report''

(3) *Type of Request:* Extension, with changes, of a currently approved collection.

(4) *Purpose:* Form EIA–861 collects annual information on the retail sale, distribution, transmission and generation of electric energy in the United States, its territories, and Puerto Rico. The data include related activities such as energy efficiency and demand response programs. In combination with the Form EIA–861S short form (see below) and the monthly Form EIA–826, this annual survey provides coverage of retail sales of electric power and related activities

The Form EIA–861 requests a full array of data from approximately 2,200 larger power companies. EIA proposes the following:

• For most schedules that request information by state, add a requirement to report by state and balancing authority combination. This reflects an effort by EIA to align data collection with the actual operation of the power system, which is managed by about 100 balancing authorities. As a consequence of this proposal, in states that have more than one balancing authority, the respondent may have more than one schedule reported per state.

• Schedule 2, Part C, *Green Pricing:* Remove the green pricing schedule. As discussed above in relation to the Form EIA–826 monthly survey the limited presence of green pricing in the retail power market does not appear to justify the burden of this schedule on respondents.

• Schedule 4, Part A, *Sales to Ultimate Customers, Full Service:* Add questions about ''rate decoupling,'' a form of ratemaking intended to keep utilities revenue-neutral in a situation in which sales are dropping due to energy efficiency and demand response programs. These programs have been common for retail sales of natural gas and are now being implemented for electricity sales.

• Schedule 6, Parts A and B, *Demand Side Management Programs:* Over the past 18 months EIA consulted with government, academic, and other experts on steps to improve the collection of Energy Efficiency data. The primary objective of the changes is to focus on the data respondents are best able to provide and to improve the consistency of responses. The specific changes to Part A, Energy Efficiency Programs, are as follows:

i. Change the collection of Net Energy Savings to Gross Energy Savings (MWh);

ii. Change the collection of Annualized Incremental Effects and Actual Annual Effects to Incremental Annual Savings and Incremental Life Cycle Savings.

iii. Replace Annual Costs with Reporting Year Incremental Costs and Incremental Life Cycle Costs; also reduce the number of cost components collected.

iv. Add the collection of the Weighed Average Life of a portfolio of Energy Efficiency programs and provide an automated spreadsheet to calculate this number based on program data entered into the spreadsheet.

v. Remove questions about verification and reporting on another company's form.

vi. Add question about Web site address to energy efficiency reports.

• For Part B, *Demand Response Programs,* add the numbers of customers enrolled and reduce the number of cost components collected.

• Schedule 2, Part D, *Net Metering:* Increase the capacity limit for reporting net metering installations from 2 MWs to unlimited. This change will help identify the amount of net metering capacity by technology type and, combined with other changes to generation capacity data collection, help EIA to identify all the renewable capacity installed.

• Schedule 6, Part C, *Dynamic Pricing Programs:* Dynamic pricing is a form of ratemaking that exposes retail customers to short-term changes in power prices. These rate structures, particularly in combination with smart meters, are of increasing interest as a integrated part of overall Demand Side Management Programs and as a means to improve the operation of restructured power markets. Consistent with the increased interest in this topic, EIA proposes to enhance the demand response questions, for example by asking respondents to identify how many customers they have signed up in these types of programs and also whether they have customers signed up for any of five major time-based rate programs, i.e. Time-of-Use Pricing, Real Time Pricing, Variable Peak Pricing, Critical Peak Pricing, and Critical Peak Rebate.

• Schedule 6, Part C, *Advanced Metering and Customer Communications:* Separate AMI into two subgroups—AMI operated as AMR and AMI operated as AMI. In addition, the definitions of advanced metering infrastructure (AMI, or ''smart meters'') and automated meter reading technologies have been adjusted to provide better estimates of total AMI meter installations. This statistic is of interest because of federal and state programs intended to encourage the use of smart meters and the possible value of smart meters in energy efficiency and demand response programs. EIA also proposed to add to the data collection the total number of meters (of all types including mechanical ones), number of customers that receive certain types of communication from the service provider, frequency of this communication, and the number of customers participating in direct load control programs.

• Schedule 6, Parts E and Part F, *Distribution System Information and Reliability Information:* Parts E and F add new questions dealing with distribution system automation and the reliability of electric power distribution systems. This information expands EIA's coverage of power system reliability, which has historically been limited to the transmission grid (see discussion of Form EIA–411, above), to the distribution level at which most customer interruptions actually occur. The initial recommendation to add these questions came from Lawrence Berkeley National Laboratory, which identified the lack of a central repository of distribution system reliability statistics. The need for this data collection is further indicated by requests EIA has received for these data from Congressional and state energy offices. The impact on respondent burden is expected to be minimal because respondents can respond with statistics that are typically computed in the normal course of business. Utilities that do not collect this information do not have to respond.

(5) *Estimated Number of Survey Respondents:* There are approximately 2,200 respondents.

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 2,200.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 24,706 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) *OMB No.:* 1905–0129

(2) *Information Collection Request Title:* Form EIA–861S, ''Annual Electric Power Plant Report (Short Form)''

(3) *Type of Request:* Extension, with changes, of a currently approved collection.

(4) *Purpose:* Form EIA–861S collects a limited set of information annually from 1,100 small companies involved in the retail sale of electricity. A complete set of annual data is collected from 2,200 larger companies on the Form EIA–861 and monthly data are collected on the Form EIA–826 (see above). EIA proposes changes to the Form EIA–861S to comport with those planned for the EIA–861 long form, specifically:

• For most schedules that request information by state, add a requirement to report by state and balancing authority combination. As noted earlier, this reflects an effort by EIA to align data collection with the actual operation of the power system, which is managed by about 100 balancing authorities. As a consequence of this proposal, in states that have more than one balancing authority, the respondent may have more than one schedule reported per state.

• Schedule 2, Part C, Remove the green pricing schedule. As discussed above, the limited presence of green pricing in the retail power market does not appear to justify the burden of this schedule on respondents.

• Schedule 2, Part D, *Net Metering:* Add a Yes or No question concerning whether the respondent has a net metering program.

• Schedule 6, Part D, *Advanced Metering and Customer Communications:* Separate AMI into two subgroups—AMI operated as AMR and AMI operated as AMI. In addition, the definitions of advanced metering infrastructure and automated meter reading technologies have been adjusted to provide better estimates of total AMI meter installations. This statistic is of interest because of federal and state programs intended to encourage the use of smart meters and the possible value of smart meters in energy efficiency and demand response programs.

• Schedule 6, Part C, *Time-Based Rate Programs (Dynamic Pricing Programs):* Add a single Yes/No question asking if the respondent operates any time-based rate programs.

(5) *Estimated Number of Survey Respondents:* There are approximately 1,100 respondents.

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 1,100.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 2,200 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) *OMB No.:* 1905–0129

(2) *Information Collection Request Title:* Form EIA–923, ''Power Plant Operations Report''

(3) *Type of Request:* Extension, with changes, of a currently approved collection.

(4) *Purpose:* Form EIA–923 collects information from electric power plants in the United States. Data collected include electric power generation, energy source consumption, end of reporting period fossil fuel stocks, as well as the quality and cost of fossil fuel receipts. EIA proposes to make the following changes:

• Schedule 2, *Cost and Quality of Fuel Purchases:* Add to the collection of coal quality characteristics two additional elements: coal moisture and chloride content. These factors relate to the propensity of the coal to produce acid gases and assist in assessment of the quality of the various coal ranks.

• Schedule 2, *Cost and Quality of Fuel Purchases:* Add the collection of the names of the pipeline systems connected to natural gas burning power

plants. This information is needed to help reconcile natural gas sales information collected on other surveys with the data collected on the Form EIA–923, and by doing so help ensure that EIA has a complete picture of the disposition of natural gas.

• Schedule 4, *Fossil Fuel Stocks at the End of the Reporting Period:* EIA collects coal stocks held for power plant use to measure the adequacy of short-term coal supply for power generation. The proposed change will add questions to clarify the relationship between stocks held off-site at coal terminals with the plants the terminals serve.

• Schedule 3, *Boiler and Generator Information for Steam-Electric Combustible-Fueled Plants:* This change would simplify the form by combining two schedules dealing with generation and fuel consumption (Schedules 3 and 5) into one schedule.

• Schedule 6, *Nonutility Annual Source and Disposition of Electricity:* add ''Energy provided under tolling arrangements'' to the Disposition of Electric Energy; and request identification of the nature of ''other incoming'' and ''other out-going'' electric energy. These changes are needed to distinguish power delivered under tolling agreements from the more generic category of ''other out-going power.'' Plants selling power under tolling agreements have increased from about a dozen in 2007 to over 200 in 2012.

• Schedule 7, *Annual Revenues from Retail Sales and/or Sales for Resale:* This schedule will collect data on retail sales by entities (power plants) that normally sell power at wholesale. These data are needed to complete the disposition of electricity by inclusion of retail sales by nonutility plants (utilities report retail sales on the Form EIA–861, but independent power producers are not required to complete the Form EIA–861).

• Schedules 8, *Annual Environmental Information,* Parts C, E and F: Reconfigure these schedules to be equipment-oriented, rather than emission type oriented, because installed environmental controls can reduce more than one type of air emission.

(5) *Estimated Number of Survey Respondents:* There are approximately 6,295 respondents. The monthly form is filed by 2,052 respondents; the annual form is filed by 4,243 respondents; and the supplemental form is filed by 1,625 respondents. (Those same 1,625 respondents also file the monthly form and are included in the 2,052 respondents on the monthly form.)

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 30,492.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 69,602 hours.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden hours.

(1) *OMB No.:* 1905–0129

(2) *Information Collection Request Title:* Form EIA–930, ''Balancing Authority Operations Report''

(3) *Type of Request:* New data collection.

(4) *Purpose:* Form EIA–930 is a new survey of hourly electric power operating data from Balancing Authorities in the contiguous United States [3] and from selected electric utilities in Alaska and Hawaii.[4] The data include:

- Hourly demand,
- Hourly next-day demand forecast,
- Hourly net generation,
- Hourly actual interchange with each interconnected Balancing Authority.

The purpose of this survey is to provide basic operating statistics for the nation's electric power systems on a current basis. While electric utilities individually and as an industry have primary responsibility for system operations, many other entities, such as other industry participants, policymakers, legislators, regulators, emergency and disaster response officials, entrepreneurs, economic analysts, industry researchers, and the public, have a direct interest in electric systems operations and the associated data. There is currently no central or comprehensive source for hourly electric industry operating statistics.

The burden of providing these data is extremely low relative to their value, particularly since the information requested is already collected by or known to the proposed respondents in the course of their normal operations, and a number of proposed respondents are already posting much of it. Based on the information in the respondent postings, EIA would make available a comprehensive set of the current day's system demand data on an hourly basis and the prior day's basic hourly electric system operating data on a daily basis.

Respondents will post hourly demand data at a web address in a standard format within ten minutes of the end of the reported hour. They will also post separately the prior day's hourly demand, demand forecast, net generation, and actual interchange data in a standard format by 7:00 a.m. Eastern Time the next day. The posting web address must be accessible by EIA and respondents may, at their discretion, provide the public with access to this address. In either case, EIA will treat this data as public. EIA requests comment on alternatives or supplements to the web posting requirement and the format for the posted data.

The same-day, soon after the reporting hour posting of demand provides a basic measure of the current status of electric systems and the United States electric industry as a whole. Comparing actual system demand with the day-ahead forecast provides a measure of the accuracy of forecasting used to commit resources.

Data regarding the time-varying nature of electricity supply and demand is essential to addressing smart grid related issues such as integrating wind and solar generation, better coordination of natural gas and electric short-term operations, and expanding the use of demand response, storage, and electric vehicles in electric system operations.

Due to the lack of sufficient cost-effective electricity storage, electricity must be produced at the moment it is used. This presents the electric industry with significant challenges in delivering its primary product: electricity on-demand. The industry meets the

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[3] A Balancing Authority is ''The responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a Balancing Authority Area, and supports Interconnection frequency in real time.'' (NERC, *Glossary of Terms Used in NERC Reliability Standards,* December 21, 2012.) In most, but not all cases, a balancing authority is an electric utility company or a Regional Transmission Organization. The electric power grid in the contiguous United States is managed on a moment to moment basis by 98 Balancing Authorities. If the Southwest Power Pool RTO proceeds as planned to consolidate its 17 member Balancing Authorities, the number of Balancing Authorities will drop to 82.

[4] Alaska and Hawaii do not have integrated electric power grids as in the contiguous United States. Alaska has numerous small regional electric power systems. In the case of Alaska, EIA proposes to collect data from 1) the six interconnected systems in the Railbelt Intertie extending from the Kenai Peninsula north to Fairbanks, including Chugach Electric Association, Anchorage Municipal Light & Power, Matanuska Electric Association, Golden Valley Electric Association, Homer Electric Association, and Seward Electric System; and 2) Alaska Electric Light & Power, which provides power to Juneau. These utilities are believed by EIA to account for over 75 percent of electric power load in Alaska.

In the case of Hawaii, EIA proposes to collect data from the Hawaiian Electric Industries, Inc. operating companies, including Hawaii Electric Co., Hawaii Electric Light Company, Inc. and Maui Electric Company, Ltd. These companies provide service to the islands of Oahu, Hawaii, Maui, Lanai, and Molokai, encompassing about 95% of Hawaiian electric power customers. This approach provides acceptable coverage of Alaska and Hawaii without incurring the costs and burden of collecting complete data for these states.

challenge by always having more capacity available than needed and relying on certain entities to ensure the moment-to-moment balancing of supply and demand. Electric utilities that perform the balancing function are called Balancing Authorities. Due to the interconnected nature of power grids, collecting operating information from only a subset of the entities involved significantly undermines the usefulness of the survey.

Balancing Authority operators monitor their systems continuously and may act whenever necessary to maintain reliability. However, Balancing Authority operating procedures, such as scheduling supply, demand and interchange (the flow of electricity between Balancing Authorities), and the mandatory reliability standards that apply to them, use the hour as the primary operating period. Consequently, the proposed survey uses the operating hour as its data measurement interval.

The proposed survey is specifically designed to minimize burden on electric system operators. The surveyed data is typically produced in the normal course of business by Balancing Authority energy management systems. Hourly demand and demand forecast data is currently posted on public Web sites in the proposed posting timeframes by a number of Balancing Authorities, including most Regional Transmission Organizations. These balancing authorities supply over half of end-use electricity consumption in the United States. A few Balancing Authorities post publicly more detailed operating data.

Under Federal Energy Regulatory Commission (FERC) Order 890, Transmitting Utilities are required to post on their Open Access Same-time Information System (OASIS) Web sites prior-day's peak hour demand and the associated demand forecast value. Most Balancing Authorities are also Transmitting Utilities. Therefore, the Balancing Authorities subject to Order 890 already have in place the means for posting some of the data requested by the proposed survey.

The proposed survey does not duplicate existing data collections. EIA currently collects monthly and annual production from electric generators and demand from load-serving entities. The data are published about 52 days after the end of a month for major generators and systems, and about eight months after the end of the year for smaller entities.

FERC currently collects demand, net generation and actual interchange from Balancing Authorities on an annual survey, the FERC Form 714. The reporting is on a monthly and annual basis. In addition, Balancing Authorities report actual interchange received and delivered with each directly interconnected Balancing Authority on an annual basis. Monthly or annual values for demand, net generation and actual interchange do not provide relevant information about the time-varying nature of these operating values as would be provided by the proposed survey.

The FERC Form 714 also collects historical hourly demand by Planning Area. Most Balancing Authorities are also Planning Areas, but not all. The hourly demand data is collected annually and posted with the rest of the form data in August of the year following the reporting year. The FERC Form 714 data is both less complete and far less timely than the data collected by the proposed survey, and does not offer current information on the status of the nation's electric system that the proposed survey would provide.

Certain real-time system information is made available by NERC to DOE's Office of Electricity Delivery and Energy Reliability. However, this data is not made available to the public and under the agency's agreement with NERC the data is not recorded or otherwise retained by DOE.

EIA does not believe that this information is business sensitive. As noted above, Regional Transmission Organizations that serve as Balancing Authorities and some other Balancing Authorities currently post publicly hourly operating data. A potential commercial issue is whether these data will reveal whether a specific utility is short on available generating capacity and may be willing to pay premium prices for electricity to meet load. The proposed survey data, including same-day posting of hourly demand, does not provide information about the availability of generating units. The next-day posting of operating data is after the relevant short-term wholesale power markets have closed.

Multiple power plants supply most Balancing Authorities. Therefore, the generation data reported under the proposed survey will not reveal which specific generators are operating or a history of their operating trends. However, some individual generators and small utilities with little or no generation have chosen for commercial reasons to operate as Balancing Authorities. Most Balancing Authorities of this type are embedded within another Balancing Authority and have a single interconnection with that Balancing Authority.

While the proposed survey data does not provide information about the current availability of a single-generator Balancing Authority power plant, it does provide a history of the plant's hourly output. There is little value in collecting system level operating data from these Balancing Authorities. However, their information is needed to provide comprehensive operating statistics. EIA requests comments on how to exempt these Balancing Authorities or limit their reporting while maintaining the comprehensiveness of the survey.

(5) *Estimated Number of Survey Respondents:* The annual estimated number of respondents is 107. This includes 98 Balancing Authorities in the contiguous United States, 6 electric utilities in Alaska, and 3 electric utilities in Hawaii.

(6) *Annual Estimated Number of Total Responses:* The annual estimated number of total responses is 39,055.

(7) *Annual Estimated Number of Burden Hours:* The annual estimated burden is 7,534 hours for the first year (to include start-up activities) and 3,254 hours each subsequent year.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* Additional costs to respondents are not anticipated beyond costs associated with response burden.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified at 15 U.S.C. 772(b).

Issued in Washington, DC, on February 27, 2013.

Renee Miller,

Acting Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2013–05152 Filed 3–5–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC13–4–000; (FERC–538)]

Commission Information Collection Activities; Comment Request

AGENCY: Federal Energy Regulatory Commission.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collection FERC–538, Gas Pipeline Certificates: Section 7(a) Mandatory Initial Service, 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** (77 FR 75627, 12/21/2012) requesting public comments. FERC received no comments on the FERC–538 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by April 5, 2013.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0061, 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. IC13–4–000, 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:* FERC–538: Gas Pipelines Certificates: Section 7(a) Mandatory Initial Service.

OMB Control No.: 1902–0061.

Type of Request: Three-year extension of the FERC–538 information collection requirements with no changes to the reporting requirements.

Abstract: Under sections 7(a), 10(a) and 16 of Natural Gas Act (NGA),[1] upon application by a person or municipality authorized to engage in the local distribution of natural gas, the Commission may order a natural gas company to extend or improve its transportation facilities, and sell natural gas to the municipality or person and, for such purpose, to extend its transportation facilities to communities immediately adjacent to such facilities or to territories served by the natural gas pipeline company. The Commission uses the application data in order to be fully informed concerning the applicant, and the service the applicant is requesting.

Type of Respondents: Persons or municipalities authorized to engage in the local distribution of natural gas.

Estimate of Annual Burden:[2] The Commission estimates the total Public Reporting Burden for this information collection as:

FERC–538—GAS PIPELINES CERTIFICATES: SECTION 7(A) MANDATORY INITIAL SERVICE

	Number of respondents	Number of responses per respondent	Total number of responses	Average burden hours per response	Estimated total annual burden
	(A)	(B)	(A) × (B) = (C)	(D)	(C) × (D)
Gas Pipeline Certificates	1	1	1	240	240

The total estimated annual cost burden to respondents is $16,562 [240 hours * $69.01/hour[3] = $16,562].

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; (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: February 27, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05121 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11169–029]

Mayo Hydropower, LLC, Avalon Hydropower, LLC; Notice of Application for Transfer of License, and Soliciting Comments and Motions To Intervene

On November 20, 2012, Mayo Hydropower, LLC (transferor) and Avalon Hydropower, LLC (transferee) filed an application for transfer of license for the Avalon Dam Project, No. 11169, located on the Mayo River in Rockingham County, North Carolina.

Mayo Hydropower, LLC and Avalon Hydropower, LLC are both owned by Mr. Dean Edwards and his wife Ms. Wynona Edwards.

Applicants seek Commission approval to transfer the license for the Avalon Dam Project from transferor to transferee.

Applicants' Contact: Mr. Dean Edwards, Manager, Avalon Hydropower, LLC, 5400 Downing Street, Dover, Florida 33527, telephone (813) 659–3014.

FERC Contact: Patricia W. Gillis (202) 502–8735.

Deadline for filing comments and motions to intervene: 15 days from the issuance date of this notice, by the Commission. Comments and motions to intervene may be filed electronically via

[1] 15 U.S.C. 717f–w.

[2] 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.

[3] 2080 hours = 52 weeks * 40 hours per week (i.e. 1 year of full-time employment).

the Internet. See 18 CFR 385.2001(a)(1) and the instructions on the Commission's Web site under *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. If unable to be filed electronically, documents may be paper-filed. To paper-file, an original plus seven copies should be mailed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. More information about this project 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–11169) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3372.

Dated: February 27, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05118 Filed 3–5–13; 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: RP13–584–000.

Applicants: Columbia Gas Transmission, LLC.

Description: TCO Modernization Settlement Implementation RP12–1021–000 to be effective 3/1/2013.

Filed Date: 2/26/13.

Accession Number: 20130226–5055.

Comments Due: 5 p.m. ET 3/11/13.

Docket Numbers: RP13–585–000.

Applicants: Empire Pipeline, Inc.

Description: Deferred State Income Tax Balance (2012).

Filed Date: 2/26/13.

Accession Number: 20130226–5110.

Comments Due: 5 p.m. ET 3/11/13.

Docket Numbers: RP13–586–000.

Applicants: Sabine Pipe Line LLC.

Description: Sabine Section 5 Statement of Transportation Rates to be effective 4/1/2013.

Filed Date: 2/26/13.

Accession Number: 20130226–5144.

Comments Due: 5 p.m. ET 3/11/13.

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: RP13–490–001.

Applicants: Arlington Storage Company, LLC.

Description: Arlington Storage Company, LLC—Revised Compliance Filing to be effective 4/1/2013.

Filed Date: 2/26/13.

Accession Number: 20130226–5137.

Comments Due: 5 p.m. ET 3/4/13.

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, and service 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 February 27, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05134 Filed 3–5–13; 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: ER13–989–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits Notice of Cancellation of Point-to-Point Transmission Service Agreement No. 2423 with AES Shady Point, LLC.

Filed Date: 2/26/13.

Accession Number: 20130226–5195.

Comments Due: 5 p.m. ET 3/19/13.

Docket Numbers: ER13–990–000.

Applicants: NorthWestern Corporation.

Description: SA 671—NWE MRI CIAC—Transmission Structure Relocation to be effective 2/28/2013.

Filed Date: 2/27/13.

Accession Number: 20130227–5022.

Comments Due: 5 p.m. ET 3/20/13.

Docket Numbers: ER13–991–000.

Applicants: Exelon Generation Company, LLC.

Description: Notice of Succession to be effective 2/28/2013.

Filed Date: 2/27/13.

Accession Number: 20130227–5023.

Comments Due: 5 p.m. ET 3/20/13.

Docket Numbers: ER13–992–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits 7th Forward Capacity Auction Results Filing.

Filed Date: 2/26/13.

Accession Number: 20130226–5201.

Comments Due: 5 p.m. ET 4/12/13.

Docket Numbers: ER13–993–000.

Applicants: Constellation Energy Commodities Group, Inc.

Description: Notice of Cancellation to be effective 3/1/2013.

Filed Date: 2/27/13.

Accession Number: 20130227–5024.

Comments Due: 5 p.m. ET 3/20/13.

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: February 27, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05136 Filed 3–5–13; 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 exempt wholesale generator filings:

Docket Numbers: EG13–16–000.

Applicants: Prairie Breeze Wind Energy LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Prairie Breeze Wind Energy LLC.

Filed Date: 2/27/13.

Accession Number: 20130227–5073.

Comments Due: 5 p.m. ET 3/20/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2763–007; ER10–2732–007; ER10–2733–007; ER10–2734–007; ER10–2736–007; ER10–2737–007; ER10–2741–007; ER10–2749–007; ER12–2492–003; ER12–2493–003; ER10–2752–007; ER12–2494–003; ER12–2495–003; ER12–2496–003.

Applicants: Bangor Hydro Electric Company, Emera Energy Services, Inc., Emera Energy U.S. Subsidiary No. 1, Inc., Emera Energy U.S. Subsidiary No. 2, Inc., Emera Energy Services Subsidiary No. 1 LLC, Emera Energy Services Subsidiary No. 2 LLC, Emera Energy Services Subsidiary No. 3 LLC, Emera Energy Services Subsidiary No. 4 LLC, Emera Energy Services Subsidiary No. 5 LLC, Emera Energy Services Subsidiary No. 6 LLC, Emera Energy Services Subsidiary No. 7 LLC, Emera Energy Services Subsidiary No. 8 LLC, iiiEmera Energy Services Subsidiary No. 9 LLC, Emera Energy Services Subsidiary No. 10 LLC.

Description: Notice of Change in Status of Bangor Hydro Electric Company, *et al.*

Filed Date: 2/27/13.

Accession Number: 20130227–5084.

Comments Due: 5 p.m. ET 3/20/13.

Docket Numbers: ER13–469–001.

Applicants: Southwest Power Pool, Inc.

Description: Response to Deficiency Filing—ER13–469 to be effective 11/14/2012.

Filed Date: 2/27/13.

Accession Number: 20130227–5075.

Comments Due: 5 p.m. ET 3/20/13.

Docket Numbers: ER13–692–003.

Applicants: Midwest Independent Transmission System Operator, Inc.

Description: Midwest Independent Transmission System Operator, Inc. submits tariff filing per 35.17(b): 2013–02–28_OASIS Att J Errata to be effective 4/15/2013.

Filed Date: 2/27/13.

Accession Number: 20130227–5101.

Comments Due: 5 p.m. ET 3/20/13.

Docket Numbers: ER13–994–000.

Applicants: Westar Energy, Inc.

Description: Kansas Power Pool, Revision to Participation Power Agreement to be effective 5/1/2013.

Filed Date: 2/27/13.

Accession Number: 20130227–5064.

Comments Due: 5 p.m. ET 3/20/13.

Docket Numbers: ER13–995–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii): 2013–02–27 Pay for Performance to be effective 5/1/2013.

Filed Date: 2/27/13.

Accession Number: 20130227–5074.

Comments Due: 5 p.m. ET 3/20/13.

Docket Numbers: ER13–996–000.

Applicants: ATO Power, Inc.

Description: Initial Filing to be effective 3/25/2013.

Filed Date: 2/27/13.

Accession Number: 20130227–5093.

Comments Due: 5 p.m. ET 3/20/13.

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: February 27, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05137 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–996–000]

ATO Power, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of ATO Power, Inc.'s application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is March 20, 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 14 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: February 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05135 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL13–46–000]

Louisville Gas and Electric Company; Notice of Initiation of Proceeding and Refund Effective Date

On February 28, 2013, the Commission issued an order that initiated a proceeding in Docket No. EL13–46–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2006), to determine the justness and reasonableness of the proposed tariff revisions by Louisville Gas and Electric Company. *Louisville Gas and Electric Company,* 142 FERC ¶ 61,157 (2013).

The refund effective date in Docket No. EL13–46–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: February 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–05133 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–82–000]

ANR Storage Company; Notice of Request Under Blanket Authorization

Take notice that on February 21, 2013, ANR Storage Company (ANR Storage), 717 Texas Street, Suite 2400, Houston, Texas 77002–2761, filed in Docket No. CP13–82–000, a prior notice request pursuant to sections 157.205 and 157.214 of the Commission's regulations under the Natural Gas Act (NGA). ANR Storage seeks authorization to increase the maximum certificated volume of natural gas and working gas inventory at its Cold Springs 31 storage field in Kalkaska County, Michigan. ANR Storage proposes to perform these activities under its blanket certificate issued in Docket No. CP82–523–000 [21 FERC ¶ 62,109 (1982)], all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Robert D. Jackson, Director, Certificates and Regulatory Administration, ANR Storage Company, 717 Texas Street, Suite 2400, Houston, Texas 77002–2761, or by calling (832) 320–5487 (telephone) or (832) 320–6487 (fax), *robert_jackson@transcanada.com*.

Any person or the Commission's Staff may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: February 27, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05120 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5638–002]

French River Land Company, Northwoods Renewables LLC; Notice of Transfer of Exemption

1. By letter filed February 21, 2013, French River Land Company and Northwoods Renewables LLC informed the Commission that the exemption from licensing for the Ashland Paper Mill Project, FERC No. 5638, originally issued April 9, 1982,[1] has been transferred to Northwoods Renewables LLC. The project is located on the Squam River in Grafton County, New Hampshire. The transfer of an exemption does not require Commission approval.

2. Mr. James World, Northwoods Renewables LLC, located at 55 Main Street, Lancaster, NH 03584 is now the exemptee of the Ashland Paper Mill Project, FERC No. 5638.

Dated: February 27, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05122 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM11–12–000]

Availability of E-Tag Information to Commission Staff; Notice Specifying Webregistry Code

In Order No. 771,[1] the Federal Energy Regulatory Commission amended its regulations to grant the Commission access, on a non-public and ongoing basis, to the complete electronic tags (e-Tags) used to schedule the transmission of electric power in wholesale markets. Order No. 771 requires e-Tag Authors (through their Agent Service) and Balancing Authorities (through their Authority Service) to take appropriate steps to ensure Commission access to the e-Tags covered by this Final Rule by designating the Commission as an addressee on the e-Tags.

In Order No. 771, the Commission stated that, ''following issuance of this

[1] 19 FERC ¶ 62,045, Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less.

[1] *Availability of E-Tag Information to Commission Staff,* 77 FR 76367 (Dec. 28, 2012), FERC Stats. & Regs. ¶ 31,339 (Dec. 20, 2012).

Final Rule and the Commission's registration in the OATI webRegistry, the Commission will issue a notice specifying which entity code should be used to ensure that the Commission is an addressee on the e-Tag''.[2] The Commission has registered in the OATI webRegistry as a Purchasing-Selling Entity under the entity code ''FERC.'' This code should be used to designate the Commission as an addressee to comply with 18 CFR 366.2(d) (2012) of the Commission's regulations.

Dated: February 26, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05119 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM13–2–000]

Small Generator Interconnection Agreements and Procedures; Workshop

Take notice that Federal Energy Regulatory Commission (Commission) staff will convene a workshop in the above-referenced proceeding on Wednesday, March 27, 2013, from 10:00 a.m. to 5:00 p.m. (EDT) in the Commission Meeting Room at the offices of the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Members of the Commission may attend the workshop, which will also be open to the public. Advance registration is not required, but is encouraged. Attendees may register at the following Web page: *https://www.ferc.gov/whats-new/registration/small-generator-03-27-13-form.asp*.

The purpose of this workshop is to discuss certain topics related to the proposals in the Small Generator Interconnection Agreements and Procedures Notice of Proposed Rulemaking (NOPR) issued by the Commission on January 17, 2013 (Docket No. RM13–2–000).[1]

This workshop is not intended to address the substance of any particular case pending before the Commission. However, notice is hereby given that discussions at the workshop may address matters at issue in the following Commission proceedings that are either pending or within their rehearing period: CSOLAR IV South, LLC, Wistaria Ranch Solar, LLC, CSOLAR IV West, LLC & CSOLAR IV North, LLC v. California Independent System Operator Corporation (Docket No. EL13–37–000), NV Energy Operating Co. (Docket No. ER13–679–000), North American Natural Resources, Inc. v. PJM Interconnection, L.L.C., American Electric Power Service Corp., and Indiana Michigan Power Co. (Docket No. EL13–10–000), Southern California Edison Company (Docket No. ER13–532–000), Pacific Gas and Electric Company (Docket No. ER13–494–000), California Independent System Operator Corporation (Docket No. ER13–218–001), California Independent System Operator Corporation (Docket Nos. ER12–2643–000 and ER12–2643–001), Review of Small Generator Interconnection Agreements and Procedures (Docket No. AD12–17–000), and Solar Energy Industries Association (Docket No. RM12–10–000).

Those interested in participating in the discussions at the workshop should notify the Commission by close of business March 8, 2013, by completing an online form identifying the topic(s) that they wish to address: *https://www.ferc.gov/whats-new/registration/small-generator-speaker-03-27-13-form.asp*. Due to time constraints, we may not be able to accommodate all those interested in speaking. The Commission will issue a subsequent notice providing the detailed agenda for the workshop, including speakers.

The topics tentatively scheduled for discussion at the workshop include:

a. Whether the characteristics proposed in the NOPR for Fast Track Process eligibility (i.e., up to 5 megawatts based on individual system and generator characteristics, including interconnection voltage level, the circuit distance of the interconnection from the substation, and generator capacity) should be modified to protect system safety and reliability.

b. The specific content of the supplemental review screens proposed in the NOPR, including:

i. Whether twelve months of minimum load data is appropriate for use in the minimum load screen, or whether additional data, if available, should be required to be considered;

ii. The reasons that minimum load data are not available to Transmission Providers and what the Commission could do to encourage data availability where appropriate;

iii. Potential modifications to the supplemental review screens proposed in the NOPR; and

iv. Whether the $2,500 fee for the supplemental review proposed in the NOPR is appropriate.

c. The content of the pre-application report and whether the $300 fee for the pre-application report proposed in the NOPR is appropriate.

d. Whether storage devices could fall within the definition of Small Generating Facility included in Attachment 1 to the Small Generator Interconnection Procedures and Attachment 1 to the Small Generator Interconnection Agreement (SGIA) as devices that produce electricity.

e. The proposed revision to section 1.5.4 of the *pro forma* SGIA related to disconnection of the Small Generating Facility during an over- or under-frequency event.

We note that the topics included here do not encompass all the proposals in the NOPR. The Commission encourages stakeholders to submit written comments on all the proposals in the NOPR, not just those discussed at the workshop. There will not be a separate comment period for the workshop. The deadline for submitting written comments on the NOPR, including comments on the results of the workshop, is June 3, 2013.

The workshop will not be transcribed. However, there will be a free webcast of the workshop. Anyone with Internet access interested in viewing this workshop can do so by navigating to the FERC Calendar of Events at *www.ferc.gov* and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the webcasts and offers the option of listening to the workshop via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call (703) 993–3100.

FERC workshops are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–208–8659 (TTY), or send a fax to 202–208–2106 with the required accommodations.

For information related to the agenda, please contact Leslie Kerr at *leslie.kerr@ferc.gov* or (202) 502–8540. For information related to logistics, please contact Sarah McKinley at *sarah.mckinley@ferc.gov* or (202) 502–8368.

Dated: February 27, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–05117 Filed 3–5–13; 8:45 am]

BILLING CODE 6717–01–P

[2] *Id.* at n.103.

[1] *Small Generator Interconnection Agreements and Procedures,* 142 FERC ¶ 61,049 (2013), 78 FR 7524 (2013).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–OAR–2013–0126; FRL–9788–3]

Official Release of EMFAC2011 Motor Vehicle Emission Factor Model for Use in the State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability.

SUMMARY: EPA is approving and announcing the availability of the latest version of the California EMFAC model (short for EMission FACtor) for use in state implementation plan (SIP) development and transportation conformity in California. EMFAC2011 is the latest update to the EMFAC model for use by California state and local governments to meet Clean Air Act (CAA) requirements. The new model, which is based on new and improved data, calculates air pollution emissions factors for passenger cars, trucks, motorcycles, motor homes and buses. Today's notice also sets the date after which EMFAC2011 is required to be used statewide in all new regional emissions analyses and carbon monoxide (CO), particulate matter of ten microns or less (PM_{10}) and fine particulate matter ($PM_{2.5}$) hot-spot analyses for transportation conformity determinations in California. Since the EMFAC model is used only in California, EPA's approval of the model does not affect MOVES model users in other states.

DATES: EPA's approval of the EMFAC2011 emissions model for SIP and conformity purposes is effective *March 6, 2013.* EMFAC2011 must be used for all new regional emissions analyses and CO, PM_{10} and $PM_{2.5}$ hot-spot analyses that are started on or after September 6, 2013.

FOR FURTHER INFORMATION CONTACT: Karina O'Connor, oconnor.karina@epa.gov, (775) 433–8176, Air Planning Office (AIR–2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901.

SUPPLEMENTARY INFORMATION: Copies of the official version of the EMFAC2011 model are available on the California Air Resources Board (CARB) Web site: *http://www.arb.ca.gov/msei/modeling.htm* (model, technical support documents, etc.).

I. Background

A. What is the EMFAC model?

The EMFAC model is a computer model that can estimate emission rates for on-road mobile sources (''motor vehicles'') for calendar years from 1990 to 2035 operating in California. Pollutant emissions for hydrocarbons (HC), CO, nitrogen oxides (NO_X), PM_{10}, $PM_{2.5}$, lead, carbon dioxide (CO_2), and sulfur oxides are output from the model. Emissions are calculated for forty-two different vehicle classes composed of passenger cars, various types of trucks and buses, motorcycles, and motor homes.

EMFAC is used to calculate current and future inventories of motor vehicle emissions at the state, air district, air basin, or county level. EMFAC contains default vehicle activity data, and the option of modifying that data, so it can be used to estimate a motor vehicle emissions inventory in tons/day for a specific year, month, or season, and as a function of ambient temperature, relative humidity, vehicle population, mileage accrual, miles of travel and speeds. Thus the model can be used to make decisions about air pollution policies and programs at the local or state level. Inventories based on EMFAC are also used to meet the federal CAA's SIP and transportation conformity requirements. Transportation conformity is required under CAA section 176(c) to ensure that federally supported transportation plans, transportation improvement programs (TIPs), and highway and transit projects are consistent with (''conform to'') the purpose of the SIP. Conformity to a SIP means that a transportation activity will not cause or contribute to new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards (NAAQS) or interim milestones. EPA's transportation conformity regulations (40 CFR Parts 51.390 and 93) describe how federally funded and approved highway and transit projects meet these statutory requirements.

B. What versions of EMFAC are currently in use in California?

Most SIPs in California were developed using EMFAC2007 (released by CARB in October 2007) or EMFAC2002 (released by CARB in October 2002). EPA approved EMFAC2007 on January 18, 2008 (73 FR 3464) and approved EMFAC2002 on April 1, 2003 (68 FR 15720) for all areas in California.

EMFAC2007 was considered a major update to previous versions of EMFAC and most SIPs in California were updated with EMFAC2007 in the 2007–2008 timeframe. EMFAC2007 included new data and methodologies regarding calculation of motor vehicle emissions, and revisions to implementation data for control measures.

C. Why is EPA announcing its approval of the EMFAC model?

CAA section 172(c)(3) and 40 CFR 51.112(a)(1) require that SIP inventories be based on the most current, accurate, and applicable models that are available at the time the SIP is developed. CAA section 176(c)(1) requires that the latest emissions estimates be used in conformity analyses. EPA approves models that fulfill these requirements.

Under 40 CFR 93.111(a), EPA must approve new versions of EMFAC for SIP purposes before they can be used in transportation conformity analyses. In an April 6, 2012 letter, CARB requested that EPA approve EMFAC2011 for use in developing SIPs and in determining conformity in California.[1] EMFAC2011 is a significant change from previous EMFAC models with a new model user interface and is capable of calculating motor vehicle emissions for all California areas. EMFAC2011 is being approved as the latest emissions model for statewide use in SIP development and emissions analyses for conformity purposes. Since the EMFAC model is only used in California, EPA's statewide approval of the model does not affect MOVES emissions factor model users in other states.

II. EPA Action

A. What version of EMFAC is EPA approving?

In this notice, EPA is approving and announcing that EMFAC2011 is available to use in statewide California SIP development and for regional emissions analyses and CO, PM_{10} and $PM_{2.5}$ hot-spot analyses for transportation conformity. EMFAC2011 was developed by CARB and transmitted for approval to EPA on April 6, 2012.

The EMFAC2011 model is composed of a new modular structure that will facilitate future model updates and allow CARB to incorporate updated information about truck and bus activity and emissions data into the model. The three major modules of EMFAC include EMFAC–LDV, EMFAC–HD and EMFAC–SG. EMFAC–LDV can be used to estimate emissions for gasoline powered on-road vehicles and smaller on-road diesel vehicles and urban transit buses. EMFAC–HD provides

[1] The EMFAC2011 model and supporting information is available for downloading at *http://www.arb.ca.gov/msei/modeling.htm.* Technical documentation explaining the changes to the model and the technical foundations for the model is available at *http://www.arb.ca.gov/msei/emfac2011-documentation-final.pdf.*

emissions factors for heavy-duty diesel trucks and buses. EMFAC–SG allows users to run one tool for SIP inventories and regional emissions analyses to combine the emissions factors from both EMFAC–LDV and EMFAC–HD with user defined vehicle miles of travel and speeds, combine emissions from multiple model-defined subareas and incorporate reductions associated with CARB's Pavley and Low Carbon Fuel standard regulations.

CARB developed the EMFAC–SG module to provide users, including transportation planners, with a simplified method to generate emissions with different future growth scenarios for specific geographic areas needed for transportation conformity and SIP development. CARB also developed the EMFAC–PL tool for use for doing multiple model runs to extract emissions factors for project-level analyses needed for hot-spot analyses.[2] Due to the modular structure of the EMFAC2011 model, to obtain emissions factors for project-level analyses, an EMFAC2011 user would have to run multiple modules to generate emission factors. Therefore ARB has developed the EMFAC–PL tool to produce emissions factors for projects that are consistent with the default assumptions in EMFAC2011. For projects that have site-specific ambient temperature and relative humidity profiles, project-specific vehicle age distributions and/or project-specific rest and soak time data, the user will have to use a more detailed approach other than EMFAC–PL that requires getting emissions factors from EMFAC–LDV and EMFAC–HD. As discussed later in this notice, EPA is consulting with CARB to provide updated EMFAC guidance for how to apply the EMFAC2011 emissions model through either the EMFAC–PL tool or the more detailed approach that would not use EMFAC–PL.

B. What analyses can EMFAC2011 be used for?

EPA is approving the model to estimate regional emissions of HC, CO, NO_X, PM_{10}, $PM_{2.5}$, lead, and sulfur oxides.[3] However, EMFAC2011 will only be used in transportation conformity for pollutants and precursors that affect transportation-related emissions, e.g., HC, NO_X, CO, PM_{10} and $PM_{2.5}$.

EPA is also approving EMFAC2011 to estimate CO, PM_{10} and $PM_{2.5}$ emissions for conformity hot-spot analyses involving individual transportation projects. A hot-spot analysis is defined in 40 CFR 93.101 as an estimation of likely future localized pollutant concentrations and a comparison of those concentrations to the relevant NAAQS. This analysis is conducted on a smaller scale than a nonattainment or maintenance area, e.g., for a congested roadway intersection.

EPA also notes that today's approval action does not impact what methodology is required for calculating re-entrained road dust for regional PM_{10} and $PM_{2.5}$ SIPs and transportation conformity analyses. EMFAC2011's PM_{10} and $PM_{2.5}$ estimates do not include such emissions. When applicable, PM_{10} and $PM_{2.5}$ nonattainment and maintenance areas are required to use EPA's AP–42 road dust method for calculating road dust emissions, unless a local method is approved in advance by EPA.[4] In addition, EMFAC2011 does not estimate ammonia emissions; air quality and transportation agencies should contact the EPA Regional Office if ammonia emissions estimates are needed for SIPs or regional conformity emissions analyses.

C. Why is EMFAC2011 being approved for PM_{10} and $PM_{2.5}$ hot-spot analyses at this time?

On December 20, 2010, EPA published a notice which announced the availability of EPA guidance documents for completing quantitative hot-spot analyses and approved the use of the MOVES and the EMFAC2007 models for use in quantitative PM_{10} and $PM_{2.5}$ hot-spot analyses (75 FR 79370). That notice started a two-year grace period requiring project sponsors to use EMFAC2007 for new quantitative PM_{10} and $PM_{2.5}$ hot-spot analyses in California, for conformity determinations involving projects of local air quality concern.

As with EMFAC2007, EMFAC2011 is capable of assessing project-level emissions for PM_{10} and $PM_{2.5}$ hot-spot analyses, therefore EPA is approving EMFAC2011 for use in quantitative PM hot-spot analyses for transportation conformity purposes within California. As mentioned earlier, CARB has developed the EMFAC–PL tool, as a simplified method to extract the appropriate emissions factors for alternative vehicle data and speeds from EMFAC2011 for appropriate projects. In today's notice, EPA recognizes the importance of this tool for ensuring that project-level conformity analyses are done in a consistent and accurate matter. To that end, we are also approving the EMFAC–PL tool for project-level conformity analyses, and allowing other tools to be approved by EPA, if such alternate project-level tools provide for similar performance in applying EMFAC2011 emissions factors for appropriate projects.[5] EPA is updating Section 5 and related appendices of our PM hot-spot quantitative guidance to describe how to use the EMFAC2011 model for PM hot-spot analyses.[6] EPA's revised guidance will include details on what PM hot-spot analyses can rely on the EMFAC–PL tool and which projects will require a different approach to obtain the appropriate project-level EMFAC2011 emission factors. EPA intends to complete its PM hot-spot guidance revision in the near future. When completed, the updated guidance will be made available on EPA's Web site: *www.epa.gov/otaq/stateresources/transconf/projectlevel-hotspot.htm.*

D. Why does EPA consider EMFAC2011 as a major update to EMFAC?

EMFAC2011 includes significant changes to its model interface, new data and methodologies regarding calculation of motor vehicle emissions and revisions to implementation data for control measures. EMFAC2011 includes updated data on truck activity, and emissions reductions associated with the 2010 Truck and Bus rule, supporting new estimates of emissions from heavy-heavy duty diesel trucks and buses. Motor vehicle fleet age, vehicle types and vehicle population have also been updated based on 2009 California Department of Motor Vehicle (DMV) data. EMFAC2011 incorporates new temperature and humidity profiles. Each of these changes impact emission factors for each area in California. In addition to changes to truck activity, EMFAC incorporates updated vehicle

[2] The EMFAC–PL tool is available at: *http://www.arb.ca.gov/msei/modeling.htm.* In an email to EPA dated 2/08/2013, CARB clarified that the EMFAC–PL tool is available for use in project-level assessments.

[3] EPA notes that EMFAC2011 can be used for CO_2 emissions analyses as well, but there are no SIP or transportation conformity requirements for greenhouse gases (GHGs).

[4] For further information, see EPA's February 4, 2011 Notice of Availability for the January 2011 AP–42 Method for Estimating Re-entrained Road Dust from Paved Roads (76 FR 6328). Also, for using AP–42 for unpaved roads, see EPA's August 2, 2007 memorandum, ''Policy Guidance on the Use of the November 1, 2006, Update to AP–42 for Re-entrained Road Dust for SIP Development and Transportation Conformity.''

[5] EPA would approve any alternate project-level tool through a letter, after completion of its review of model documentation showing consistency with the EMFAC–PL approach.

[6] ''Transportation Conformity Guidance for Quantitative Hot-Spot Analyses in $PM_{2.5}$ and PM_{10} Nonattainment and Maintenance Areas'' [EPA–420–B–10–040]. See *www.epa.gov/otaq/stateresources/transconf/projectlevel-hotspot.htm.*

miles traveled (VMT) for all vehicle classes. The new model interface EMFAC–SG module will allow users to update the default VMT data and speed profiles by vehicle class for different future scenarios. CARB's web site describes these and other model changes at: *http://www.arb.ca.gov/msei/emfac2011-documentation-final.pdf.*

E. How were stakeholders and the public involved in the EMFAC development process?

Since 2010, CARB has held a series of public workshops to discuss emissions inventory updates related to California's In-Use Heavy-Duty Diesel Fueled Truck and Bus regulation (''Truck and Bus Regulation''), and to receive comments on the regulations and the resulting changes in the emissions inventory. Since the major changes to the EMFAC model are associated with incorporation of the Truck and Bus Regulation into the model, the technical foundations of these changes were presented to the public in these workshops. CARB also conducted extensive beta testing of interim versions of the model with air districts and Metropolitan Planning Organizations (MPOs). These stakeholders had the opportunity to request briefings with CARB staff and provide them with comments and suggestions to improve the model. EPA was included in those discussions and our suggestions were incorporated into the material available on the CARB EMFAC2011 public web site. CARB also developed and posted training modules for EMFAC2011 and supports a mobile source emissions inventory email listserv to announce updates and changes to the EMFAC supporting material.[7]

CARB also released a series of technical memos that describe each update to the model and public presentations that summarize the changes from earlier versions of the model. The technical memos are available on CARB's Web site at: *http://www.arb.ca.gov/msei/supportdocs.htm* and at *http://www.arb.ca.gov/msei/categories.htm#onroad_motor_vehicles* Specific changes incorporated into the EMFAC2011 model are also discussed in *http://www.arb.ca.gov/msei/emfac2011-documentation-final.pdf.* All presentations from the public workshops are available on the CARB Web site at: *http://www.arb.ca.gov/msprog/onrdiesel/workshops.htm.*

F. Will a transportation conformity grace period be set by this approval?

Yes. The transportation conformity rule (40 CFR 93.111) requires that conformity analyses be based on the latest motor vehicle emissions model approved by EPA for SIP purposes for a state or area. Section 176(c)(1) of the CAA states that

> '' * * * [t]he determination of conformity shall be based on the most recent estimates of emissions, and such estimates shall be determined from the most recent population, employment, travel, and congestion estimates. * * *''

When EPA approves a new emissions model such as EMFAC2011, EPA will consult with the U.S. Department of Transportation (DOT) to establish a grace period before the model is required for conformity analyses (40 CFR 93.111(b)). However, areas have the option of using the new model prior to the end of the grace period. The conformity rule provides for a grace period for new emissions models of between 3 to 24 months. In consultation with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), EPA considers many factors in establishing the length of the grace period, including the degree of change in emissions models and the effects of the new model on transportation planning in order to assure conformity (40 CFR 93.111).

Upon consideration of all of these factors, EPA is establishing a 6-month grace period before EMFAC2011 is required for the following conformity analyses:

- All new HC, NO_X, PM_{10}, $PM_{2.5}$ and CO regional emissions analyses (e.g., supporting transportation plan and TIP conformity determinations); and
- All new CO, PM_{10} and $PM_{2.5}$ hot-spot analyses supporting project-level conformity determinations.

The grace period begins on *March 6, 2013* and ends on *September 6, 2013.* As discussed earlier in the notice, EMFAC2011 incorporates significant changes to the model interface and procedures used to estimate both emissions for regional emissions analysis and emissions factors for hot-spot analyses for CO and PM. While these changes are significant, the model has been available for review by air quality and transportation agencies, consultants and the public since September 2011.

For application of EMFAC2011 at the project level, CARB's EMFAC–PL tool for appropriate projects has just recently been released, therefore project sponsors developing project-level analysis may need some time to familiarize themselves with this tool. EPA is also updating our PM hot-spot quantitative guidance to include the new EMFAC2011 procedures.

Therefore, it is appropriate to set a 6-month grace period to allow all areas in California to incorporate these new procedures in conformity hot-spot analysis[8] and apply the changes to the model structure and updated planning assumptions incorporated in EMFAC2011 in a timely manner. In the interim, new quantitative PM hot-spot analyses that are started prior to the end of the EMFAC2011 grace period can be based on EMFAC2007 and EPA's existing PM hot-spot guidance and subsequently completed.

When the grace period ends on September 6, 2013, EMFAC2011 will become the only approved motor vehicle emissions model for all new regional and CO, PM_{10} and $PM_{2.5}$ hot-spot transportation conformity analyses across California. In general, this means that all new HC, NO_X, PM_{10}, $PM_{2.5}$, and CO regional conformity analyses and CO, PM_{10} and $PM_{2.5}$ hot-spot analyses started after the end of the 6-month grace period must be based on EMFAC2011, even if the SIP is based on an earlier version of the EMFAC model.

G. Can areas use any other models during the grace period?

Yes, the conformity rule provides some flexibility for regional emissions analyses that are started before the end of the grace period. Analyses that begin before or during the grace period may continue to rely on EMFAC2007. The interagency consultation process should be used if it is unclear if an EMFAC2007-based analysis was begun before the end of the grace period. When the grace period ends on September 6, 2013, EMFAC2011 will become the only approved motor vehicle emissions model for regional emissions analyses for transportation conformity in California.

CO, PM_{10} and $PM_{2.5}$ hot-spot analyses for project-level conformity determinations can be based on EMFAC2007 if the analysis was begun before the end of the grace period, and if the final environmental document for the project is issued no more than three years after the issuance of the draft environmental document (see 40 CFR 93.111(c)). Therefore new quantitative and qualitative analysis already underway that were started before the

[7] To subscribe to CARB's listserv for Mobile Source Emission Inventory development, see ''Join our MSEI listserv'' at *www.arb.ca.gov/msei/msei.htm.*

[8] EMFAC–PL or an alternative method or tool must be used for new EMFAC2011 analyses of appropriate projects after the 6-month grace period. If EPA approves alternative tools to the EMFAC–PL tool, EPA does not intend to establish a new 6-month grace period.

end of the grace period using EMFAC2007 can be completed as long as 93.111(c) is satisfied. The interagency consultation process should be used if it is unclear whether an EMFAC2007-based analysis is covered by the circumstances described above.

H. Future Updates to EMFAC

On January 31, 2006, CARB submitted a letter to EPA and to the California Division of the FHWA indicating the State's intention to make future revisions to update EMFAC. These EMFAC updates would reflect, among other new information, updated vehicle fleet data every three years. In California, MPOs and Air Districts have not been able to update vehicle fleet data embedded into EMFAC. The EPA/USDOT December 2008 guidance on latest planning assumptions and EPA's July 2004 final rule indicate that new vehicle registration data must be used when it is available prior to the start of new conformity analyses and that states and MPOs are strongly encouraged to update the data at least every five years. CARB reaffirmed their commitment to keeping the latest planning assumptions included in EMFAC updated on a three-year cycle in the April 18, 2007 EMFAC submittal letter. The next update to the planning assumptions in EMFAC is expected in 2014 or 2015 which would most likely also include updates to the emissions factors of the model as well.

III. Summary of EPA Actions

As described in this notice, EPA is approving EMFAC2011 as submitted by CARB on April 6, 2012 with the following limitations and conditions:

(1) The approval is limited to California.

(2) The approval is Statewide and applies to estimation of emissions of HC, CO, NO_X, $PM_{10,}$ $PM_{2.5}$, lead, and sulfur oxides. However, EMFAC2011 will be used in transportation conformity regional emissions analyses for pollutants and precursors that are applicable in a given nonattainment or maintenance area. EPA is approving all components of EMFAC2011, specifically EMFAC–SG, EMFAC–LDV and EMFAC–HD. EPA is also approving EMFAC2011 and the EMFAC–PL tool to estimate project-level emissions for CO, PM_{10} and $PM_{2.5}$ conformity hot-spot analyses.

(3) A 6-month statewide transportation conformity grace period will be established beginning *March 6, 2013* and ending *September 6, 2013* for the transportation conformity uses described in (2) above.

Dated: February 22, 2013.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2013–05245 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9787–2]

Notification of a Public Teleconference of the Chartered Science Advisory Board

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the chartered SAB to conduct a quality review of an SAB draft report on approaches to derive a maximum contaminant level goal for perchlorate.

DATES: The public teleconference will be held on March 29, 2013, from 1:00 p.m. to 4:00 p.m.

ADDRESSES: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain general information regarding the quality review teleconference should contact Dr. Angela Nugent, Designated Federal Officer (DFO), EPA Science Advisory Board (1400R), 1200 Pennsylvania Avenue NW., Washington, DC 20460; via telephone/voice mail (202) 564–2218; fax (202) 565–2098 or via email at *nugent.angela@epa.gov.* General information concerning the EPA Science Advisory Board can be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the EPA Science Advisory Board will hold a public teleconference to conduct a quality review of an SAB draft report. The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee under FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Background

Quality review is a key function of the chartered SAB. Draft reports prepared by SAB committees, panels, or work groups must be reviewed and approved by the chartered SAB before transmittal to the EPA Administrator. The chartered SAB makes a determination in a public meeting consistent with FACA about the quality of all draft reports and determines whether the report is ready to be transmitted to the EPA Administrator.

The Safe Drinking Water Act requires the EPA to request comments from the SAB prior to proposal of a maximum contaminant level goal (MCLG) and national primary drinking water regulation. The chartered SAB will conduct a quality review of a draft SAB report reviewing the scientific and technical bases for the approaches EPA is considering for the MCLG for perchlorate, as described in a draft white paper entitled ''Life Stage Considerations and Interpretation of Recent Epidemiological Evidence to Develop a Maximum Contaminant Level Goal for Perchlorate.'' Background information about this advisory activity can be found on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activites/Perchlorate%20MCLG%20Approaches?OpenDocument.*

Availability of Meeting Materials: The agenda and other materials in support of the teleconference will be placed on the SAB Web site at *http://www.epa.gov/sab* in advance of the teleconference.

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments pertaining to the group providing advice, EPA's charge questions and EPA review or background documents. Input from the public to the SAB will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO for the relevant advisory committee directly. *Oral Statements:* In general, individuals or groups requesting time to make an oral presentation at a public SAB teleconference will be limited to three minutes. Those interested in being

placed on the public speakers list for the March 29, 2013 teleconference should contact Dr. Nugent at the contact information provided above by March 22, 2013. *Written Statements:* Written statements should be supplied to the DFO via email to *nugent.angela@epa.gov* by March 22, 2013. Written statements should be supplied in one of the following acceptable file format: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format). It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconferences. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Nugent, as appropriate at the contact information provided above. To request accommodation of a disability, please contact Dr. Nugent preferably at least 10 days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: February 21, 2013.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2013–05251 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0001; FRL–9379–8]

SFIREG Full Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG), Pesticide Operations and Management (POM) Committee will hold a 2-day meeting, beginning on April 22, 2013, and ending April 23, 2013. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, April 22, 2013, from 8:30 a.m. to 5 p.m. and 8:30 a.m. to noon on Tuesday, April 23, 2013.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA, One Potomac Yard (South Bldg.), 2777 Crystal Dr., Arlington VA, 1st Floor South Conference Room.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; fax number: (703) 305–5884; email address: *kendall.ron@epa.gov.* or Grier Stayton, SFIREG Executive Secretary, P.O. Box 466, Milford, DE 19963; telephone number: (302) 422–8152; fax (302) 422–2435; email address: *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to:

Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as any non-government organization.

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket ID number EPA–HQ–OPP–2013–0001 is available at *http://www.regulations.gov,* or at the Office of Pesticide Programs Regulatory Public Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Tentative Agenda Topics

1. Bee Inspection Guidance.

2. Pesticide use/misuse in marijuana production activities that are legal under state law where the production occurs.

3. Insect Repellency Mark Update.

4. EPA's Drift Reduction Technology program.

5. National Pesticide Information Center reporting to State Lead Agency's (SLA's) when off label use is evident.

6. Status of the implementation of the Globally Harmonized System (GHS) for the OSHA Hazard Communication Standard (HCS) and potential impacts on FIFRA labeling.

7. Labeling biocide fracking fluid—the biocide working panel.

8. 25(b) proposed rule POM Comments.

9. Persistent Herbicides in Compost-Update on Lab Survey.

10. SLA enforcement cases relating to issues with non-crop terminology.

11. Report from Office of Civil Enforcement (OCE) on evidence collection pilot and revisions to guidelines.

12. Report from OCE on distributor label enforcement efforts.

13. 25(b) action plan—identifying OPP contact and coordination of SLA activity.

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

List of Subjects

Environmental protection.

Dated: February 20, 2013.

Jay Ellenberger,

Acting Director, Field External Affairs Division, Office of Pesticide Programs.

[FR Doc. 2013–05093 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL—9788–1]

Notification of a Public Teleconference of the Clean Air Scientific Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee (CASAC) to review its draft letters on EPA's *Integrated Science Assessment for Lead (Third External Review Draft—November 2012)* and EPA's *Policy Assessment for the Review of the Lead National Ambient Air Quality Standards (First External Review Draft—January 2013).*

DATES: The CASAC will hold a teleconference on Wednesday, May 8, 2013, from 1:00 p.m. to 3:00 p.m. (Eastern Time).

ADDRESSES: The CASAC public teleconference will take place via telephone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public who wants further information concerning the CASAC's public teleconference may contact Dr. Holly Stallworth, Designated Federal Officer (DFO) via telephone at (202) 564–2073 or email at *stallworth.holly@epa.gov.* General information concerning the CASAC can be found on the EPA Web site at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409D(d)(2), to provide advice, information, and recommendations to the Administrator on the scientific and technical aspects of issues related to the criteria for air quality standards, research related to air quality, sources of air pollution, and the strategies to attain and maintain air quality standards and to prevent significant deterioration of air quality. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Pursuant to FACA and EPA policy, notice is hereby given that the CASAC will hold a public teleconference review its draft letters on EPA's third external review draft of the *Integrated Science Assessment for Lead (November 2012)* and EPA's first external review draft of the *Policy Assessment for the Review of the Lead National Ambient Air Quality Standards (January 2013).* These draft letters are being prepared as part of CASAC's review of the National Ambient Air Quality Standards (NAAQS) for lead. The CASAC will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including lead. EPA is currently reviewing the primary (health-based) and secondary (welfare-based) NAAQS for lead. The CASAC Lead Review Panel previously reviewed EPA's first external review draft of the *Integrated Science Assessment for Lead (May 2011)* as reported in a CASAC letter to the EPA Administrator, dated December 9, 2011 (EPA–CASAC–12–002) and previously reviewed EPA's second external review draft of the *Integrated Science Assessment for Lead (February 2012)* as reported in a CASAC letter to the EPA Administrator, dated July 20, 2012 (EPA–CASAC–12–005). The CASAC Lead Review Panel met in a face-to-face meeting on February 5–6, 2013 to review EPA's third external review draft of the *Integrated Science Assessment for Lead (November 2012)* and EPA's first external review draft of the *Policy Assessment for the Review of the Lead National Ambient Air Quality Standards (January 2013).*

Technical Contacts: Any technical questions concerning the *Integrated Science Assessment for Lead (Third External Review Draft—November 2012)* should be directed to Dr. Ellen Kirrane (*kirrane.ellen@epa.gov*) and technical questions concerning the *Policy Assessment for the Review of the Lead National Ambient Air Quality Standards (First External Review Draft—January 2013)* should be directed to Dr. Deirdre Murphy (*murphy.deirdre@epa.gov*).

Availability of Meeting Materials: Prior to the teleconference, CASAC's draft letters, the agenda and other materials will be accessible through the calendar link on the blue navigation bar at *http://www.epa.gov/casac/.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments for a federal advisory committee to consider pertaining to EPA's charge to the panel or meeting materials. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should contact the DFO directly.

Oral Statements: In general, individuals or groups requesting an oral presentation will be limited to three minutes for public teleconferences. Interested parties should contact Dr. Holly Stallworth, DFO, in writing (preferably via email) at the contact information noted above by May 1, 2013, to be placed on the list of public speakers for the public teleconference. *Written Statements:* Written statements should be supplied to Dr. Holly Stallworth, DFO, via email at the contact information noted above by May 1, 2013 for the public teleconference. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format. It is the SAB Staff Office general policy to post written comments on the Web page for advisory meetings or teleconferences. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Holly Stallworth at (202) 564–2073 or *stallworth.holly@epa.gov.* To request accommodation of a disability, please contact Dr. Holly Stallworth preferably at least ten days prior to the public meeting and/or teleconference to give EPA as much time as possible to process your request.

Dated: February 25, 2013.

Thomas H. Brennan,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2013–05221 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0025; FRL–9379–3]

Notice of Receipt of Pesticide Products; Registration Applications To Register New Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register new uses for pesticide products containing currently registered active ingredients pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This notice provides the public with an opportunity to comment on the applications.

DATES: Comments must be received on or before April 5, 2013.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the EPA Registration Number or EPA File Symbol of interest as shown in the body of this document, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: A contact person is listed at the end of each registration application summary and may be contacted by telephone, email, or mail. Mail correspondence to the Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications. For actions being evaluated under the Agency's public participation process for registration actions, there will be an additional opportunity for a 30-day public comment period on the proposed decision. Please see the Agency's public participation Web site for additional information on this process (*http://www.epa.gov/pesticides/regulating/registration-public-involvement.html*). EPA received the following applications to register new uses for pesticide products containing currently registered active ingredients:

1. *EPA Registration Numbers:* 100–617 and 100–618. *Docket ID Number:* EPA–HQ–OPP–2013–0051. *Applicant:* Syngenta Crop Protection LLC, P.O. Box 18300, Greensboro, NC 27419–8300. *Active Ingredient:* Propiconazole. *Product Type:* Fungicide. *Proposed Use:* Rapeseed subgroup 20A. Contact: Erin Malone, (703) 347–0253, email address: *malone.erin@epa.gov.*

2. *EPA Registration Number:* 264–1065. *Docket ID Number:* EPA–HQ–OPP–2012–0107. *Applicant:* Bayer CropScience, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. *Active Ingredient:* Spirotetramat. *Product Type:* Insecticide. *Proposed Uses:* Banana and plantain; bushberry subgroup, crop subgroups 13–07B and 13–07H including aronia berry, bearberry, bilberry, blueberry (highbush and lowbush), Chilean guava, cloudberry, cranberry, currant (black, buffalo, native, and red), elderberry, European barberry, gooseberry, edible honeysuckle, jostaberry, juneberry, muntries, lingonberry, partridgeberry, salal, sea buckthorn, including cultivars, varieties and/or hybrids of these; additional citrus fruits, crop group 10–10 including Australian lime (desert, finger, and round), Brown River finger lime, Japanese summer grapefruit, Mediterranean mandarin, Mount White lime, New Guinea wild lime, Russell River lime, sweet lime, tachibana orange, Tahiti lime, trifoliate orange, uniq fruit including cultivars, varieties, and/or hybrids of these; coffee; pineapple; additional pome fruits, crop group 11–10 including azarole, Chinese quince, Japanese quince, medlar, tejocote including cultivars, varieties, and/or hybrids of these; pomegranate; bulb vegetables, crop subgroup

3–07A including daylily (bulb), fritillaria (bulb), garlic (bulbs of common, great-headed, serpent), lily (bulb), onion (bulbs of common, Chinese, pearl, potato), shallot (bulb) plus cultivars, varieties and/or hybrids of these; bulb vegetables, crop subgroup 3–07B including Chinese chive (fresh leaves), chive (fresh leaves), elegans hosta, fritillaria (leaves), kurrat, leek, wild leek, lady's leek, Beltsville bunching onion, fresh onion, green onion, macrostem onion, tree onion tops, Welsh onion tops, shallot fresh leaves plus cultivars, varieties and/or hybrids of these; additional fruiting vegetables, crop group 8–10 including African eggplant, bush tomato, cocona, currant tomato, garden huckleberry, goji berry, martynia, naranjilla, okra, pea eggplant, roselle, scarlet eggplant, sunberry, tree tomato, pepper (cayenne, chili, habanero, jalapeno, pablano, pimento, serrano), including cultivars, varieties and/or hybrids of these; globe artichoke; taro leaves; and watercress. Contact: Rita Kumar, (703) 308–8291, email address: *kumar.rita@epa.gov.*

3. *EPA Registration Numbers:* 279–3052 and 279–3158. *Docket ID Number:* EPA–HQ–OPP–2013–0056. *Applicant:* FMC Corporation, 1735 Market Street, Philadelphia, PA 19103. *Active Ingredient:* Clomazone. *Product Type:* Herbicide. *Proposed Uses:* Brassica, head and stem, subgroup 5A; rhubarb, and southern pea. Contact: Erik Kraft, (703) 308–9358, email address: *kraft.erik@epa.gov.*

4. *EPA Registration Numbers:* 400–436 (technical), 400–518, and 400–521. *Docket ID Number:* EPA–HQ–OPP–2012–0949. *Applicant:* Chemtura Corporation, 199 Benson Road, Middlebury, CT 06749. *Active ingredient:* Triflumizole. *Product Type:* Fungicide. *Proposed Uses:* Tomato; Pome Fruit, Group 11–10; Small Fruit, Vine Climbing, except Fuzzy Kiwifruit, Subgroup 13–07F; and Low Growing Berry, Subgroup 13–07G. Contact: Tamue L. Gibson, (703) 305–9096, email address: *gibson.tamue@epa.gov.*

5. *EPA Registration Numbers:* 62719–373 (technical), 62719–374 (MUP) and 62719–375. *Docket ID Number:* EPA–HQ–OPP–2012–0911. *Applicant:* Chemtura Corporation, 199 Benson Road, Middlebury, CT 06749. *Active Ingredient:* Quinoxyfen. *Product Type:* Insecticide. *Proposed Uses:* Fruiting Vegetable, Group 8–10; Small Fruit, Vine Climbing, except Fuzzy Kiwifruit, Subgroup 13–07F; and Low Growing Berry, Subgroup 13–07G. Contact: Tamue L. Gibson, (703) 305–9096, email address: *gibson.tamue@epa.gov.*

List of Subjects

Environmental protection, Pesticides and pest.

Dated: February 22, 2013.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2013–05091 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2008–0850; FRL–9380–7]

Chlorpyrifos Registration Review; Preliminary Volatilization Assessment; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** issue of February 6, 2013, concerning Chlorpyrifos Registration Review; Preliminary Evaluation of the Potential Risk From Volatilization. This document extends the comment period for 60 days, from March 8, 2013 to May 7, 2013.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPP–2008–0850, must be received on or before May 7, 2013.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of February 6, 2013.

FOR FURTHER INFORMATION CONTACT: Joel Wolf, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0228; email address: *wolf.joel@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** issue of February 6, 2013 (78 FR 8522) (FRL–9376–5). In that document, EPA announced the availability for public comment of its preliminary volatilization assessment for the registration review of chlorpyrifos. EPA received requests from several commenters to extend the comment period. EPA is hereby extending the comment period, which was set to end on March 8, 2013, to May 7, 2013.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the February 6, 2013 **Federal Register** document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Chlorpyrifos, Pesticides, Pests.

Dated: February 26, 2013.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2013–05094 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2012–0907; FRL–9379–5]

Cyromazine, Silica Silicates (Silica Dioxide and Silica Gel), Glufosinate Ammonium, Dioctyl Sodium Sulfosuccinate (DSS) and Undecylenic Acid (UDA) Registration Review; Draft Human Health and Ecological Risk Assessments; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and ecological risk assessments for the registration review of cyromazine, silica silicates (silica dioxide and silica gel), glufosinate ammonium, dioctyl sodium sulfosuccinate (DSS) and undecylenic acid (UDA) and opens a public comment period on these documents. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed draft risk assessments for each of the subject chemicals and is making them available for public comment. After reviewing comments received during the public comment period, EPA will issue a revised risk assessment, if appropriate, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before May 6, 2013.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.

Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

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

FOR FURTHER INFORMATION CONTACT: For information about a particular pesticide included in this document, contact the Chemical Review Manager identified in the table in Unit III. for the pesticide of interest.

For general questions on the registration review program, contact:

Jane Scott-Smith, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–0048; fax number: (703) 305–8005; email address: *smith.jane-scott@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the table in Unit III. for the pesticide of interest.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts and/or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Authority

EPA is conducting its registration review of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

What action is the agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations for cyromazine, silica silicates, glufosinate ammonium, DSS, and UDA to ensure that they continue to satisfy the FIFRA standard for registration—that is, that these pesticides can still be used without unreasonable adverse effects on human health or the environment.

At this stage in the registration review process, consistent with the notice published in the **Federal Register** of August 17, 2012, (77 FR 49792) (FRL–9356–5), jointly developed with the U.S. Department of Agriculture (USDA), the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) (''the Services'') to enhance opportunities for stakeholder input during pesticide registration reviews and endangered species consultations, draft environmental risk assessments include a screening-level evaluation of the potential risks to Federally endangered and threatened species (hereafter referred to as ''listed species''). EPA intends to complete a refined assessment of potential risks to individual listed species, as needed. The refined listed species assessments will be based on the recommendations of the National Research Council (NRC), which has been tasked with providing advice on ecological risk assessment tools and scientific approaches in developing listed species risk assessments that are compliant with both FIFRA and the Endangered Species Act (ESA). EPA anticipates that the NRC report, expected in spring 2013, will provide recommendations to ensure scientific soundness and maximize the utility of risk assessment refinements for listed species. Additional information can be found at the following Web site:

http://www.nationalacademies.org/cp/projectview.aspx?key=49396. Useful refinements to the listed species assessments are expected to include, but not be limited to, the following: (1) More detailed, species-specific ecological and biological data; (2) more detailed and accurate information on chemical use patterns; and (3) sub-county level spatial proximity data depicting the co-occurrence of potential effects and listed species and any designated critical habitat.

If, in the event that a draft risk assessment shows risks of concern to human health or the environment for a specific chemical, EPA reserves the right to initiate mitigation at this stage of registration review. This effort to mitigate a chemical's risks early in the registration review process is consistent with the Agency's approach for registration review. Where risks are identified early in the registration review process and opportunities for early mitigation exist, the Agency may pursue those opportunities as they arise, rather then waiting for completion of a chemical's registration review in order to mitigate risks. The public comment period for the draft risk assessments allows members of the public to provide comments and suggestions for revising the draft risk assessments and for reducing risks.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human health and ecological risk assessments for cyromazine, silica silicates, glufosinate ammonium, DSS, and UDA. Such comments and input could address, among other things, the Agency's risk assessment methodologies and assumptions, as applied in these draft risk assessments.

The Agency will consider all comments received during the public comment period and make changes, as appropriate, to the draft human health and ecological risk assessments. EPA will then issue revised risk assessments, if appropriate, and explain any changes to the draft risk assessments, and respond to comments. In the **Federal Register** notice announcing the availability of the revised risk assessments, if any of the revised risk assessments indicate risks of concern, the Agency may provide a comment period for the public to submit suggestions for mitigating the risks identified in those revised risk assessments. At present, EPA is releasing registration review draft risk assessments for the pesticide cases identified in the following table and further described after the table.

TABLE—REGISTRATION REVIEW DRAFT RISK ASSESSMENTS

Registration review case name and number	Pesticide docket ID No.	Chemical review manager, telephone number, and Email address
Cyromazine, Case # 7439	EPA–HQ–OPP–2006–0108	Kelly Ballard, (703) 305–8126, *Ballard.kelly@epa.gov*.
Dioctyl sodium sulfosuccinate, Case# 4029	EPA–HQ–OPP–2010–1006	Garland Waleko, (703) 308–8049, *Waleko.garland@epa.gov*.
Glufosinate Ammonium, Case# 7224	EPA–HQ–OPP–2008–0190	Katie Weyrauch, (703) 308–0166, *Weyrauch.katie@epa.gov*.
Silica Silicates, Case# 4081	EPA–HQ–OPP–2007–1140	Laura Parsons, (703) 305–5776, *Parsons.laura@epa.gov*.
Undecylenic acid, Case# 4095	EPA–HQ–OPP–2011–0910	Garland Waleko, (703) 308–8049, *Waleko.garland@epa.gov*.

Cyromazine

The registration review docket for cyromazine (EPA–HQ–OPP–2006–0108) opened in a notice published in the **Federal Register** of March 28, 2007 (72 FR 14548) (FRL–8118–3). Cyromazine, an insecticide/larvicide, is a member of the triazine class of chemicals registered for use on a variety of agricultural food crop as well as non-food uses such as landscape and greenhouse ornamentals. For cyromazine, the Agency has conducted a human health risk assessment for both dietary (food and drinking water) and occupational exposure pathways. The Agency has also conducted an ecological risk assessment, which includes a screening-level listed species assessment. EPA acknowledges that further refinements to the listed species assessment will be completed in future revisions and requests public comment on specific areas that will reduce the uncertainties associated with the characterization of risk to listed species identified in the current assessment.

Dioctyl Sodium Sulfosuccinate (DSS)

The registration review docket for DSS (EPA–HQ–OPP–2010–1006) opened in a notice published in the **Federal Register** of December 22, 2010 (75 FR 80496) (FRL–8857–6). DSS is registered as an insecticide in pet shampoos and spray products in combination with undecylenic acid. There are no food uses and, thus, no tolerances are established. DSS is also used as an inert ingredient in several end-use pesticide products, disinfectants and sanitizers, and as a wetting agent in industrial, drug, cosmetic, and food products. The Agency has conducted a qualitative assessment of both human health and ecological risks, including listed species for DSS.

Glufosinate Ammonium

The registration review docket for glufosinate ammonium (EPA–HQ–OPP–2008–0190) opened in a notice published in the **Federal Register** of March 26, 2008 (73 FR 16011) (FRL–8356–4). Glufosinate ammonium is an herbicide that acts by inhibiting glutamine synthetase, which leads to poisoning in plants via the overproduction of ammonia. Glufosinate ammonium is registered for use on a variety of food crops, and is registered for use on non-crop areas such as golf course turf and spot treatments on residential lawns. To support the registration review of glufosinate ammonium, the Agency has conducted a human health risk assessment via a new use risk assessment for citrus,

pome, and stone fruits completed July 25, 2012, and an addendum completed on January 24, 2013, that addresses other scenarios not covered in the July 25, 2012 new use assessment. The Agency has also conducted an ecological risk assessment, which includes a screening-level listed species assessment. EPA acknowledges that further refinements to the listed species assessment will be completed in future revisions and requests public comment on specific areas that will reduce the uncertainties associated with the characterization of risk to listed species identified in the current assessment.

Silica Silicates

The registration review docket for silica silicates (EPA–HQ–OPP–2007–1140) opened in a notice published in the **Federal Register** of March 26, 2008 (73 FR 16011) (FRL–8356–4). Silica silicates, silicon dioxide and silica gel, are insecticides and acaracides used in controlling insects at indoor and outdoor sites including a variety of crops. Silicon dioxide is diatomaceous earth, a naturally-occurring material composed of the shells of minute, single-celled algae. Silica gel is an amorphous form of silicon dioxide. Because of their abrasive characteristics, both active ingredients affect insects by removing the oily protective film covering their bodies which normally prevents the loss of water, leading to death by desiccation. The qualitative human health risk assessment conducted for the 1991 reregistration eligibility decision (RED) is still considered to be an adequate analysis of potential risks to humans. No new human health toxicology or exposure data were required or are available for silica silicates; therefore, a new human health risk assessment was not necessary to be completed for registration review nor is one being made available for comment at this time. Further, due to low toxicity, and the fact that silica silicates naturally occur in the environment, the Agency has conducted a qualitative ecological risk assessment for non-target terrestrial species. EPA acknowledges that further refinements to the listed species assessment will be completed in future revisions and requests public comment on specific areas that will reduce the uncertainties associated with the characterization of risk to listed species identified in the current assessment.

Undecylenic Acid (UDA)

The registration review docket for UDA (EPA–HQ–OPP–2011–0910) opened in a notice published in the **Federal Register** of December 21, 2011 (76 FR 79173) (FRL–9329–7). UDA is registered as an insecticide in pet shampoos and spray products in combination with dioctyl sodium sulfosuccinate (DSS). There are no food uses and, thus, no tolerances are established. UDA is approved by the U.S. Food and Drug Administration (FDA) as an active ingredient in over the counter anti-fungal products, and it is also used as a flavoring agent. EPA has conducted a qualitative assessment for both human health and ecological risks, including listed species for UDA.

1. *Other related information.* Additional information on cyromazine, silica silicates, glufosinate ammonium, DSS, and UDA is available on the chemical pages for these pesticides in Chemical Search, *http://www.epa.gov/pesticides/chemicalsearch/,* and in each chemical's individual docket listed in Table in Unit III. Information on the Agency's registration review program and its implementing regulation is available at *http://www.epa.gov/oppsrrd1/registration_review/.*

2. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, Pesticides and pests, cyromazine, silica silicates (silica dioxide and silica gel), glufosinate ammonium (glufosinate), dioctyl sodium sulfosuccinate (DSS), and undecylenic acid (UDA), draft risk assessments.

Dated: Feburary 26, 2013.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2013–05246 Filed 3–5–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL 9788–2; CERCLA–04–2013–3754]

Ward Transformer Superfund Site; Raleigh, Wake County, NC; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement at the Ward Transformer Superfund Site located in Raleigh, Wake County, North Carolina. Under the terms of the De Minimis Landowner Settlement Agreement B&B Apartments, LLC, agrees to sell the property and B&B Apartments, LLC, and Estes Express Lines, Inc., agree to provide access, implement/comply with institutional controls, and exercise due care and cooperation for such time as they own or lease the property in exchange for the covenant not to sue and contribution protection provided in the Settlement Agreement.

DATES: The Agency will consider public comments on the settlement until April 5, 2013. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from EPA Region 4 contact Ms. Paula V. Painter. Submit your comments by Site name Ward Transformer Superfund Site by one of the following methods:

- *www.epa.gov/region4/superfund/programs/enforcement/enforcement.html*
- *Email. Painter.Paula@epa.gov*
- U.S. Environmental Protection Agency, Attn: Paula V. Painter, Superfund Division, 61 Forsyth Street SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: February 12, 2013.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. 2013–05244 Filed 3–5–13; 8:45 am]

BILLING CODE P

EXPORT-IMPORT BANK

[Public Notice 2013–0117]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB Review and Comments Request.

Form Title: EIB 92–51 Application for Special Buyer Credit Limit under the Multi-Buyer Export Credit Insurance Policy.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

The Application for Special Buyer Credit Limit under the Multi-Buyer Export Credit Insurance Policy is used by 2,500 policyholders, the majority of whom are U.S. small businesses, who export U.S. goods and services. This application provides Ex-Im Bank with the credit information necessary to make a determination of eligibility of a transaction for Ex-Im Bank support with a foreign buyer credit request and to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

The application can be reviewed at: *www.exim.gov/pub/pending/eib92–51.pdf* Application for Special buyer credit Limit Multi-buyer Credit Insurance Policy.

DATES: Comments should be received on or before May 6, 2013 to be assured of consideration.

ADDRESSES: Comments maybe submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Jean Fitzgibbon, Export-Import Bank of the United States, 811 Vermont Ave., NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 92–51 Application for Special buyer credit Limit Multi-buyer Credit Insurance Policy

OMB Number: 3048–0015.

Type of Review: Regular.

Need and Use: The information requested enables the applicant to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

The number of respondents; 3,400.

Estimated time per respondents: 30 minutes.

The frequency of response; Annually.

Annual hour burden; 1,700 total hours.

Government Expenses:	
Reviewing time per hour	1 hour.
Responses per year	3,400.
Reviewing time per year	3,400 hours.
Average Wages per hour	$30.25.
Average cost per year (time * wages).	$102,850.
Benefits and overhead	28%.
Total Government Cost	$131,641.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. 2013–05154 Filed 3–5–13; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK of the UNITED STATES

Sunshine Act Meetings

ACTION: Sunshine Act Notice of Open Meeting of the Advisory Committee of the Export-Import Bank of the United States (Ex-Im Bank).

TIME AND PLACE: Wednesday, March 20, 2013 from 11:00 a.m. to 3:00 p.m. The meeting will be held at the Export-Import Bank in Room 326, 811 Vermont Avenue NW., Washington, DC 20571.

SUMMARY: The Advisory Committee was established November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

AGENDA: Agenda items include briefings and discussions on the following topics: Ex-Im Bank business, Ex-Im Bank competitiveness report and Ex-Im Bank's content policy review.

PUBLIC PARTICIPATION: The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting.

If members of the public wishes to attend, they must contact Niki Shepperd by 5pm (EST) on March 19, 2013. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, by March 19, 2013, Niki Shepperd. Niki Shepperd can be reached at: 811 Vermont Avenue, NW., Washington, DC 20571, Voice: (202) 565–3202 or TDD (202) 565–3377.

FURTHER INFORMATION: For further information, contact Niki Shepperd, 811 Vermont Ave. NW., Washington, DC 20571, (202) 565–3202.

Sharon A. Whitt,

Agency Clearance Officer.

[FR Doc. 2013–05360 Filed 3–4–13; 4:15 pm]

BILLING CODE 6690–01–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 May 6, 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 the Federal Communications Commission via email *to PRA@fcc.gov* and *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 Approval Number:* 3060–1153.

Title: Satellite Digital Audio Radio Service (SDARS).

Form Number: Not applicable.

Type of Review: Revision of a currently approved information collection.

Respondents: Businesses or other for-profit entities.

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

Estimated Time per Response: 3–12 hours.

Frequency of Response: Annual reporting requirement; Recordkeeping requirement; Third-party disclosure requirement; On occasion reporting requirement.

Total Annual Burden: 308 hours.

Total Annual Costs: $97,710.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Obligation To Respond: Required to obtain or retain benefits. The Commission has statutory authority for the information collection requirements under Sections 4, 301, 302, 303, 307, 309 and 332 of the Communications Act, as amended, and 47 U.S.C. Sections 154, 301, 302a, 303, 307, 309, and 332.

Privacy Assessment: No impact(s).

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

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

As part of the Order on Reconsideration, the Commission adopted proposals to relax the notification requirements for SDARS licensees under Sections 25.263(b) & (c) of the Commission's rules. As adopted in the 2010 WCS R&O and SDARS 2nd R&O, Section 25.263(b) requires SDARS licensees to share with WCS licensees certain technical information at least 10 business days before operating a new repeater, and at least 5 business days before operating a modified repeater. Under Section 25.263(c), SDARS licensees operating terrestrial repeaters must maintain an accurate and up-to-date inventory of all terrestrial repeaters, including the information set forth in 25.263(c)(2) for each repeater, which must be made available to the Commission upon request.

The following modified information collections are contained in the Order on Reconsideration:

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

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

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

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–05197 Filed 3–5–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

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 May 6, 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 Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and 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: 3060–0265.

Title: Section 80.868, Card of Instructions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 4,506 respondents; 4,506 responses.

Estimated Time per Response: 0.1 minutes.

Frequency of Response: Recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 154, 303, 307(e), 309 and 332.

Total Annual Burden: 451 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission will submit this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the recordkeeping requirement). There is no change in the Commission's burden estimates.

The recordkeeping requirement contained in 47 CFR 80.868 of the Commission's rules is necessary to ensure that radiotelephone distress procedures must be securely mounted and displayed in full view of the principal operating position on board certain vessels (300 gross tons) required by the Communications Act or the International Convention for Safety of Life at Sea to be equipped with a radiotelephone station.

The information is used by a vessel radio operator during an emergency situation, and is designed to assist the radio operator to utilize proper distress procedures during a time when he or she may be subject to considerable stress or confusion.

OMB Control Number: 3060–0281.

Title: Section 90.651, Supplemental Reports Required of Licensees Authorized Under this Subpart.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 3,941 respondents; 3,941 responses.

Estimated Time per Response: .166 hours (10 minutes).

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 447 U.S.C. sections 154(i), 161, 303(g), 303(r), and 332(c)(7).

Total Annual Burden: 654 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality.

Needs and Uses: The Commission is submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the recordkeeping requirement). There is no change in the Commission's previous burden estimates.

Section 90.505 requires applicants proposing developmental operations to submit supplemental information showing why the authorization is necessary and what its use will be.

This requirement will be used by Commission staff in evaluating the applicant's need for such frequencies and the interference potential to other stations operating on the proposed frequencies.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–05195 Filed 3–5–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. A Copy of the agreement is available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012195.

Title: CSCL/UASC Slot Exchange Agreement.

Parties: China Shipping Container Lines Co., Ltd. and China Shipping Container Lines (Hong Kong) Co., Ltd. (acting as a single party) and United Arab Shipping Company (S.A.G.).

Filing Party: Wayne Rohde, Esq.; Cozen O'Connor; 1627 I Street, NW. Suite 1100; Washington, DC 20006.

Synopsis: The agreement authorizes the parties to charter space to each other in the trade between U.S. East Coast ports and Mediterranean ports, and between ports in Asia and Europe.

Dated: March 1, 2013.

By Order of the Federal Maritime Commission.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2013–05259 Filed 3–5–13; 8:45 am]

BILLING CODE P

FEDERAL MARITIME COMMISSION

[Docket No. 13–03]

Seagull Maritime Agencies Private Ltd. v. Gren Automotive, Inc., Centrus Automotive Distributors Inc., and Liu Shao, Individually; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Seagull Maritime Agencies Private Limited (''SMA''), hereinafter ''Complainant,'' against Gren Automotive, Inc. (''Gren''), Centrus Automotive Distributors Inc. (''Centrus'') and Mr. Liu Shao hereinafter ''Respondents.'' Complainant states that it is an FMC licensed non-vessel operating common-carrier (''NVOCC'') located in New Jersey. Complainant alleges that Respondent Gren is a New Jersey corporation and Respondent Centrus is or was a Florida corporation.

Complainant alleges that Respondents, by failing to pay Complainant $63,010.68 owed for ''transportation, customs duties, and other services,'' violated 46 U.S.C. 41102(a) which provides that ''[a] person may not knowingly and willfully, directly or indirectly, by means of false billing, false

classification, false weighing, false report of weight, false measurement, or any other unjust or unfair device or means, obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise apply.''

Complainant requests that the Commission issue the following relief: ''(1) An Order compelling Respondents to Answer the charges made herein and scheduling a hearing in Washington, DC during which the Commission may receive evidence in this matter; (2) An Order holding that the Respondents, Centrus, Gren, and Mr. Liu Shao individually violated § 41102(a) of the Shipping Act; (3) An Order compelling Respondents, Centrus, Gren, and Liu Shao individually to make reparations to Complainant SMA in the amount of $63,010.68 for failure to pay freight and related charges as describe herein; (4) An Order requiring Respondents to compensate SMA for its attorney's fees, interests, and costs and expenses incurred in this matter according to proof; (5) Such other and further relief as the Commission deems just and proper.''

The full text of the complaint can be found in the Commission's Electronic Reading Room at *www.fmc.gov/13–03*.

This proceeding has been assigned to the Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by March 3, 2014 and the final decision of the Commission shall be issued by July 1, 2014.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2013–05253 Filed 3–5–13; 8:45 am]

BILLING CODE 6730–01–P

FEDERAL TRADE COMMISSION

[File No. 121 0098]

Praxedes E. Alverez Santiago, M.D., Daniel Perez Brisebois, M.D., Jorge Grillasca Palou, M.D., Rafael Garcia Nieves, M.D., Francis M. Vazques Roura, M.D., Angel B. Rivera Santos, M.D., Cosme D. Santos Torres, M.D., and Juan L. Vilaro Chardon, M.D.; Analysis of Agreement Containing Consent Order To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before April 2, 2013.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/prnephrologistsconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''PR Nephrologists, File No. 121 0098'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/prneprologistsconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Garry Gibbs (202–326–2767), FTC, Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for February 28, 2013), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.* A paper copy can be obtained from the FTC Public Reference Room, Room 130–H, 600 Pennsylvania Avenue NW., Washington, DC 20580, either in person or by calling (202) 326–2222.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before April 2, 2013. Write ''PR Nephrologists, File No. 1211 0098'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which * * * is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/prnephrologistsconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''PR Nephrologists, File No. 121 0098'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Commission, Office of the Secretary, Room H–113 (Annex D), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before April 2, 2013. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.htm.*

Analysis of Agreement Containing Consent Order To Aid Public Comment

The Federal Trade Commission has accepted, subject to final approval, an agreement containing a proposed consent order with Práxedes E. Alvarez Santiago, M.D., Daniel Pérez Brisebois, M.D., Jorge Grillasca Palou, M.D., Rafael García Nieves, M.D., Francis M. Vázquez Roura, M.D., Angel B. Rivera Santos, M.D., Cosme D. Santos Torres, M.D., and Juan L. Vilaró Chardón, M.D. (''Respondents''). The agreement settles charges that Respondents violated Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by jointly negotiating contracts to fix the prices for their services and by collectively refusing to deal with a third-party payer in Puerto Rico.

The proposed consent order has been placed on the public record for 30 days to receive comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make the proposed consent order final.

The purpose of this analysis is to facilitate public comment on the proposed consent order. The analysis is not intended to constitute an official interpretation of the agreement and proposed consent order, or to modify their terms in any way. Further, the proposed consent order has been entered into for settlement purposes only and does not constitute an admission by Respondents that they violated the law or that the facts alleged in the proposed complaint (other than jurisdictional facts) are true.

The Proposed Complaint

Respondents are eight independent physicians in southwestern Puerto Rico who provide nephrology services for commercial, Medicare, and Medicaid patients through contracts with various payers. Respondents constitute almost 90 percent of the nephrologists in the southwestern region of Puerto Rico.

The Medicaid program in Puerto Rico, Mi Salud, is administered by Administración de Seguros de Salud (''ASES''), a public corporation that is charged with ensuring that the more than 1.5 million indigent residents of Puerto Rico have access to a full complement of medical services. ASES determines the benefits Mi Salud members will receive. ASES contracts with two health plans, Humana Health Plans of Puerto Rico, Inc. (''Humana'') and Triple-S, to facilitate the provision of medical services to Mi Salud members and payments to participating providers. Humana administers the Mi Salud program in the southwestern region of Puerto Rico, where the Respondents do business.

The Mi Salud reimbursement program was modified in October 2010 for Mi Salud members who are also covered by Medicare (''dual eligibles''). Under the previous program Medicare paid 80 percent of its established rate, and payers administering the Mi Salud program paid the remaining 20 percent, known as the coordination of benefits amount (''20 percent COB''). After October 2010, providers no longer received a coordination of benefits amount for dual eligibles, except in rare circumstances. As a result of this change, providers' reimbursements decreased for dual eligibles under the Mi Salud program.

The proposed complaint alleges that Respondents collectively (1) negotiated in an attempt to extract higher reimbursement rates by fixing the prices upon which Respondents would contract with Humana and (2) terminated their contracts with Humana and refused to treat Humana patients enrolled in the Mi Salud program because Humana would not acquiesce to Respondents' price-related demands.

The joint price negotiations and collective refusals to deal commenced in late 2011. On October 28, 2011, Dr. Jorge Grillasca sent an email to Humana stating that Humana's failure to reimburse the full 20 percent COB would force him to discontinue his treatment of Humana's Mi Salud members and create a dangerous situation for these patients. He requested that Humana ''hold an urgent meeting with me and other colleagues that share the same concern.'' He copied all of the other Respondents on this email.

The meeting occurred on December 8, 2011, when two of the Respondents, Dr. Angel Rivera Santos and Dr. Daniel Perez, met with Humana representatives to discuss the 20 percent COB. During that meeting, Dr. Daniel Perez presented to Humana a fee schedule that proposed higher reimbursement rates. The next day Dr. Rivera Santos wrote an email to Humana stating, ''I understand as well that I have the right to receive the 20% that had been denied. It will depend on these issues if I decide to continue my professional relationship with Humana Mi Salud. Also remember that I am waiting for your response related to the newly proposed rates that were handed to you yesterday by my colleague Dr. Daniel Perez.'' Dr. Rivera Santos copied all the other Respondents on this email.

The following February 2012, ASES and Humana met with Respondents to discuss the 20 percent COB rule. At the conclusion of the meeting, Dr. Grillasca presented to Humana a fee schedule proposing increased rates. On February 28, 2012, Dr. Grillasca stated in an email to Humana that the payer had until March 1, 2012, to respond to the Respondents' proposed fee schedule. He copied the other Respondents on this email. When Humana did not respond by the March 1 deadline, all eight Respondents terminated their Mi Salud service agreements with Humana with virtually identical letters.

Respondents immediately ceased providing nephrology services to Humana Mi Salud patients despite having a legal obligation under their contract with Humana to continue providing services for 120 days after giving written notice of termination. The termination of services had significant and real consequences to patients. In one instance, a patient with critical renal failure arrived at an area hospital in need of immediate care and likely long-term dialysis treatment. All of the nephrologists refused to treat the patient, whose condition worsened and who was later transferred to a hospital 74 miles away in San Juan. Dr. Grillasca told hospital personnel that the nephrologists were not taking Mi Salud patients due to a disagreement with Humana over rates. On the same day, Respondents refused to treat another Humana Mi Salud patient admitted to another area hospital with a renal illness. The patient's family objected to the patient's transfer to a hospital with nephrology services that was 67 miles away. Respondents eventually began treating patients again only after being

ordered to do so by Puerto Rico's Office of the Health Advocate.

ASES ultimately agreed to Respondents' demand for higher reimbursement rates. ASES believed it had no choice but to acquiesce to Respondents' demands because of its concerns over access to nephrology services for Mi Salud patients. On June 13, 2012, ASES abandoned the new reimbursement formula and reinstated the 20 percent COB. The requirement that payers reimburse providers the full 20 percent COB, retroactive to March 16, 2012, is estimated to cost ASES and the Mi Salud program an additional $4 million to $6 million annually. Thus, the denial of nephrology services and the demands for higher reimbursement rates caused substantial harm to the consumers of Puerto Rico.

Finally, the proposed complaint alleges that Respondents' actions were a naked agreement to fix prices and a collective refusal to deal, not related to any efficiency-enhancing justification or any efforts at clinical or financial integration. Respondents, at all times relevant to the proposed complaint, maintained separate, independent nephrology practices and made no attempt to share the financial risk in the provision of nephrology services or to clinically integrate the delivery of care to patients, which might justify the otherwise illegal joint activity.

The Proposed Consent Order

The proposed consent order is designed to prevent the continuance and recurrence of the illegal conduct alleged in the proposed complaint, while not prohibiting the Respondents to engage in legitimate joint conduct in the future, if they so choose.

Paragraph II of the proposed consent order prevents Respondents from continuing the challenged conduct. In particular, Paragraph II.A prevents Respondents from entering into or participating in agreements: (1) To negotiate on behalf of another physician with any payer, (2) to refuse to deal, or threaten to refuse to deal with any payer, or (3) regarding any term, condition, or requirement upon which another physician deals, or is willing to deal, with any payer, including, but not limited to, price terms.

The other parts of Paragraph II reinforce these general prohibitions. Paragraph II.B prohibits Respondents from exchanging information with another physician concerning whether and on what terms that other physician is willing to contract with a payer. Paragraph II.C prevents Respondents from entering into agreements to withhold services from any person. Paragraph II.D bars Respondents from exchanging information among physicians concerning any physician's willingness to offer or withhold services from any person. Paragraph II.E prohibits attempts to engage in the actions precluded by Paragraphs II.A, II.B, II.C, or II.D. Paragraph II.F proscribes encouraging or attempting to induce any action that would be prohibited by Paragraph II. Nothing in Paragraph II prohibits any agreement or conduct among Respondents that is reasonably necessary to a Qualified Arrangement.

Paragraph III requires Respondents to provide the Commission with notice and certain information before entering into a Qualified Arrangement. Paragraph III.A requires Respondents to notify the Commission 60 days prior to entering into any Qualified Arrangement. Paragraph III.B requires Respondents to provide information about the nature and effects of the proposed agreement as part of the Paragraph III.A notification. Paragraph III.C allows the Commission to make a written request for additional information within 60 days, which then prevents the participating Respondents from entering into the proposed agreement until 30 days after substantially complying with the request for additional information. Paragraphs III.D through F state that certain actions with respect to a proposed Qualified Arrangement should not be construed as a determination by the Commission that the action violates the law, is approved, or violates this order.

Paragraph IV is similarly designed to prevent the challenged conduct from recurring by requiring Respondents to send copies of the complaint and consent order to those impacted by its terms. Paragraph IV.A requires each Respondent to send a copy of the complaint and consent order to every physician, officer, manager, and staff member in each Respondent's medical practice group at any time since January 1, 2010. Paragraph IV.A also requires each Respondent to send a copy of the complaint and consent order to every payer whom Respondent had contacted regarding contracting for physician services at any time since January 1, 2010. Paragraph IV.B carries the provisions in Paragraph IV.A forward for three years from the date of the order.

Paragraphs V, VI, and VII impose various obligations on Respondents to report or to provide access to information to the Commission to facilitate Respondents' compliance with the consent order. Finally, Paragraph VIII provides that the proposed consent order will expire 20 years from the date it is issued.

By direction of the Commission., Chairman Leibowitz not participating.

Donald S. Clark,

Secretary.

[FR Doc. 2013–05126 Filed 3–5–13; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0278; Docket 2012–0001; Sequence 19]

National Contact Center; Information Collection; National Contact Center Customer Evaluation Survey

AGENCY: Contact Center Services, Federal Citizen Information Center, Office of Citizen Services and Innovative Technologies, General Services Administration.

ACTION: Notice of request for comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the General Services Administration will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding the National Contact Center customer evaluation surveys. In this request, the previously approved surveys have been supplemented with surveys that will temporarily replace those existing surveys for one period of several months. These temporary surveys will allow the National Contact Center to compare its customer service levels to those of private industry contact centers.

DATES: Submit comments on or before: May 6, 2013.

FOR FURTHER INFORMATION CONTACT: Tonya Beres, Federal Information Specialist, Office of Citizen Services and Communications, at telephone (202) 501–1803 or via email to *tonya.beres@gsa.gov.*

ADDRESSES: Submit comments identified by Information Collection 3090–0278, National Contact Center Evaluation Survey, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number. Select the link ''Submit a Comment'' that corresponds with ''Information Collection 3090–0278, National Contract

Center Evaluation Survey''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 3090–0278, National Contract Center Evaluation Survey'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417. ATTN: Hada Flowers/IC 3090–0278, National Contract Center Evaluation Survey.

Instructions: Please submit comments only and cite Information Collection 3090–0278, National Contract Center Evaluation Survey, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection will be used to assess the public's satisfaction with the National Contact Center service, to assist in increasing the efficiency in responding to the public's need for Federal information, and to assess the effectiveness of marketing efforts.

B. Annual Reporting Burden

Temporary Telephone survey (One year only):
Respondents: 300.
Responses per Respondent: 1.
Annual Responses: 300.
Hours per Response: 0.116.
Total Burden Hours: 35.
permanent Telephone Survey:
Respondents (Year one): 900.
Respondents (subsequent years): 1000.
Responses per Respondent: 1.
Annual Responses (year one): 900.
Annual Responses (subsequent years): 1000.
Hours per Response: 0.033.
Total Burden Hours (year one): 30.
Total Burden Hours (subsequent years): 33.33.
Temporary Email survey (One year only):
Respondents: 600.
Responses per Respondent: 1.
Annual Responses: 600.
Hours per Response: 0.0833.
Total Burden Hours: 50.
permanent Email Survey:
Respondents (Year one): 960.
Respondents (subsequent years): 1560.
Responses per Respondent: 1.
Annual Responses (year one): 960.
Annual Responses (subsequent years): 1560.
Hours per Response: 0.05.
Total Burden Hours (year one): 48.
Total Burden Hours (subsequent years): 78.
Temporary Web Chat survey (One year only):
Respondents: 400.
Responses per Respondent: 1.
Annual Responses: 400.
Hours per Response: 0.0833.
Total Burden Hours: 33.33.
permanent Web Chat Survey:
Respondents (Year one): 440.
Respondents (subsequent years): 840.
Responses per Respondent: 1.
Annual Responses (year one): 440.
Annual Responses (subsequent years): 840.
Hours per Response: 0.05.
Total Burden Hours (year one): 22.
Total Burden Hours (subsequent years): 42.
Total Annual Respondents (year one): 3600.
Total Annual Respondents (year one)
Total Burden Hours (Combined, Year One): 218.
Total Burden Hours (Combined, Subsequent Years): 153.33.
Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street NE., Washington, DC 20417, telephone (202) 501–4755. Please cite OMB Control No. 3090–0278, National Contact Center Customer Evaluation Survey, in all correspondence.

Dated: February 25, 2013.

Casey Coleman,

Chief Information Officer.

[FR Doc. 2013–05165 Filed 3–5–13; 8:45 am]

BILLING CODE 6820–CX–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: HHS–EGOV–16500–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Electronic Government Office, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Electronic Government Office (EGOV), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is to reinstate the use of the previously approved information collection assigned OMB control number 4040–0004, which expired on 03/31/2012. The ICR also requests categorizing the form as a common form, meaning HHS will only request approval for its own use of the form rather than aggregating the burden estimate across all Federal Agencies as was done for previous actions on this OMB control number. Prior to submitting that ICR to OMB, EGOV seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 6, 2013.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–EGOV–16500–60D for reference.

Information Collection Request Title: SF–424 Application for Federal Assistance.

OMB No.: 4040–0004.

Abstract: The SF–424 Application for Federal Assistance is a common form used by all Federal grant-making agencies for applicants to apply for Federal financial assistance.

Need and Proposed Use of the Information: The SF–424 Application for Federal Assistance is used by the public to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

Likely Respondents: Organizations and institutions seeking grants.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the

information. The total annual burden hours for the Department of Health and Human Services are estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN FOR HHS—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
SF–424 Application for Federal Assistance	14,747	1	1	14,747
Total	14,747	1	1	14,747

EGOV specifically requests comments on (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.

Once OMB approves the use of this common form, federal agencies may request OMB approval to use this common form without having to publish notices and request public comments for 60 and 30 days. Each agency must account for the burden associated with their use of the common form.

Keith A. Tucker,

Information Collection Clearance Officer.

[FR Doc. 2013–05156 Filed 3–5–13; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: HHS–EGOV–16926–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Electronic Government Office, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Electronic Government Office (EGOV), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is to reinstate the use of the previously approved information collection assigned OMB control number 4040–0003, which expired on 11/30/2011. The 4040–0003 previously included the Project Abstract and Key Contacts Form. Those forms are no longer included in 4040–0003 and shall be moved to OMB control number 4040–0010. The ICR also requests categorizing the form as a common form, meaning HHS will only request approval for its own use of the form rather than aggregating the burden estimate across all Federal Agencies as was done for previous actions on this OMB control number. Prior to submitting that ICR to OMB, EGOV seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 6, 2013.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–EGOV–16926–60D for reference.

Information Collection Request Title: SF–424 Short Form.

OMB No.: 4040–0003.

Abstract: The SF–424 Short Form provides the Federal grant-making agencies a simplified alternative to the Standard Form 424 data set and form. Agencies may use the SF–424 Short Form for grant programs not required to collect all the data that is required on the SF–424 core data set and form.

Need and Proposed Use of the Information: The SF–424 Short Form is used by the public to apply for Federal financial assistance in the forms of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

Likely Respondents: Organizations and institutions seeking grants.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours for the Department of Health and Human Services estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN FOR HHS—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
SF–424 Short Form	1	1	1	1
Total	1	1	1	1

EGOV specifically requests comments on (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.

Once OMB approves the use of this common form, federal agencies may request OMB approval to use this common form without having to publish notices and request public comments for 60 and 30 days. Each agency must account for the burden associated with their use of the common form.

Keith A. Tucker,

Information Collection Clearance Officer.

[FR Doc. 2013–05158 Filed 3–5–13; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: HHS–EGOV–15380–60D]

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Electronic Government Office, HHS.

ACTION: Notice.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Electronic Government Office (EGOV), Department of Health and Human Services, announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is to reinstate the use of the previously approved information collection assigned OMB control number 4040–0010, which expired on 08/31/2011. The 4040–0010 includes the following forms: SF–424 Project Abstract form, SF–424 Key Contacts form, and SF–424 Performance/Site Location form. The SF–424 Project Abstract form and the SF–424 Key Contacts form were previously assigned to OMB control number 4040–0003. EGOV seeks to move these two instruments to the OMB control number 4040–0010. The ICR also requests categorizing the forms as common forms, meaning HHS will only request approval for its own use of the forms rather than aggregating the burden estimate across all Federal Agencies as was done for previous actions on this OMB control number. Prior to submitting that ICR to OMB, EGOV seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on the ICR must be received on or before May 6, 2013.

ADDRESSES: Submit your comments to *Information.CollectionClearance@hhs.gov* or by calling (202) 690–6162.

FOR FURTHER INFORMATION CONTACT: Information Collection Clearance staff, *Information.CollectionClearance@hhs.gov* or (202) 690–6162.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the document identifier HHS–EGOV–15380–60D for reference.

Information Collection Request Title: SF–424 Project Abstract Form, SF–424 Key Contacts Form, SF–424 Performance/Site Location Form.

OMB No.: 4040–0010.

Abstract: The SF–424 Project Abstract form, SF–424 Key Contacts form, and SF–424 Performance/Site Location form are components of the overall SF–424 Application for Federal Assistance.

Need and Proposed Use of the Information: The SF–424 Project Abstract form, SF–424 Key Contacts form, and SF–424 Performance/Site Location form are used by the public to apply for Federal financial assistance in the form of grants. These forms are submitted to the Federal grant-making agencies for evaluation and review.

Likely Respondents: Organizations and institutions seeking grants.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions, to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information, to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information, and to transmit or otherwise disclose the information. The total annual burden hours for the Department of Health and Human Services are estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN FOR HHS—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
SF–424 Project Abstract Form	349	1	0.5	174.5
SF–424 Key Contacts	61	1	0.5	30.5
SF–424 Performance/Site Location	137,408	1	0.5	68,704
Total	137,818			68,909

EGOV specifically requests comments on (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.

Once OMB approves the use of this common form, federal agencies may request OMB approval to use this common form without having to publish notices and request public comments for 60 and 30 days. Each agency must account for the burden associated with their use of the common form.

Keith A. Tucker,

Information Collection Clearance Officer.

[FR Doc. 2013–05155 Filed 3–5–13; 8:45 am]

BILLING CODE 4151–AE–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–13–13LD]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 and send comments to Ron Otten, at 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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. Written comments should be received within 60 days of this notice.

Proposed Project

Formative Research, Messages and Materials Development for Birth Defects and Developmental Disabilities, Human Development and Disabilities, and Blood Disorders—NEW—Centers for Disease Control and Prevention (CDC), National Center on Birth Defects and Developmental Disabilities (NCBDDD).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), National Center on Birth Defects and Developmental Disabilities (NCBDDD), requests approval for a new generic information collection package that supports formative research in birth defects and developmental disabilities; human development and disabilities, and blood disorders. Identified priority diseases, disorders, and conditions included in this information collection activity include but are not limited to preconception health; autism spectrum disorders (ASDs) and other developmental disabilities; fetal alcohol spectrum disorders (FASDs); neural tube defects (spina bifida, anencephaly); muscular dystrophy; fragile X; deep vein thrombosis/pulmonary embolism (DVT/PE); sickle cell disease (SCD); attention-deficit/hyperactivity disorder (ADHD); and Tourette syndrome.

The Children's Health Act of 2000 required the establishment of NCBDDD. The Center is organized into three divisions, which are focused on birth defects and developmental disabilities, human development and disabilities, and blood disorders. NCBDDD promotes the health of babies, children and adults and focuses on identifying the causes of and prevention of birth defects and developmental disabilities; helping children to develop and reach their potential for full, productive living; and optimizing the health outcomes among people of all ages with disabilities. These goals are accomplished through research, partnerships, and prevention and education programs.

Birth defects affect 1 in 33 babies and are a leading cause of infant death in the United States. More than 5,500 infants die each year due to birth defects. Additionally, over 500,000 children are diagnosed with a developmental disability. With more information, the causes of these birth defects and developmental disabilities can be identified and action can be taken to protect children and to develop new ways to help women have healthy babies.

Disabilities can affect anyone of any age. About 1 in 5 Americans report having some level of disability. People with disabilities need health care and health programs to stay well, active, and a part of the community. To be healthy, people with disabilities require health care that meets their needs as a whole person, not just as a person with a disability.

Blood disorders such as sickle cell disease, anemia, and hemophilia—affect millions of people each year in the United States, cutting across the boundaries of age, race, sex, and socioeconomic status. Men, women, and children of all backgrounds live with the complications associated with these conditions, many of which are painful and potentially life-threatening. With proper preventive actions and early intervention, many of these disorders and their complications could, to a large extent, be eliminated. NCBDDD is dedicated to reducing the public health burden resulting from these conditions by contributing to a better understanding of blood disorders and their complications; ensuring that prevention programs are developed, implemented, and evaluated; ensuring that information is accessible to consumers and health care providers; and encouraging action to improve the quality of life for people living with or affected by these conditions.

The behavioral, clinical, and surveillance projects implemented by NCBDDD are the foundation upon which recommendations and guidelines are revised and updated. Formative research is the mechanism by which evidence is obtained for priority diseases in these three (3) health condition groups and by which recommendations and guidelines are revised and updated.

NCBDDD conducts formative research for developing new messages, materials, and strategies that respond to the changing epidemiology of these priority health conditions. A generic clearance mechanism would increase productivity of CDC programs and improve the quality of public health interventions and health communication programs.

The data collection and evidence are developed using a multitude of information sources including internal and external subject matter experts, field experience, consultation with external colleagues, piloting activities, and formal evaluations. The involvement of external and internal subject matter experts produces scientifically valid instruments, interventions, and methods that enable NCBDDD to be responsive to the changing epidemiology and community needs of these priority diseases. Targeted audience members or representatives provide the information for developing clear and influential health messages, materials, and strategies that promote health and well-being. An integrated research effort is needed to fill in gaps of knowledge, awareness, screening, and prevention behaviors and could simultaneously work to reduce stigma surrounding these topics within special populations, explore cultural issues, and increase the demand for, and uptake of screening by health care providers.

Overall, these formative research activities are intended to provide information that will increase the success of the surveillance or research project through increasing response rates and decreasing response error thereby decreasing future data collection burden to the public.

This request is submitted to obtain OMB clearance for three years. The estimates of annualized burden hours are based on past experience with recruitment and the administration of

similar surveys and focus groups. It is estimated that 80,500 respondents will have to be screened annually to recruit the appropriate number of respondents for this data collection activity. Specific information will be provided with each individual project submission. The estimated annualized burden hours for this data collection activity is 49,667. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response	Total response burden (hours)
General public and health care providers	Screener	80,500	1	10/60	13,417
General public and health care providers	Consent Forms	30,000	1	5/60	2,500
General public and health care providers	Moderator's Guide	30,000	1	1	30,000
General public and health care providers	Surveys	15,000	1	15/60	3,750
Total					49,667

Dated: February 28, 2013.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–05236 Filed 3–5–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day-13–12EX]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Formative Research for the Development of CDC's Act Against AIDS Social Marketing Campaigns Targeting Consumers—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this study is to conduct interviews and focus groups in four rounds of data collections (exploratory research, message testing, concept testing, materials testing) with consumer groups aged 18 to 64 over a 3-year period to develop various social marketing campaigns aimed at increasing HIV testing rates, increasing HIV awareness and knowledge, challenging commonly held misperceptions about HIV, and promoting HIV prevention and risk reduction.

The research results will be used to develop materials for six specific HIV social marketing campaigns under the umbrella of the larger *Act Against AIDS* campaign. The campaigns will target consumers aged 18–64. Some campaigns will target the general public as a whole and other campaigns will focus on specific subpopulations at greatest risk for HIV infection. The target audiences will include Latinos, men who have sex with men (MSM), HIV-positive individuals and African Americans.

The study will screen 2338 people per year for eligibility. Of the 2,338 people screened, it is expected that 500 people will participate in focus groups, 500 people will participate in in-depth interviews and 700 will participate in intercept interviews. All focus group and in-depth interview participants (total 1000) will complete a brief paper and pencil survey.

There are no costs to the respondents other than their time.

The total estimated annual burden hours are 2,311.

ESTIMATED ANNUALIZED BURDEN HOURS

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in Hours)
Individuals (males and females) aged 18–64.	Screening Instrument	2338	1	2/60
	In-depth interview focus group and intercept interview			
	Exploratory—HIV Testing In-depth Interview Guide	74	1	1
	Exploratory—HIV Prevention In-depth Interview Guide	74	1	1
	Exploratory—HIV Communication and Awareness In-depth Interview Guide.	74	1	1
	Exploratory—HIV Prevention with Positives In-depth Interview Guide.	74	1	1
	Consumer Message Testing In-depth Interview Guide	68	1	1
	Consumer Concept Testing In-depth Interview Guide	68	1	1
	Consumer Materials Testing In-depth Interview Guide	68	1	1
	Exploratory—HIV Testing Focus Group Interview Guide.	74	1	2
	Exploratory—HIV Prevention Focus Group Interview Guide.	74	1	2

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in Hours)
	Exploratory—HIV Communication and Awareness Focus Group Interview Guide.	74	1	2
	Exploratory—IV Prevention with Positives Focus Group Interview Guide.	74	1	2
	Consumer Concept Testing Focus Group Interview Guide.	68	1	2
	Consumer Message Testing Focus Group Interview Guide.	68	1	2
	Consumer Materials Testing Focus Group Interview Guide.	68	1	2
	Paper and Pencil—HIV Testing Survey	250	1	30/60
	Paper and Pencil—HIV Prevention Survey	250	1	30/60
	Paper and Pencil—HIV Communication and Awareness Survey.	250	1	30/60
	Paper and Pencil—HIV Prevention with Positives Survey.	250	1	30/60
	Intercept Interview Guide	700	1	20/60

Dated: February 28, 2013.

Ron A. Otten,

Director, Office of Scientific Integrity (OSI), Office of the Associate Director for Science (OADS), Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–05233 Filed 3–5–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10066 and CMS–R–193]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this 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.

1. *Type of Information Collection Request:* Extension. *Title of Information Collection:* Detailed Notice of Discharge (DND). *Use:* When a Medicare beneficiary requests a Quality Improvement Organization review of his/her inpatient hospital discharge, hospitals and Medicare plans have used the DND to provide the beneficiary with a detailed explanation regarding the reason for discharge. *Form Number:* CMS–10066 (OCN 0938–1019). *Frequency:* Yearly. *Affected Public:* Private Sector (business or other for-profit and not-for-profit institutions). *Number of Respondents:* 6,169. *Total Annual Responses:* 12,852. *Total Annual Hours:* 12,852. (For policy questions regarding this collection contact Evelyn Blaemire at 410–786–1803. For all other issues call 410–786–1326.)

2. *Type of Information Collection Request:* Extension. *Title of Information Collection:* Important Message from Medicare (IM). *Use:* Hospitals have used the IM to inform original Medicare, Medicare Advantage, and other Medicare plan beneficiaries who are hospital inpatients about their hospital rights and discharge rights. In particular, the IM provides information about when a beneficiary will and will not be liable for charges for a continued stay in a hospital and offers a detailed description of the Quality Improvement Organization review process. *Form Number:* CMS–R–193 (OCN 0938–0692). *Frequency:* Yearly. *Affected Public:* Private Sector (business or other for-profit and not-for-profit institutions). *Number of Respondents:* 6,169. *Total Annual Responses:* 19,840,000. *Total Annual Hours:* 2,976,000. (For policy questions regarding this collection contact Evelyn Blaemire at 410–786–1803. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *May 6, 2013:*

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number __, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: March 1, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–05176 Filed 3–5–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: ADP & Services Conditions for FFP for ACF.

OMB No.: 0992–0005.

Description: The Advance Planning Document (APD) process, established in the rules at 45 CFR Part 95, Subpart F, is the procedure by which States request and obtain approval for Federal financial participation in their cost of acquiring Automatic Data Processing (ADP) equipment and services. State agencies that submit APD requests provide the Department of Health and Human Services (HHS) with the following information necessary to determine the States' needs to acquire the requested ADP equipment and/or services:

(1) A statement of need;

(2) A requirements analysis and feasibility study;

(3) A procurement plan;

(4) A proposed activity schedule; and,

(5) A proposed budget.

HHS' determination of a State Agency's need to acquire requested ADP equipment or services is authorized at sections 402(a)(5), 452(a)(1), 1902(a)(4) and 1102 of the Social Security Act.

Respondents: States.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
RFP and Contract	4	1.5	4	324
Emergency Funding Request	5	.1	2	1
Biennial Reports	54	1	1.50	81
Advance Planning Document	34	1.2	120	4,896
Operational Advance Planning Document	20	1	30	600
Estimated Total Annual Burden Hours				5,902

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2013–05148 Filed 3–5–13; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0783]

Cheng Yi Liang: Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is issuing an order under the Federal Food, Drug, and Cosmetic Act (the FD&C Act) permanently debarring Cheng Yi Liang, from providing services in any capacity to a person that has an approved or pending drug product application. We base this order on a finding that Mr. Liang was convicted of a felony under Federal law for conduct relating to the development or approval, including the process for the development or approval, of a drug product. Mr. Liang was given notice of the proposed permanent debarment and an opportunity to request a hearing within the timeframe prescribed by regulation. Mr. Liang failed to respond. Mr. Liang's failure to respond constitutes a waiver of his right to a hearing concerning this action.

DATES: This order is effective March 6, 2013.

ADDRESSES: Submit applications for special termination of debarment to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kenny Shade, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–796–4640.

SUPPLEMENTARY INFORMATION:

I. Background

Section 306(a)(2)(A) of the FD&C Act (21 U.S.C. 335a(a)(2)(A)) requires debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for

conduct relating to the development or approval, including the process for development or approval, of any drug product.

On March 5, 2012, the U.S. District Court for the District of Maryland accepted Mr. Liang's plea of guilty and adjudged him guilty of one count of making a false statement to a Federal Agency, a Federal felony offense under 18 U.S.C. 1001 and securities fraud, a Federal felony offense under 15 U.S.C. 78j(b) and 78ff.

FDA's finding that debarment is appropriate is based on the felony conviction for securities fraud referenced herein for conduct relating to the development or approval, including the process for development or approval, of any drug product. The factual basis for this conviction is as follows: Mr. Liang was a chemist for FDA, working in the Center for Drug Evaluation and Research (CDER) at the Office of New Drug Quality Assessment. As a part of his duties with FDA, Mr. Liang had access to the FDA's Document Archiving, Reporting and Regulatory Tracking Systems (DAARTS), which CDER used internally to manage, track, receive and report on new drug applications as well as emerging significant drug safety issues.

Between in or about July 2006 and in or about March 2011, Mr. Liang reviewed the DAARTS system to learn non-public information regarding when an FDA announcement regarding an experimental drug was imminent and to learn the substance of the announcement. Mr. Liang used this non-public information relating to drug approvals to cause the execution of trades on national securities exchanges, resulting in total profits and losses avoided of $3,776,152 during that period of time.

As a result of his conviction, on November 6, 2012, FDA sent Mr. Liang a notice by certified mail proposing to permanently debar him from providing services in any capacity to a person that has an approved or pending drug product application. The proposal was based on a finding, under section 306(a)(2)(A) of the FD&C Act, that Mr. Liang was convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product. The proposal also offered Mr. Liang an opportunity to request a hearing, providing him 30 days from the date of receipt of the letter in which to file the request, and advised him that failure to request a hearing constituted a waiver of the opportunity for a hearing and of any contentions concerning this action. The proposal was received on November 9, 2012. Mr. Liang failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and has waived any contentions concerning his debarment (21 CFR part 12).

II. Findings and Order

Therefore, Associate Commissioner for Regulatory Affairs, Office of Regulatory Affairs, under section 306(a)(2)(A) of the FD&C Act, under authority delegated to the Director (Staff Manual Guide 1410.21), finds that Cheng Yi Liang has been convicted of a felony under Federal law for conduct relating to the development or approval, including the process for development or approval, of a drug product.

As a result of the foregoing finding, Mr. Liang is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under sections 505, 512, or 802 of the FD&C Act (21 U.S.C. 355, 360b, or 382), or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective (see **DATES**) (see sections 306(c)(1)(B), (c)(2)(A)(ii), and 201(dd) of the FD&C Act (21 U.S.C. 335a(c)(1)(B), (c)(2)(A)(ii), and 321(dd))). Any person with an approved or pending drug product application who knowingly employs or retains as a consultant or contractor, or otherwise uses the services of Mr. Liang in any capacity during Mr. Liang's debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act (21 U.S.C. 335b(a)(6))). If Mr. Liang provides services in any capacity to a person with an approved or pending drug product application during his period of debarment, he will be subject to civil money penalties (section 307(a)(7) of the FD&C Act). In addition, FDA will not accept or review any abbreviated new drug applications submitted by or with the assistance of Mr. Liang during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Any application by Mr. Liang for special termination of debarment under section 306(d)(4) of the FD&C Act should be identified with Docket No. FDA–2012–N–0783 and sent to the Division of Dockets Management (see **ADDRESSES**). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j).

Publicly available submissions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 8, 2013.

Melinda K. Plaisier,

Acting Associate Commissioner for Regulatory Affairs, Office of Regulatory Affairs.

[FR Doc. 2013–05160 Filed 3–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0010]

Guidance for Industry and Food and Drug Administration Staff: Investigational Device Exemption Guidance for Retinal Prostheses; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Investigational Device Exemption (IDE) Guidance for Retinal Prostheses.'' This guidance document describes FDA's recommendations for clinical investigations of medical devices indicated for the treatment of visual impairments resulting from retinal diseases.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''Investigational Device Exemption (IDE) Guidance for Retinal Prostheses'' to the Division of Small Manufacturers, International and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the 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. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: For pre-clinical concerns:

Ethan D. Cohen, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 62, rm. 1204, Silver Spring, MD 20993–0002, 301–796–2485;

For clinical concerns:

Bernard P. Lepri, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 2404, Silver Spring, MD 20993–0002, 301–796–6501.

SUPPLEMENTARY INFORMATION:

I. Background

This guidance addresses the investigation of medical devices intended to manage permanent vision impairment resulting from ocular pathology such as retinitis pigmentosa. Vision impairment, or low vision, is vision that is not correctable to normal levels by spectacles, contact lenses, medications, surgery, or other techniques and devices. It is irreversible loss of vision due to disease, not refractive errors (myopia, astigmatism, presbyopia). This guidance is intended to assist device manufacturers who plan to conduct clinical investigations of devices indicated for the treatment of vision impairment in support of premarket approval (PMA) applications, humanitarian device exemptions, or premarket notification (510(k)) submissions. The guidance describes FDA's recommendations for human clinical trials that involve the use of any type of retinal prosthesis device, including, but not limited to, visual prosthetic devices implanted on or beneath the retina, and those on or beneath the outer surface of the globe that use electrical stimulation to provide some level of visual perception for persons suffering from degenerative retinal conditions. This document does not apply to prostheses that stimulate the optic nerve or other higher brain areas such as the visual cortex or the lateral geniculate nucleus.

In the **Federal Register** of April 17, 2009 (74 FR 17872), FDA announced the availability of the draft guidance. Comments on the draft guidance were due by July 16, 2009. Six comments were received with each comment making multiple recommendations on changes to the content of the guidance document. The comments included recommended changes to primary, secondary, and functional vision endpoints and changes to the recommended clinical study design. In response to these comments, FDA has clarified the appropriate context for recommended endpoints and a sponsor's options with respect to use of a given endpoint. FDA also revised and clarified the recommendation regarding use of sham controls.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on IDE applications for retinal prostheses. 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 statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* To receive ''Investigational Device Exemption (IDE) Guidance for Retinal Prostheses,'' you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1809 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 812 have been approved under OMB control number 0910–0078; collections of information in part 814 (21 CFR part 814), subpart H, have been approved under OMB control number 0910–0332; collections of information in 21 CFR 56.115 have been approved under OMB control number 0910–0130; and collections of information in part 814, subpart E, have been approved under OMB control number 0910–0231.

V. Comments

Interested persons may submit either written comments regarding this document to the Division of Dockets Management (see **ADDRESSES**), or electronic comments to *http://www.regulations.gov.* It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: February 28, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–05125 Filed 3–5–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request: A Generic Submission for Formative Research, Pretesting, and Customer Satisfaction of NCI's Communication and Education Resources (NCI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on January 2, 2013 (Volume 78, Page 105) and allowed 60-days for public comment. Two public comments were received and responded to. The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), the National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

DATES: *Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection

plans and instruments, contact: Nina Goodman, Public Health Advisor, Office of Communications and Education (OCE), NCI, NIH, 6116 Executive Blvd., Suite 400, Rockville, MD 20892, call non-toll-free number (301) 435–7789 or email your request, including your address to: *goodmann@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: A Generic Submission For Formative Research, Pretesting, and Customer Satisfaction of NCI's Communication and Education Resources, 0925–0046, Expiration Date 2/28/2013, Reinstatement without Change, National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: In order to carry out NCI's legislative mandate to educate and disseminate information about cancer prevention, detection, diagnosis, and treatment to a wide variety of audiences and organizations, it is beneficial for NCI through its Office of Communications and Education (OCE), to pretest NCI communications strategies, concepts, and messages while they are under development. This pretesting, or formative evaluation, helps ensure that the messages, communication materials, and information services created by NCI have the greatest capacity of being received, understood, and accepted by their target audiences. Since NCI's OCE is also responsible for the design, implementation, and evaluation of education programs over the entire cancer continuum, and management of NCI initiatives that address specific challenges in cancer research and treatment, it is also necessary to ensure that customers are satisfied with programs. This customer satisfaction research helps ensure the relevance, utility, and appropriateness of the many educational programs and products that OCE and NCI produce. OCE will use a variety of qualitative (focus groups, interviews) and quantitative (paper, phone, in-person, and web surveys) methodologies to conduct this formative and customer satisfaction research, allowing NCI to: (1) Understand characteristics (attitudes, beliefs, and behaviors) of the intended target audience and use this information in the development of effective communication tools and strategies; (2) use a feedback loop to help refine, revise, and enhance messages, materials, products, and programs—ensuring that they have the greatest relevance, utility, appropriateness, and impact for/to target audiences; and (3) expend limited program resource dollars wisely and effectively. The participants may include, but are not limited to, cancer patients, their families, the general public, health providers, the media, voluntary groups, scientific and medical organizations (affected public could include individuals or households; businesses or other for profit; not-for-profit institutions; and Federal Government; State, Local, or Tribal Government).

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated burden, over three years for this generic request are 6,600 hours.

3-YEAR ESTIMATED BURDEN HOURS (GENERIC REQUEST)

Category of respondents	Form name	Number of respondents	Frequency of response per respondent	Time per response (in hours)	Burden hours
Individuals, Households, Local, State, and Federal Governments, and Private Sector.	Focus Groups, Individual In-Depth Interviews, Brief Interviews, Surveys, Website Usability Testing.	33,000	1	12/60	6,600

Dated: February 27, 2013.

Vivian Horovitch-Kelley,

NCI Project Clearance Liaison, NCI, NIH.

[FR Doc. 2013–05164 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Multigenic Disease Models.

Date: March 20, 2013.

Time: 9:00 a.m. to 11:00 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Cathy J. Wedeen, Ph.D., Scientific Review Officer, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01–G, Bethesda, MD 20892, 301–435–6878, *wedeenc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05109 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Approaches to Fragile X Therapeutics.

Date: March 29, 2013.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Cathy J. Wedeen, Ph.D., Scientific Review Officer, Division of Scientific Review, OD, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01–G, Bethesda, MD 20892, 301–435–6878, *wedeenc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05107 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Medical Imaging Investigations.

Date: March 25–26, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: HIV Cell Entry.

Date: March 27–28, 2013.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.

Date: March 28–29, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Allerton Hotel Chicago, 701 North Michigan Avenue, Chicago, IL 60611.

Contact Person: Kristin Kramer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5205, MSC 7846, Bethesda, MD 20892, (301) 437–0911, *kramerkm@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–RM12–012: Extracellular RNA Biogenesis.

Date: March 28–29, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Manzoor Zarger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6208, MSC 7804, Bethesda, MD 20892, (301) 435–2477, *zargerma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: ODCS–MTE.

Date: March 28–29, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Jo Pelham, BA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892, (301) 435–1786, *pelhamj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: March 28–29, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Atherosclerosis and Vascular Dysfunction.

Date: March 28, 2013.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6183, MSC 7804, Bethesda, MD 20892, 301–495–1213, *espinozala@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Neuroscience of Channels and Receptors.

Date: March 28, 2013.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Basic Immunological Sciences.

Date: March 28, 2013.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Patrick K Lai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 28, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05111 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Notice of Diabetes Mellitus Interagency Coordinating Committee Meeting

SUMMARY: The Diabetes Mellitus Interagency Coordinating Committee (DMICC) will hold a meeting on March 28, 2013, focusing on ''Federal Initiatives to Address Gestational Diabetes Mellitus.'' The meeting is open to the public.

DATES: The meeting will be held on March 28, 2013 from 1:30 to 4:30 p.m. Individuals wanting to present oral comments must notify the contact person at least 10 days before the meeting date.

ADDRESSES: The meeting will be held at the Natcher Conference Center (Building 45) on the NIH Campus at 45 Center Drive, Bethesda, MD 20892.

FOR FURTHER INFORMATION CONTACT: For further information concerning this meeting, see the DMICC Web site, *www.diabetescommittee.gov,* or contact Dr. B. Tibor Roberts, Executive Secretary of the Diabetes Mellitus Interagency Coordinating Committee, National Institute of Diabetes and Digestive and Kidney Diseases, 31 Center Drive, Building 31A, Room 9A19, MSC 2560, Bethesda, MD 20892–2560, telephone: 301–496–6623; FAX: 301–480–6741; email: *dmicc@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: The DMICC, chaired by the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), is comprised of members of the Department of Health and Human Services and other federal agencies that support diabetes-related activities, facilitates cooperation, communication, and collaboration on diabetes among government entities. DMICC meetings, held several times a year, provide an opportunity for Committee members to learn about and discuss current and future diabetes programs in DMICC member organizations and to identify opportunities for collaboration. The March 28, 2013 DMICC meeting will focus on ''Federal Initiatives to Address Gestational Diabetes Mellitus.''

Any member of the public interested in presenting oral comments to the Committee should notify the contact person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives or organizations should submit a letter of intent, a brief description of the organization represented, and a written copy of their oral presentation in advance of the meeting. Only one representative of an organization will be allowed to present; oral comments and presentations will be limited to a maximum of 5 minutes. Printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding their statement to the contact person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person. Because of time constraints for the meeting, oral comments will be allowed on a first-come-first-served basis.

Members of the public who would like to receive email notification about future DMICC meetings should register for the listserv available on the DMICC Web site, *www.diabetescommittee.gov.*

Dated: February 28, 2013.

B. Tibor Roberts,

Executive Secretary, DMICC, Office of Scientific Program and Policy Analysis, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health.

[FR Doc. 2013–05163 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Genomic Sequencing and Newborn Screening Disorders.

Date: April 3–4, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Holiday Inn Express, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: David H. Weinberg, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Rockville, MD 20852, 301–435–6973, *David.Weinberg@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05105 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Strategic Alliances for Medications Development to Treat Substance Use Disorders (R01).

Date: March 20, 2013.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jose F. Ruiz, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, Room 4228, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, (301) 451–3086, *ruizjf@nida.nih.gov*.

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05101 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Studies on Environmental Health Concerns from Superstorm Sandy.

Date: April 2–3, 2013.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709, (Virtual Meeting).

Contact Person: Sally Eckert-Tilotta, Ph.D., Scientific Review Administrator, National Institute of Environmental Health Sciences, Office of Program Operations, Scientific Review Branch, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541–1446, *eckertt1@niehs.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 28, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05100 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Ad Health Continuation.

Date: April 3, 2013.

Time: 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Carla T. Walls, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–7510, 301–435–6898, *wallsc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05104 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Impact of progestin contraception on risk of HIV acquisition and transmission.

Date: April 4, 2013.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Boulevard, Rockville, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05103 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended (5 U.S.C. App), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; International Research and Training Support Program (1151).

Date: April 4, 2013.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Synthesis and Distribution of Drugs of Abuse and Related Compounds (7784).

Date: April 11, 2013.

Time: 10:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 435–1439, *lf33c.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Feasibility of Development of RNAi-based Therapeutics for Treatment of HIV and HCV Infections in Drug Abusing Populations (8907).

Date: April 16, 2013.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Minna Liang, Ph.D., Scientific Review Officer, Grants Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4226, MSC 9550, Bethesda, MD 20892–9550, 301–435–1432, *liangm@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05102 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; NHLBI K Career Development Award Application Review.

Date: March 26, 2013.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Stephanie J Webb, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7196, Bethesda, MD 20892, 301–435–0291, *stephanie.webb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05110 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Prevention of HIV Transmission/Acquisition Through a Better Understanding of Reproductive Health (R03).

Date: March 28–29, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Rita Anand, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS

Dated: February 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–05108 Filed 3–5–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Substance Abuse Prevention and Treatment Block Grant Synar Report Format, FFY 2014–2016—(OMB No. 0930–0222)—Revision

Section 1926 of the Public Health Service Act [42 U.S.C. 300x–26] stipulates that funding Substance Abuse Prevention and Treatment Block Grant (SABG) agreements for alcohol and drug abuse programs for fiscal year 1994 and subsequent fiscal years require states to have in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18. This section further requires that states conduct annual, random, unannounced inspections to ensure compliance with the law; that the state submit annually a report describing the results of the inspections, the activities carried out by the state to enforce the required law, the success the state has achieved in reducing the availability of tobacco products to individuals under the age of 18, and the strategies to be utilized by the state for enforcing such law during the fiscal year for which the grant is sought.

Before making an award to a State under the SABG, the Secretary must make a determination that the state has maintained compliance with these requirements. If a determination is made that the state is not in compliance, penalties shall be applied. Penalties ranged from 10 percent of the Block Grant in applicable year 1 (FFY 1997 SABG Applications) to 40 percent in applicable year 4 (FFY 2000 SABG Applications) and subsequent years. Respondents include the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

Regulations that implement this legislation are at 45 CFR 96.130, are approved by OMB under control number 0930–0163, and require that each state submit an annual Synar report to the Secretary describing their progress in complying with section 1926 of the PHS Act. The Synar report, due December 31 following the fiscal year for which the state is reporting, describes the results of the inspections and the activities carried out by the state to enforce the required law; the success the state has achieved in reducing the availability of tobacco products to individuals under the age of 18; and the strategies to be utilized by the state for enforcing such law during the fiscal year for which the grant is sought. SAMHSA's Center for Substance Abuse Prevention will request OMB approval of revisions to the current report format associated with Section 1926 (42 U.S.C. 300x–26). The report format is not changing significantly. Any changes in either formatting or content are being made to simplify the reporting process for the states and to clarify the information as the states report it; both outcomes will facilitate consistent, credible, and efficient monitoring of Synar compliance across the states. All of the information required in the new report format is already being collected by the states. Specific changes are listed below:

Clarification Changes

To decrease the need for supplemental questions and reporting, additional instruction has been included in 4 portions of the report.

In Section I (Compliance Progress), the following clarification changes are being made with respect to the Annual Synar Report:

Question 1c: Changes to State law—This question, which was formerly Question 1d, asks about changes to state youth access to tobacco laws and has been edited to include an option for changes to state law concerning vending machines. The former Question 1c, which contained detailed information about types of changes to vending machine laws has been eliminated due to the fact that the Family Smoking Prevention and Tobacco Control Act, which gives the Food and Drug Administration (FDA) the authority to regulate tobacco products, banned vending machines in youth accessible locations as of June 2010, making it unlikely that states that have not done so already will enact similar state laws. However, there are three U.S. jurisdictions not subject to federal law that may still enact vending machine restrictions and can report this information in the new Question 1c.

Questions 5a, 5b, and 5d: Enforcement Agencies, Evidence of Enforcement and Frequency of Enforcement—These questions have been clarified so it is clear that they refer to enforcement of state youth access laws, and not federal youth access laws.

In Section II (Intended Use), the following clarification change is being made:

Question 3—State Challenges: This question includes two new response options (''Issues regarding the age balance of youth inspectors'' and ''Issues regarding the gender balance of youth inspectors'') since these are common challenges reported by states. While CSAP had originally recommended adding one new response option, the recommended response option was split into two based on feedback received during the sixty day comment period.

In Appendix B (Synar Survey Sampling Methodology), the following clarification is being made:

Question 4—Vending machine inclusion in Synar Survey—This question, which asks if vending machines are included in the Synar survey and the reasons for their elimination if they are not included, includes a new response option (''State has a contract with the FDA and is actively enforcing the vending machine requirements of the Family Smoking Prevention and Tobacco Control Act''). This new option is included because federal law bans vending machines in youth accessible locations and states that are contracted with the FDA to enforce this provision are not required to include vending machines in their Synar surveys.

In Appendix C (Synar Survey Inspection Protocol), the following change is being made:

Question 1—Synar Survey Protocol—This question, which asks about aspects of the state's Synar survey protocol (including whether buys are consummated or unconsummated, whether youth inspectors carry identification, whether adult inspectors enter the outlet with the youth, and whether youth inspectors are compensated), has been edited to remove the option for ''Not specified in protocol'' since all states are required to submit Synar protocols that include these items. Additionally, a requirement for states to provide a narrative explanation has been included for those states who choose the response option

''Permitted under specified circumstances.''

Content Changes

The content of the Synar Report has changed little. The content changes that have been made address the need to (1) clarify the intent of information requested via the addition of clarifying questions, (2) reduce the need for Government Project Officers to ask additional questions to supplement the originally submitted Report. These additions and changes are essential to SAMHSA's ability to adequately assess state and jurisdictional compliance with the Synar regulation.

In Section I (Compliance Progress), the following changes are being made with respect to the Annual Synar Report:

Questions 4d–g—Coordination with Agency that Receives the FDA State Enforcement Contract—These close-ended questions ask the state to list the agency that is under contract to the FDA to enforce federal youth access laws, to describe the relationship between the state's Synar program and this agency, and to identify if the state uses data from the FDA enforcement inspections for the Synar survey. They have been added to replace the previously open-ended Question 5g, which required a narrative response. These close-ended questions will focus state responses.

In Appendix B (Synar Survey Sampling Methodology), the following changes are being made:

Questions 9a–b—Synar Survey Estimation System Sample Size (SSES) Calculator—These questions, which ask if the state used the SSES sample size calculator and if so, if they used the state or stratum level calculator, will eliminate the need for Government Project Officers to ask these clarifying questions during the review process. This revision also eliminates the need for those states who use the SSES sample size calculator to manually list the sample size formulas.

Question 10b—Stratum Level Information—This question, which asks states who used the stratum level calculator to provide the stratum level information, eliminates the need for Government Project Officers to ask this clarifying question during the review process.

In Appendix C (Synar Survey Inspection Protocol), the following change is being made:

Questions 4a–b—Type of Tobacco Products—These questions, which ask the state to define the type of tobacco products requested during Synar inspections and to describe the protocol for tobacco type selection, have been added to Appendix C. They have been added to provide additional information about state Synar protocols, which is frequently requested by partner agencies and can also be used to target technical assistance.

There are no changes to Forms 1–5 or Appendix D.

ANNUAL REPORTING BURDEN

45 CFR Citation	Number of respondents [1]	Responses per respondents	Total number of responses	Hours per response	Total hour burden
Annual Report (Section 1—States and Territories) 96.130(e)(1–3)	59	1	59	15	885
State Plan (Section II—States and Territories) 96.130(e)(4,5), 96.130(g)	59	1	59	3	177
Total	59				1,062

[1] Red Lake Indian Tribe is not subject to tobacco requirements.

Written comments and recommendations concerning the proposed information collection should be sent by April 5, 2013 to the SAMHSA Desk Officer at the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). To ensure timely receipt of comments, and to avoid potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov.* Although commenters are encouraged to send their comments via email, commenters may also fax their comments to: 202–395–7285. Commenters may also mail them to: Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building, Room 10102, Washington, DC 20503.

Summer King,

Statistician.

[FR Doc. 2013–05098 Filed 3–5–13; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1297]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local

circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Oklahoma:						
Tulsa	City of Jenks (12–06–3225P).	Mr. Mike Tinker, Manager, City of Jenks, P.O. Box 2007, Jenks, OK 74037.	211 North Elm Street, Jenks, OK 74037.	*http://www.rampp-team.com/lomrs.htm.*	April 12, 2013	400209
Tulsa	City of Tulsa (12–06–4004P).	The Honorable Dewey F. Bartlett, Jr., Mayor, City of Tulsa, 175 East 2nd Street, Suite 690, Tulsa, OK 74103.	Stormwater Design Office, 2317 South Jackson, Suite 302, Tulsa, OK 74107.	*http://www.rampp-team.com/lomrs.htm.*	April 26, 2013	405381
Texas:						
Bexar	City of San Antonio (12–06–4032P).	The Honorable Julian Castro, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	*http://www.rampp-team.com/lomrs.htm.*	April 18, 2013	480045
Bexar	Unincorporated areas of Bexar County (12–06–2059P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos Street-La Trinidad, Suite 420, San Antonio, TX 78207.	*http://www.rampp-team.com/lomrs.htm.*	April 17, 2013	480035
Ellis	City of Waxahachie (12–06–0792P).	The Honorable Buck Jordan, Mayor, City of Waxahachie, 401 South Rogers Street, Waxahachie, TX 75165.	City Hall, 401 South Rogers Street, Waxahachie, TX 75165.	*http://www.rampp-team.com/lomrs.htm.*	March 7, 2013	480211
Tarrant	City of Fort Worth (12–06–2292P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	1000 Throckmorton Street, Fort Worth, TX 76102.	*http://www.rampp-team.com/lomrs.htm.*	March 1, 2013	480596
Virginia:						
Loudoun	Unincorporated areas of Loudoun County (12–03–1200P).	The Honorable Scott K. York, Chairman at Large, Loudoun County Board of Supervisors, 1 Harrison Street South East, 5th Floor, Mailstop 1, Leesburg, VA 20175.	Loudoun County Building and Development Department, 1 Harrison Street South East, Leesburg, VA 20175.	*http://www.rampp-team.com/lomrs.htm.*	April 18, 2013	510090

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
City of Virginia Beach.	City of Virginia Beach (12–03–2078P).	The Honorable William D. Sessoms, Jr., Mayor, City of Virginia Beach, City Hall, Building 1, 2401 Courthouse Drive, Virginia Beach, VA 23456.	Department of Public Works, Municipal Center, Building 2, 2405 Courthouse Drive, Virginia Beach, VA 23456.	*http://www.rampp-team.com/lomrs.htm.*	April 11, 2013	515531

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05187 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1298]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Alabama:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Mobile	City of Prichard (12–04–4608P).	The Honorable Ron Davis, Mayor, City of Prichard, 216 East Prichard Avenue, Prichard, AL 36610.	City Hall, 216 East Prichard Avenue, Prichard, AL 36610.	*http://www.bakeraecom.com/index.php/alabama/mobile/.*	April 29, 2013	010170
Shelby	City of Alabaster (13–04–0812P).	The Honorable Marty Handlon, Mayor, City of Alabaster, City Hall, 201 1st Street North, Alabaster, AL 35007.	Building Safety Department, 200 Depot Street, Alabaster, AL 35007.	*http://www.bakeraecom.com/index.php/alabama/shelby-2/.*	May 1, 2013	010192
Tuscaloosa ..	City of Tuscaloosa (12–04–4271P).	The Honorable Walter Maddox, Mayor, City of Tuscaloosa, 2201 University Boulevard, Tuscaloosa, AL 35401.	Engineering Department, 2201 University Boulevard, Tuscaloosa, AL 35401.	*http://www.bakeraecom.com/index.php/alabama/tuscaloosa/.*	May 10, 2013	010203
California:						
Riverside	City of Corona (12–09–1650P).	The Honorable Jason Scott, Mayor, City of Corona, 400 South Vicentia Avenue, Corona, CA 92882.	Public Works Department, 400 South Vicentia Avenue, Corona, CA 92882.	*http://www.r9map.org/Docs/12-09-1650P-060250-102DA.pdf.*	May 3, 2013	060250
Riverside	City of Indian Wells (12–09–3142P).	The Honorable Douglas H. Hanson, Mayor, City of Indian Wells, 44-950 Eldorado Drive, Indian Wells, CA 92210.	City Hall, 44–950 Eldorado Drive, Indian Wells, CA 92210.	*http://www.r9map.org/Docs/12-09-3142P-060254-102DA.pdf.*	May 2, 2013	060254
Riverside	City of Norco (12–09–1650P).	The Honorable Kathy Azevedo, Mayor, City of Norco, 2870 Clark Avenue, Norco, CA 92860.	City Hall, 2870 Clark Avenue, Norco, CA 92860.	*http://www.r9map.org/Docs/12-09-1650P-060256-102IAC.pdf.*	May 3, 2013	060256
San Bernardino.	City of Victorville (12–09–2880P).	The Honorable Jim Cox, Mayor, City of Victorville, P.O. Box 5001, Victorville, CA 92393.	City Hall, Planning Department, 14343 Civic Drive, Victorville, CA 92393.	*http://www.r9map.org/Docs/12-09-2880P-065068-102IAC.pdf.*	May 3, 2013	065068
Colorado:						
Mesa	Unincorporated areas of Mesa County (12–08–0541P).	The Honorable Craig J. Meis, Chairman, Mesa County Board of Commissioners, P.O. Box 20000, Grand Junction, CO 81502.	Mesa County Combined Services Department, 200 South Spruce Street, Grand Junction, CO 81501.	*http://www.bakeraecom.com/index.php/colorado/mesa/.*	May 2, 2013	080115
Weld	Town of Frederick (12–08–0198P).	The Honorable Tony Carey, Mayor, Town of Frederick, P.O. Box 435, Frederick, CO 80530.	Planning Department, 401 Locust Street, Frederick, CO 80530.	*http://www.bakeraecom.com/index.php/colorado/weld/.*	April 15, 2013	080244
Weld	Unincorporated areas of Weld County (12–08–0198P).	The Honorable Sean Conway, Chairman, Weld County Board of Commissioners, P.O. Box 758, Greeley, CO 80632.	Weld County Public Works Department, 1111 H Street, Greeley, CO 80632.	*http://www.bakeraecom.com/index.php/colorado/weld/.*	April 15, 2013	080266
Florida:						
Broward	Town of Hollywood (12–04–8174P).	The Honorable Peter J. M. Bober, Mayor, City of Hollywood, P.O. Box 229045, Hollywood, FL 33022.	City Hall, 2600 Hollywood Boulevard, Hollywood, FL 33020.	*http://www.bakeraecom.com/index.php/florida/broward/.*	April 26, 2013	125113
Collier	City of Marco Island (12–04–5498P).	The Honorable Joseph R. Batte, Chairman, Marco Island City Council, 50 Bald Eagle Drive, Marco Island, FL 34145.	Planning Department, 50 Bald Eagle Drive, Marco Island, FL 34145.	*http://www.bakeraecom.com/index.php/florida/collier/.*	May 3, 2013	120426
Collier	City of Naples (12–04–5497P).	The Honorable John F. Sorey, III, Mayor, City of Naples, 735 8th Street South, Naples, FL 34102.	Building Department, 295 Riverside Circle, Naples, FL 34102.	*http://www.bakeraecom.com/index.php/florida/collier/.*	April 19, 2013	125130
Lee	Unincorporated areas of Lee County (12–04–7939P).	The Honorable Cecil L. Pendergrass, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, 2nd Floor, Fort Myers, FL 33901.	*http://www.bakeraecom.com/index.php/florida/lee-5/.*	May 3, 2013	125124

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Orange	City of Orlando (12–04–4951P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32808.	Permitting Services Department, 400 South Orange Avenue, Orlando, FL 32301.	*http://www.bakeraecom.com/index.php/florida/orange-2/.*	May 3, 2013	120186
Kentucky:						
Anderson	City of Lawrenceburg (12–04–1822P).	The Honorable Edwinna Baker, Mayor, City of Lawrenceburg, P.O. Box 290, Lawrenceburg, KY 40342.	Codes Enforcement Department, 100 North Main Street, Lawrenceburg, KY 40342.	*http://www.bakeraecom.com/index.php/kentucky/anderson-3/.*	May 8, 2013	210003
Fayette	Lexington-Fayette Urban County Government (12–04–4610P).	The Honorable James P. Gray, II, Mayor, Lexington-Fayette Urban County Government, 200 East Main Street, Lexington, KY 40507.	Lexington-Fayette Urban County Government Center, 200 East Main Street, Lexington, KY 40507.	*http://www.bakeraecom.com/index.php/kentucky/fayette/.*	April 8, 2013	210067
Nevada: Clark	Unincorporated areas of Clark County (13–09–0072P).	The Honorable Susan Brager, Chair, Clark County Board of Commissioners, 500 South Grand Central Parkway, Las Vegas, NV 89155.	Public Works Department, 500 South Grand Central Parkway, Las Vegas, NV 89155.	*http://www.r9map.org/Docs/13-09-0072P-320003-102IC.pdf.*	April 1, 2013	320003

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05190 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Arkansas: Benton, (FEMA Docket No.: B–1274).	City of Centerton (12–06–2356P).	The Honorable Bill Edwards, Mayor, City of Centerton, P.O. Box 208, Centerton, AR 72719.	City Hall, 290 Main Street, Centerton, AR 72719.	December 6, 2012	050399
Florida: Nassau, (FEMA Docket No.: B–1274).	Unincorporated areas of Nassau County (12–04–3609P).	The Honorable Daniel B. Leeper, Chairman, Nassau County Board of Commissioners, 96135 Nassau Place, Suite 1, Yulee, FL 32097.	96135 Nassau Place, Yulee, FL 32097.	December 20, 2012	120170
Minnesota: Hennepin, (FEMA Docket No.: B–1274).	City of Crystal (12–05–1144P).	The Honorable ReNae Bowman, Mayor, City of Crystal, 4141 Douglas Drive North, Crystal, MN 55422.	City Hall, 4141 Douglas Drive North, Crystal, MN 55422.	December 24, 2012	270156
New Mexico: Bernalillo, (FEMA Docket No.: B–1274).	City of Albuquerque (12–06–1889P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development and Building Services Division, 600 2nd Street Northwest, Suite 201, Albuquerque, NM 87102.	November 29, 2012	350002
Oklahoma: Creek, (FEMA Docket No.: B–1274).	Town of Kiefer (12–06–0981P).	The Honorable West Ashford, Mayor, Town of Kiefer, P.O. Box 369, Kiefer, OK 74041.	City Hall, 401 East Indiana Avenue, Kiefer, OK 74041.	December 24, 2012	400393
Pennsylvania: Dauphin, (FEMA Docket No.: B–1274).	Township of Susquehanna (12–03–0513P).	The Honorable Frank Lynch, President, Township of Susquehanna Board of Commissioners, 1900 Linglestown Road, Harrisburg, PA 17110.	Susquehanna Township, 1900 Linglestown Road, Harrisburg, PA 17110.	December 24, 2012	420397
Texas:					
Bexar, (FEMA Docket No.: B–1274).	City of San Antonio (12–06–0886P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	December 6, 2012	480045
Bexar, (FEMA Docket No.: B–1274).	City of San Antonio (12–06–0595P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 West Commerce Street, 7th Floor, San Antonio, TX 78205.	December 13, 2012	480045
Bexar, (FEMA Docket No.: B–1274).	Unincorporated areas of Bexar County (12–06–1452P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Public Works Department, 233 North Pecos-La Trinidad, Suite 420, San Antonio, TX 78207.	December 6, 2012	480035
Collin, (FEMA Docket No: B–1274).	City of McKinney (11–06–4743P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, 222 North Tennessee Street, McKinney, TX 75069.	City Hall, 222 North Tennessee Street, McKinney, TX 75069.	December 21, 2012	480135
Collin, (FEMA Docket No: B–1274).	City of Weston (11–06–4743P).	The Honorable Patti Harrington, Mayor, City of Weston, 301 Main Street, Weston, TX 75097.	City Hall, 210 South McDonald Street, McKinney, TX 75069.	December 21, 2012	481324
Collin, (FEMA Docket No: B–1274).	Unincorporated areas of Collin County (11–06–4743P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Department of Public Works, 210 South McDonald Street, McKinney, TX 75069.	December 21, 2012	480130
Dallas, (FEMA Docket No.: B–1274).	City of Coppell (11–06–4512P).	The Honorable Karen Hunt, Mayor, City of Coppell, 255 Parkway Boulevard, Coppell, TX 75019.	City Engineering Department, 255 Parkway Boulevard, Coppell, TX 75019.	December 10, 2012	480170
Dallas and Denton, (FEMA Docket No: B–1274).	City of Lewisville (11–06–4512P).	The Honorable Dean Ueckert, Mayor, City of Lewisville, 151 West Church Street, Lewisville, TX 75029.	City Hall, 1197 West Main Street, Lewisville, TX 75067.	December 10, 2012	480195
Dallas, Denton and Tarrant, (FEMA Docket No.: B–1274).	Town of Flower Mound (11–06–4512P).	The Honorable Tom Hayden, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Town Hall, 2121 Cross Timbers Road, Flower Mound, TX 75028.	December 10, 2012	480777
Denton, (FEMA Docket No.: B–1274).	Town of Cross Roads (12–06–0686P).	The Honorable Steve Smith, Mayor, Town of Cross Roads, 1401 Farm to Market Road 424, Cross Roads, TX 76227.	Town Hall, 1401 Farm to Market Road 424, Cross Roads, TX 76227.	December 10, 2012	481513
Denton, (FEMA Docket No.: B–1274).	Unincorporated areas of Denton County (12–06–0686P).	The Honorable Mary Horn, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Government Center, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	December 10, 2012	480774
Denton and Tarrant, (FEMA Docket No: B–1274).	City of Grapevine (11–06–4512P).	The Honorable William D. Tate, Mayor, City of Grapevine, P.O. Box 95104, Grapevine, TX 76099.	City Hall, 200 South Main Street, Grapevine, TX 76051.	December 10, 2012	480598
Harris, (FEMA Docket No.: B–1274).	City of Pearland (12–06–1209P).	The Honorable Tom Reid, Mayor, City of Pearland, 3519 Liberty Drive, Pearland, TX 77581.	3519 Liberty Drive, Pearland, TX 77581.	November 8, 2012	480077
Travis, (FEMA Docket No.: B–1274).	City of Austin (11–06–4564P).	The Honorable Lee Leffingwell, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	Watershed Protection Department, 505 Barton Springs Road, 12th Floor, Austin, TX 78704.	December 3, 2012	480624
Travis, (FEMA Docket No.: B–1274).	City of Austin (12–06–1380P).	The Honorable Lee Leffingwell, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	Watershed Protection Department, 505 Barton Springs Road, 12th Floor, Austin, TX 78704.	December 10, 2012	480624
Wilson, (FEMA Docket No.: B–1274).	Unincorporated areas of Wilson County (12–06–2559P).	The Honorable Marvin Quinney, Wilson County Judge, 1103 4th Street, Floresville, TX 78114.	1420 3rd Street, Floresville, TX 78114.	December 20, 2012	480230

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Virginia					
Arlington, (FEMA Docket No.: B–1274).	Unincorporated areas of Arlington County (12–03–0954P).	The Honorable Mary Hughes Hynes, Chairman, Arlington County Board, 2100 Clarendon Boulevard, Arlington, VA 22201.	2100 Clarendon Boulevard, Arlington, VA 22201.	December 17, 2012	515520
Henrico, (FEMA Docket No.: B–1274).	Unincorporated areas of Henrico County (12–03–0257P).	The Honorable Frank J. Thornton, Chairman, Henrico County Board of Supervisors, P.O. Box 90775, Henrico, VA 23273.	Henrico County Courthouse. 4301 East Parham Road, Richmond, VA 23229.	December 12, 2012	510077

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05194 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: New or modified Base (1% annual-chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or the regulatory floodway (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: The effective date for each LOMR is indicated in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard determinations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

These new or modified flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

These new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Alabama:					
Jefferson (FEMA Docket No.: B–1277).	City of Pinson (12–04–3890P).	The Honorable Hoyt Sanders, Mayor, City of Pinson, City Hall, 4410 Main Street, Pinson, AL 35126.	City Hall, 4410 Main Street, Pinson, AL 35126.	December 17, 2012	010447
Jefferson (FEMA Docket No.: B–1277).	Unincorporated areas of Jefferson County (12–04–3890P).	The Honorable David Carrington, President, Jefferson County Commission, 716 Richard Arrington, Jr., Boulevard North, Birmingham, AL 35203.	Jefferson County Courthouse, Land Development Office, 716 North 21st Street, Room 202A, Birmingham, AL 35263.	December 17, 2012	010217
Mobile (FEMA Docket No.: B–1277).	City of Mobile (12–04–4167P).	The Honorable Samuel L. Jones, Mayor, City of Mobile, P.O. Box 1827, Mobile, AL 36633.	City Hall, Engineering Department, 205 Government Street, 3rd Floor, Mobile, AL 36644.	December 28, 2012	015007

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Arizona:					
Pinal (FEMA Docket No.: B–1277).	Unincorporated areas of Pinal County (12–09–1236P).	The Honorable David Snider, Chairman, Pinal County Board of Supervisors, P.O. Box 827, Florence, AZ 85132.	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85232.	January 7, 2013	040077
Yavapai (FEMA Docket No.: B–1277).	Town of Camp Verde (12–09–1430P).	The Honorable Bob Burnside, Mayor, Town of Camp Verde, 473 South Main Street, Suite 102, Camp Verde, AZ 86322.	Town Clerk's Office, 473 South Main Street, Room 102, Camp Verde, AZ 86322.	December 31, 2012	040131
California:					
San Diego (FEMA Docket No.: B–1277).	City of Oceanside (12–09–1206P).	The Honorable Jim Wood, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, Planning Department, 300 North Coast Highway, Oceanside, CA 92054.	December 31, 2012	060294
San Diego (FEMA Docket No.: B–1277).	City of San Diego (12–09–2141P).	The Honorable Jerry Sanders, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Executive Complex, 1010 2nd Avenue, Suite 100, San Diego, CA 92101.	December 17, 2012	060295
Colorado:					
Denver (FEMA Docket No.: B–1277).	City and County of Denver (12–08–0474P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Public Works Department, 201 West Colfax Avenue, Denver, CO 80202.	December 17, 2012	080046
Denver (FEMA Docket No.: B–1277).	City and County of Denver (12–08–0552P).	The Honorable Michael B. Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Suite 350, Denver, CO 80202.	Public Works Department, 201 West Colfax Avenue, Denver, CO 80202.	December 17, 2012	080046
El Paso (FEMA Docket No.: B–1277).	City of Colorado Springs (12–08–0168P).	The Honorable Stephen G. Bach, Mayor, City of Colorado Springs, 30 South Nevada Avenue, Suite 601, Colorado Springs, CO 80903.	City Administration Department, 30 South Nevada Avenue, Colorado Springs, CO 80903.	January 4, 2013	080060
El Paso (FEMA Docket No.: B–1277).	Unincorporated areas of El Paso County (12–08–0168P).	The Honorable Amy Lathen, Chair, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910.	January 4, 2013	080059
Florida:					
Monroe (FEMA Docket No.: B–1277).	Village of Islamorada (12–04–3438P).	The Honorable Ken Philipson, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Village Hall, 87000 Overseas Highway, Islamorada, FL 33036.	December 31, 2012	120424
Orange (FEMA Docket No.: B–1277).	City of Orlando (12–04–2707P).	The Honorable Buddy Dyer, Mayor, City of Orlando, P.O. Box 4990, Orlando, FL 32808.	Permitting Services, 400 South Orange Avenue, Orlando, FL 32301.	December 31, 2012	120186
Orange (FEMA Docket No.: B–1277).	Unincorporated areas of Orange County (12–04–2707P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Management Department, 4200 South John Young Parkway, Orlando, FL 32839.	December 31, 2012	120179
Seminole (FEMA Docket No.: B–1277).	City of Lake Mary (12–04–5487P).	The Honorable David Mealor, Mayor, City of Lake Mary, 911 Wallace Court, Lake Mary, FL 32746.	Engineering Department, 100 North Country Club Road, Lake Mary, FL 32746.	December 31, 2012	120416
St. Johns (FEMA Docket No.: B–1277).	Unincorporated areas of St. Johns County (12–04–5869P).	The Honorable Mark P. Miner, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084.	December 31, 2012	125147\
Sumter (FEMA Docket No.: B–1277).	Unincorporated areas of Sumter County (12–04–3513P).	The Honorable Garry Breeden, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Planning Department, 7375 Powell Road, Wildwood, FL 34785.	December 28, 2012	120296
Sumter (FEMA Docket No.: B–1277).	Unincorporated areas of Sumter County (12–04–3721P).	The Honorable Garry Breeden, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Planning Department, 7375 Powell Road, Wildwood, FL 34785.	December 28, 2012	120296
Walton (FEMA Docket No.: B–1277).	Unincorporated areas of Walton County (12–04–0761P).	The Honorable Scott Brannon, Chairman, Walton County Board of Commissioners, 415 State Highway 20, Freeport, FL 32439.	Walton County Courthouse Annex, 47 North 6th Street, DeFuniak Springs, FL 32435.	December 14, 2012	120317
Georgia:					
Colquitt (FEMA Docket No.: B–1277).	Unincorporated areas of Colquitt County (12–04–5279P).	The Honorable John B. Alderman, Chairman, Colquitt County Board of Commissioners, P.O. Box 517, Moultrie, GA 31776.	Colquitt County Compliance Office, 101 East Central Avenue, Suite 168, Moultrie, GA 31768.	January 3, 2013	130058
Columbia (FEMA Docket No.: B–1277).	Unincorporated areas of Columbia County (12–04–3178P).	The Honorable Ron C Cross, Chairman, Columbia County Board of Commissioners, P.O. Box 498, Evans, GA 30809.	Columbia County Development Services Division, Engineering Services Department, 630 Ronald Reagan Drive, Building A, Evans, GA 30809.	December 27, 2012	130059
Nevada:					
Clark (FEMA Docket No.: B–1277).	City of Henderson (11–09–3331P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, P.O. Box 95050, Henderson, NV 89009.	City Hall, Public Works Department, 240 Water Street, Henderson, NV 89015.	December 14, 2012	320005

State and county	Location and case No.	Chief executive officer of community	Community map repository	Effective date of modification	Community No.
Clark (FEMA Docket No.: B–1277).	City of Henderson (12–09–2303P).	The Honorable Andy A. Hafen, Mayor, City of Henderson, P.O. Box 95050, Henderson, NV 89009.	City Hall, Public Works Department, 240 Water Street, Henderson, NV 89015.	December 14, 2012	320005
Clark (FEMA Docket No.: B–1277).	City of Mesquite (11–09–4157P).	The Honorable Mark Wier, Mayor, City of Mesquite, 10 East Mesquite Boulevard, Mesquite, NV 89027.	City Engineer's Office, 10 East Mesquite Boulevard, Mesquite, NV 89027.	December 14, 2012	320035
Clark (FEMA Docket No.: B–1277).	City of Mesquite (12–09–0907P).	The Honorable Mark Wier, Mayor, City of Mesquite, 10 East Mesquite Boulevard, Mesquite, NV 89027.	City Engineer's Office, 10 East Mesquite Boulevard, Mesquite, NV 89027.	December 28, 2012	320035
North Carolina:					
Durham (FEMA Docket No.: B–1274).	Unincorporated areas of Durham County (11–04–0938P).	Mr. Mike Ruffin, Durham County Manager, 200 East Main Street, Durham, NC 27701.	Durham County Stormwater Services Division, 101 City Hall Plaza, Durham, NC 27701.	November 9, 2012	370085
Stanly (FEMA Docket No.: B–1274).	Unincorporated areas of Stanly County (12–04–0850P).	Mr. Andy Lucas, Stanly County Manager, 1000 North 1st Street, Albemarle, NC 28001.	Stanly County Planning and Zoning Department, 1000 North 1st Street, Albemarle, NC 28001.	November 9, 2012	370361
Wake (FEMA Docket No.: B–1274).	Unincorporated areas of Wake County (11–04–7980P).	The Honorable John W. Byrne, Mayor, Town of Fuquay-Varina, 401 Old Honeycutt Road, Fuquay-Varina, NC 27526.	Engineering Department, 401 Old Honeycutt Road, Fuquay-Varina, NC 27526.	December 13, 2012	370239
South Carolina:					
Anderson (FEMA Docket No.: B–1277).	City of Anderson (12–04–0672P).	The Honorable Terrence Roberts, Mayor, City of Anderson, 401 South Main Street, Anderson, SC 29624.	City Hall, 401 South Main Street, Anderson, SC 29624.	December 24, 2012	450014
Anderson (FEMA Docket No.: B–1277).	Unincorporated areas of Anderson County (12–04–0672P).	The Honorable Tom Allen, Chairman, Anderson County Council, P.O. Box 8002, Anderson, SC 29621.	Anderson County Courthouse, 101 South Main Street, Anderson, SC 29624.	December 24, 2012	450013

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05198 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1305]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations (44 CFR Part 65). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Deputy Associate Administrator for Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105,

and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR Part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arkansas:						
Saline	City of Benton (12–06–0842P).	The Honorable Dave Mattingly, Mayor, City of Benton, P.O. Box 607, Benton, AR 72018.	114 South East Street, Benton, AR 72015.	*http://www.rampp-team.com/lomrs.htm.*	April 22, 2013	050192
Saline	City of Bryant (12–06–0842P).	The Honorable Jill Dabbs, Mayor, City of Bryant, 210 Southwest 3rd Street, Bryant, AR 72022.	210 Southwest 3rd Street, Bryant, AR 72022.	*http://www.rampp-team.com/lomrs.htm.*	April 22, 2013	050308
Saline	Unincorporated areas of Saline County (12–06–0842P).	The Honorable Lanny Fite, Saline County Judge, Saline County Courthouse, 200 North Main Street, Room 117, Benton, AR 72015.	Saline County Courthouse, 200 North Main Street, Room 117, Benton, AR 72015.	*http://www.rampp-team.com/lomrs.htm.*	April 22, 2013	050191
Louisiana:						
Ascension	Unincorporated areas of Ascension Parish (11–06–4231P).	The Honorable Tommy Martinez, President, Ascension Parish, 208 East Railroad Avenue, Gonzales, LA 70737.	Ascension Parish President's Office, 208 East Railroad Avenue, Gonzales, LA 70737.	*http://www.rampp-team.com/lomrs.htm.*	March 29, 2013	220013
Ascension	Unincorporated areas of Ascension Parish (12–06–1883P).	The Honorable Tommy Martinez, President, Ascension Parish, 208 East Railroad Avenue, Gonzales, LA 70737.	Ascension Parish President's Office, 208 East Railroad Avenue, Gonzales, LA 70737.	*http://www.rampp-team.com/lomrs.htm.*	May 3, 2013	220013
Pennsylvania:						
Montgomery	Township of Lower Moreland (13–03–0174X).	The Honorable Robert P. DeMartinis, President, Township of Lower Moreland Board of Commissioners, 640 Red Lion Road, Huntingdon Valley, PA 19006.	Lower Moreland Municipal Building, 640 Red Lion Road, Huntingdon Valley, PA 19006.	*http://www.rampp-team.com/lomrs.htm.*	May 13, 2013	420702
Texas:						
Bell	City of Killeen (12–06–0554P).	The Honorable Daniel A. Corbin, Mayor, City of Killeen, P.O. Box 1329, Killeen, TX 76541.	City Hall, 101 North College Street, Killeen, TX 76540.	*http://www.rampp-team.com/lomrs.htm.*	April 22, 2013	480031
Bexar	City of San Antonio (11–06–2654P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 Commerce Street, 7th Floor, San Antonio, TX 78205.	*http://www.rampp-team.com/lomrs.htm.*	May 13, 2013	480045
Bexar	City of San Antonio (12–06–3820P).	The Honorable Julian Castro, Mayor, City of San Antonio, 100 Military Plaza, San Antonio, TX 78205.	Municipal Plaza, 114 Commerce Street, 7th Floor, San Antonio, TX 78205.	*http://www.rampp-team.com/lomrs.htm.*	May 13, 2013	480045
Bexar	Unincorporated areas of Bexar County (13–06–0093P).	The Honorable Nelson W. Wolff, Bexar County Judge, Paul Elizondo Tower, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Department of Public Works, 233 North Pecos La Trinidad, Suite 420, San Antonio, TX 78207.	*http://www.rampp-team.com/lomrs.htm.*	May 13, 2013	480035
Collin	City of Plano (12–06–0656P).	The Honorable Phil Dyer, Mayor, City of Plano, 1520 Avenue K, Plano, TX 75074.	City Hall, 1520 Avenue K, Plano, TX 75074.	*http://www.rampp-team.com/lomrs.htm.*	April 26, 2013	480140

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Harris	City of Pasadena (12–06–3062P).	The Honorable Johnny Isbell, Mayor, City of Pasadena, 1211 Southmore Avenue, Pasadena, TX 77502.	Public Library, 1201 Jeff Ginn Memorial Drive, Pasadena, TX 77502.	*http://www.rampp-team.com/lomrs.htm.*	March 1, 2013	480307
Tarrant	City of Fort Worth (12–06–0224P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, TX 76102.	*http://www.rampp-team.com/lomrs.htm.*	May 2, 2013	480596
Tarrant	City of Fort Worth (12–06–1018P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, TX 76102.	Department of Transportation and Public Works, 1000 Throckmorton Street, Fort Worth, TX 76102.	*http://www.rampp-team.com/lomrs.htm.*	May 3, 2013	480596
Tarrant	City of North Richland Hills (12–06–2052P).	The Honorable T. Oscar Trevino, Jr., P.E., Mayor, City of North Richland Hills, 7301 Northeast Loop 820, North Richland Hills, TX 76180.	City Hall, 7301 Northeast Loop 820, North Richland Hills, TX 76180.	*http://www.rampp-team.com/lomrs.htm.*	April 4, 2013	480607
Tarrant	City of Saginaw (12–06–0224P).	The Honorable Gary Brinkley, Mayor, City of Saginaw, 400 South Saginaw Boulevard, Saginaw, TX 76179.	Public Works and Community Development, 205 Brenda Lane, Saginaw, TX 76179.	*http://www.rampp-team.com/lomrs.htm.*	May 2, 2013	480610
Williamson	City of Cedar Park (11–06–0027P).	The Honorable Bob Lemon, Mayor, City of Cedar Park, 600 North Bell Boulevard, Cedar Park, TX 78613.	Planning and Zoning Office, 600 North Bell Boulevard, Cedar Park, TX 78613.	*http://www.rampp-team.com/lomrs.htm.*	May 3, 2013	481282
Williamson	City of Leander (11–06–0027P).	The Honorable Chris Fielder, Mayor, City of Leander, 200 West Willis Street, Leander, TX 78641.	City Hall, 200 West Willis Street, Leander, TX 78641.	*http://www.rampp-team.com/lomrs.htm.*	May 3, 2013	481536
Williamson	Unincorporated areas of Williamson County (11–06–0027P).	The Honorable Dan A. Gattis, Williamson County Judge, 710 Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Courthouse, 710 Main Street, Georgetown, TX 78626.	*http://www.rampp-team.com/lomrs.htm.*	May 3, 2013	481079
Virginia:						
Augusta	City of Waynesboro (12–03–1604P).	The Honorable Bruce E. Allen, Mayor, City of Waynesboro, 503 West Main Street, Suite 210, Waynesboro, VA 22980.	City Hall, Charles Yancey Municipal Building, 503 West Main Street, Waynesboro, VA 22980.	*http://www.rampp-team.com/lomrs.htm.*	March 4, 2013	515532
Augusta	Unincorporated areas of Augusta County (12–03–1604P).	The Honorable Tracy C. Pyles, Jr., Chairman, Augusta County Board of Supervisors, 18 Government Center Lane, Verona, VA 24482.	Augusta County Community Development Office, 18 Government Center Lane, Verona, VA 24482.	*http://www.rampp-team.com/lomrs.htm.*	March 4, 2013	510013
Loudoun	Town of Purcellville (12–03–0984P).	The Honorable Robert W. Lazaro, Jr., Mayor, Town of Purcellville, 221 South Nursery Avenue, Purcellville, VA 20132.	Town Hall, 221 South Nursery Avenue, Purcellville, VA 20132.	*http://www.rampp-team.com/lomrs.htm.*	March 18, 2013	510231
Loudoun	Unincorporated areas of Loudoun County (12–03–0984P).	The Honorable Scott K. York, Chairman-at-Large, Loudoun County Board of Supervisors, 1 Harrison Street Southeast, 5th Floor, Mailstop 1, Leesburg, VA 20175.	Loudoun County Building and Development Department, 1 Harrison Street Southeast, Leesburg, VA 20175.	*http://www.rampp-team.com/lomrs.htm.*	March 18, 2013	510090

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05188 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of July 16, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Community	Community map repository address
Hampden County, Massachusetts (All Jurisdications) Docket No.: FEMA–B–1066	
City of Chicopee.	City Hall Annex, 274 Front Street, Fourth Floor, Chicopee, MA 01013.
City of Holyoke	Building Department, 20 Korean Veterans Plaza, Holyoke, MA 01040.
City of Springfield.	Planning and Economic Development, 70 Tapley Street, Springfield, MA 01104.
City of Westfield.	Municipal Building, 59 Court Street, Westfield, MA 01085.
Town of Agawam.	Inspection Service Department, 1000 Suffield Street, Agawam, MA 01001.
Town of Blandford.	Town Hall, 1 Russell Stage Road, Blandford, MA 01008.
Town of Brimfield.	Town Hall, 21 Main Street, Brimfield, MA 01010.
Town of Chester.	Town Hall, 15 Middlefield Road, Chester, MA 01011.
Town of East Longmeadow.	Town Hall, 60 Center Square, East Longmeadow, MA 01028.
Town of Granville.	Town Hall, 707 Main Road, Granville, MA 01034,
Town of Hampden.	Town Hall, 625 Main Street, Hampden, MA 01036.
Town of Holland.	Town Hall, 27 Sturbridge Road, Holland, MA 01521.
Town of Longmeadow.	Town Hall, 20 Williams Street, Longmeadow, MA 01106.
Town of Ludlow.	Town Hall, 488 Chapin Street, Third Floor, Room 305, Ludlow, MA 01056.
Town of Monson.	Town Hall, 29 Thompson Street, Monson, MA 01057.
Town of Montgomery.	Town Hall, 161 Main Road, Montgomery, MA 01085.
Town of Palmer.	Town Hall, 4417 Main Street, Palmer, MA 01069.
Town of Russell.	Town Hall, 65 Main Street, Russell, MA 01071.
Town of Southwick.	Town Office, 454 College Highway, Southwick, MA 01077.
Town of Tolland.	Town Hall, 241 West Granville Road, Tolland, MA 01034.
Town of Wales	Town Hall, 3 Hollow Road, Wales, MA 01081.
Town of West Springfield.	Town Hall 26, Central Street, Suite 17, West Springfield, MA 01089.
Town of Wilbraham.	Town Office, 240 Springfield Street, Wilbraham, MA 01095.
Warren County, Mississippi, and Incorporated Areas Docket No.: FEMA–B–1241	
City of Vicksburg.	Vicksburg City Hall, 1009 Cherry Street, Vicksburg, MS 39183.
Unincorporated Areas of Warren County.	Warren County Courthouse, 1009 Cherry Street, Vicksburg, MS 39183.

Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05185 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of August 5, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Community	Community map repository address
New London County, Connecticut (All Jurisdictions) Docket No.: FEMA–B–1250	
Borough of Stonington.	Borough Hall, 26 Church Street, Stonington, CT 06378.
City of Groton	Municipal Building, 295 Meridian Street, Groton, CT 06340.
City of New London.	City Hall, 181 State Street, New London, CT 06320.
Groton Long Point Association.	44 Beach Road, Groton Long Point, CT 06340.
Noank Fire District.	Noak Fire District and Fire Station, 10 Ward Avenue, Noank, CT 06340.
Town of East Lyme.	East Lyme Town Hall, 108 Pennsylvanie Avenue, Niantic, CT 06357.
Town of Groton.	Town Hall, 45 Fort Hill Road, Groton, CT 06340.
Town of Old Lyme.	Memorial Town Hall, 52 Lyme Street, Old Lyme, CT 06371.
Town of Stonington.	Town Hall, 152 Elm Street, Stonington, CT 06378.
Town of Waterford.	Town Hall, 15 Rope Ferry Road, Waterford, CT 06385.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05184 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The effective date of July 8, 2013 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the effective date indicated above.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance

and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Adminstrator for Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

Community	Community map repository address
Fairfield County, Connecticut (All Jurisdictions) Docket No.: FEMA–B–1247	
City of Bridgeport.	City Hall Annex, 999 Broad Street, Bridgeport, CT 06604.
City of Norwalk	City Hall, 125 East Avenue, Norwalk, CT 06851.
City of Stamford.	Government Center, 888 Wahington Boulevard, Stamford, CT 06901.
Town of Darien.	Town Hall, 2 Renshaw Road, Darien, CT 06820.
Town of Fairfield.	John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, CT 06824.
Town of Greenwich.	Town Hall, 101 Field Point Road, Greenwich, CT 06830.
Town of Stratford.	Town Hall, 2725 Main Street, Stratford, CT 06615.
Town of Westport.	Town Hall, 110 Myrtle Avenue, Westport, CT 06880.
New Haven County, Connecticut (All Jurisdictions) Docket No.: FEMA–B–1247	
Borough of Woodmont.	Woodmont Borough Hall, 31 Clinton Street, Milford, CT 06460.
City of Milford	City Hall, 110 River Street, Milford, CT 06460.
City of New Haven.	City Hall, 165 Church Street, New Haven, CT 06510.
City of West Haven.	City Hall, 355 Main Street, West Haven, CT 06516.
Town of Branford.	Town Hall, 1019 Main Street, Branford, CT 06405.
Town of East Haven.	Town Hall, 250 Main Street, East Haven, CT 06512.
Town of Guilford.	Town Hall, 31 Park Street, Guilford, CT 06437.
Town of Hamden.	Government Center, 2750 Dixwell Avenue, Hamden, CT 06518.
Town of Madison.	Town Offices, 8 Campus Drive, Madion, CT 06443.
Town of North Haven.	Town Hall, 18 Church Street, North Haven, CT 06473.
Androscoggin County, Maine (All Jurisdictions) Docket No.: FEMA–B–1250	
City of Auburn	Auburn Hall, 60 Court Street, Auburn, ME 04210.
City of Lewiston.	City Hall, 27 Pine Street, Lewiston, ME 04240.
Town of Durham.	Town Office, 630 Hallowell Road, Durham, ME 04222.
Town of Greene.	Town Office, 220 Main Street, Greene, ME 04236.
Town of Leeds	Town Office, 8 Community Drive, Leeds, ME 04263.
Town of Lisbon.	Town Office, 300 Lisbon Street, Lisbon, ME 04250.
Town of Livermore.	Town Office, 10 Crash Road, Livermore, ME 04253.
Town of Livermore Falls.	Town Office, 2 Main Street, Livermore Falls, ME 04254.
Town of Mechanic Falls.	Town Office, 108 Lewiston Street, Mechanic Falls, ME 04256.
Town of Minot	Town Office, 329 Woodman Hill Road, Minot, ME 04258.
Town of Poland.	Town Office, 1231 Maine Street, Poland, ME 04274.
Town of Sabattus.	Town Office, 190 Middle Road, Sabattus, ME 04280.
Town of Turner.	Town Office, 11 Turner Center Road, Turner, ME 04282.
Town of Wales	Town Office, 302 Centre Road, Wales, ME 04280.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05181 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1299]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 4, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each

community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1299, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Community map repository address
Muscatine County, Iowa, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionVII/Muscatine/SitePages/Home.aspx*	
City of Fruitland	City Hall, 104 Sand Run Road, Fruitland, IA 52749.
City of Muscatine	City Hall, 215 Sycamore Street, Muscatine, IA 52761.
Unincorporated Areas of Muscatine County	Muscatine County Building, 3610 Park Avenue West, Muscatine, IA 52761.
Poweshiek County, Iowa, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionVII/PoweshiekCountyIowa/SitePages/Home.aspx*	
City of Brooklyn	City Hall, 138 Jackson Street, Brooklyn, IA 52211.
City of Deep River	City Hall, 701 Main Street, Deep River, IA 52222.
City of Grinnell	City Hall, 927 Fourth Avenue, Grinnell, IA 50112.
City of Guernsey	City Hall, 601 Cleveland Street, Guernsey, IA 52221.
City of Malcom	City Hall, 305 Third Street, Malcom, IA 50157.
City of Montezuma	City Hall, 501 East Main, Montezuma, IA 50171.
City of Searsboro	City Hall, 526 Main Street, Searsboro, IA 50242.
City of Victor	City Hall, 707 Second Street, Victor, IA 52347.
Town of Fort Kent, Aroostook County, Maine	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionI/FortKentME*	
Town of Fort Kent	416 West Main Street, Fort Kent, ME 04743.
City of Baltimore, Maryland (Independent City)	
Maps Available for Inspection Online at: *www.rampp-team.com/md.htm*	
City of Baltimore	Department of Planning, 417 East Fayette Street, 8th Floor, Baltimore, MD 21202.

Community	Community map repository address
Baltimore County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *www.rampp-team.com/md.htm*	
Unincorporated Areas of Baltimore County	Baltimore County Office Building, Department of Public Works, 111 West Chesapeake Avenue, Suite 307, Towson, MD 21204.
Kent County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *www.rampp-team.com/md.htm*	
Town of Betterton	Town Office, 100 Main Street, Betterton, MD 21610.
Town of Chestertown	Town Office, 118 North Cross Street, Chestertown, MD 21620.
Town of Millington	Town Office, 402 Cypress Street, Millington, MD 21651.
Town of Rock Hall	Municipal Building, 5585 Main Street, Rock Hall, MD 21661.
Unincorporated Areas of Kent County	Kent County Government Center, 400 High Street, Chestertown, MD 21620.
Queen Anne's County, Maryland, and Incorporated Areas	
Maps Available for Inspection Online at: *www.rampp-team.com/md.htm*	
Town of Centreville	Town Hall, 101 Lawyer's Row, Centreville, MD 21617.
Town of Church Hill	Town Hall, 324 Main Street, Church Hill, MD 21623.
Town of Queen Anne	Town Clerk's Office, 31922 Flowers Road, Queen Anne, MD 21657.
Town of Queenstown	Town Office, 7013 Main Street, Queenstown, MD 21658.
Unincorporated Areas of Queen Anne's County	Queen Anne's County Department of Public Works, 312 Safety Drive, Centreville, MD 21617.
Mahnomen County, Minnesota, and Incorporated Areas	
Maps Available for Inspection Online at: *www.starr-team.com/starr/RegionalWorkspaces/RegionV/MahnomenMN*	
City of Mahnomen	City Hall, 104 West Madison Avenue, Mahnomen, MN 56557.
City of Waubun	City Hall, 1310 First Street, Waubun, MN 56589.
Unincorporated Areas of Mahnomen County	Planning, Zoning, and Sanitation Department, 1440 Highway 200, Mahnomen, MN 56557
White Earth Band of Minnesota Chippewa Indian	White Earth Tribal Administration, 35500 Eagle View Road, Ogema, MN 56569.
Nobles County, Minnesota, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/NoblesCoMN/SitePages/Home.aspx*	
City of Adrian	City Hall, 209 Maine Avenue, Suite 106, Adrian, MN 56110.
City of Ellsworth	City Hall, 322 South Broadway Street, Ellsworth, MN 56129.
City of Worthington	City Hall, 303 9th Street, Worthington, MN 56187.
Unincorporated Areas of Nobles County	Nobles County Government Center, 315 10th Street, Worthington, MN 56187.
Douglas County, Nebraska, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionVII/DouglasCountyNebraska/SitePages/Home.aspx*	
City of Omaha	Omaha-Douglas Civic Center, 1819 Farnam Street, Omaha, NE 68183.
City of Valley	City Hall, 203 North Spruce Street, Valley, NE 68064.
Unincorporated Areas of Douglas County	Douglas County Environmental Services, 3015 Menke Circle, Omaha, NE 68134.
Village of Waterloo	Village Hall, 509 South Front Street, Waterloo, NE 68069.
Upper Ohio-Shade Watershed	
Meigs County, Ohio, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/MeigsCountyOH/SitePages/Home.aspx*	
Unincorporated Areas of Meigs County	Meigs County Tax Map Office, 112 Mulberry Avenue, Pomeroy, OH 45769.
Village of Middleport	Village Hall, 659 Pearl Street, Middleport, OH 45760.
Village of Pomeroy	Village Hall, 660 East Main Street, Suite A, Pomeroy, OH 45769.
Village of Racine	Village Hall, 405 Main Street, Racine, OH 45771.
Village of Rutland	Village Hall, 337 Main Street, Rutland, OH 45775.
Village of Syracuse	Village Hall, 2581 3rd Street, Syracuse, OH 45779.

Community	Community map repository address
Allegheny County, Pennsylvania, and Incorporated Areas	
Maps Available for Inspection Online at: *www.rampp-team.com/pa.htm*	
Borough of Aspinwall	Borough Municipal Building, 217 Commercial Avenue, Aspinwall, PA 15215.
Borough of Avalon	Borough Hall, 640 California Avenue, Avalon, PA 15202.
Borough of Baldwin	Baldwin Borough Municipal Building, 3344 Churchview Avenue, Pittsburgh, PA 15227.
Borough of Bell Acres	Bell Acres Borough Building, 1151 Camp Meeting Road, Sewickley, PA 15143.
Borough of Bellevue	Borough Hall, 537 Bayne Avenue, Bellevue, PA 15202.
Borough of Ben Avon	Ben Avon Borough Building, 7101 Church Avenue, Pittsburgh, PA 15202.
Borough of Blawnox	Blawnox Borough Office, 376 Freeport Road, Pittsburgh, PA 15238.
Borough of Brackenridge	Borough Office, 1000 Brackenridge Avenue, Brackenridge, PA 15014.
Borough of Braddock	Borough Municipal Building, 415 6th Street, Braddock, PA 15104.
Borough of Braddock Hills	Braddock Hills Borough Building, 1300 Brinton Road, Pittsburgh, PA 15221.
Borough of Bradford Woods	Borough Office, 4908 Wexford Run Road, Bradford Woods, PA 15015.
Borough of Brentwood	Brentwood Borough Municipal Building, 3624 Brownsville Road, Pittsburgh, PA 15227.
Borough of Bridgeville	Borough Municipal Building, 425 Bower Hill Road, Bridgeville, PA 15017.
Borough of Carnegie	Borough Building, 1 Glass Street, Carnegie, PA 15106.
Borough of Castle Shannon	Castle Shannon Borough Building, 3310 McRoberts Road, Pittsburgh, PA 15234.
Borough of Cheswick	Borough Office, 220 South Atlantic Avenue, Cheswick, PA 15024.
Borough of Churchill	Churchill Borough Municipal Building, 2300 William Penn Highway, Pittsburgh, PA 15235.
Borough of Coraopolis	Borough Hall, 1012 5th Avenue, Coraopolis, PA 15108.
Borough of Crafton	Crafton Borough Hall, 100 Stotz Avenue, Pittsburgh, PA 15205.
Borough of Dravosburg	Borough Building, 226 Maple Avenue, Dravosburg, PA 15034.
Borough of East Pittsburgh	Borough Hall, 516 Bessemer Avenue, East Pittsburgh, PA 15112.
Borough of Edgeworth	Borough Building, 301 Beaver Road, Edgeworth, PA 15143.
Borough of Elizabeth	Borough Hall, 206 3rd Avenue, Elizabeth, PA 15037.
Borough of Emsworth	Emsworth Borough Office, 171 Center Avenue, Pittsburgh, PA 15202.
Borough of Etna	Etna Borough Office, 437 Butler Street, Pittsburgh, PA 15223.
Borough of Forest Hills	Forest Hills Borough Building, 2071 Ardmore Boulevard, Pittsburgh, PA 15221.
Borough of Fox Chapel	Fox Chapel Borough Building, 401 Fox Chapel Road, Pittsburgh, PA 15238.
Borough of Franklin Park	Franklin Park Borough Hall, 2428 Rochester Road, Sewickley, PA 15143.
Borough of Glassport	Borough Secretary's Office, 440 Monongahela Avenue, Glassport, PA 15045.
Borough of Glen Osborne	Glen Osborne Borough Building, 601 Thorn Street, Sewickley, PA 15143.
Borough of Glenfield	Glenfield Borough Secretary's Office, 299 Dawson Avenue, Sewickley, PA 15143.
Borough of Green Tree	Green Tree Borough Building, 10 West Manilla Avenue, Pittsburgh, PA 15220.
Borough of Haysville	Haysville Borough Building, 18 River Road, Sewickley, PA 15143.
Borough of Heidelberg	Borough Building, 1631 East Railroad Street, Heidelberg, PA 15106.
Borough of Homestead	Borough Hall, 1705 Maple Street, Room 112, Homestead, PA 15120.
Borough of Jefferson Hills	Borough Municipal Center, 925 Old Clairton Road, Jefferson Hills, PA 15025.
Borough of Leetsdale	Borough Hall, 85 Broad Street, Leetsdale, PA 15056.
Borough of Liberty	Liberty Borough Municipal Building, 2921 Liberty Way, McKeesport, PA 15133.
Borough of Lincoln	Lincoln Borough Municipal Building, 45 Abe's Way, Elizabeth, PA 15037.
Borough of McDonald	Borough Building, 101 North McDonald Street, McDonald, PA 15057.
Borough of McKees Rocks	Borough Building, 340 Bell Avenue, McKees Rocks, PA 15136.
Borough of Millvale	Borough Hall, 501 Lincoln Avenue, Millvale, PA 15209.
Borough of Munhall	Borough Hall, 1900 West Street, Munhall, PA 15120.
Borough of North Braddock	Borough Hall, 600 Anderson Street, North Braddock, PA 15104.
Borough of Oakdale	Borough Building, 217 Marion Avenue, Oakdale, PA 15071.
Borough of Oakmont	Borough Municipal Building, 767 5th Street, Oakmont, PA 15139.
Borough of Pitcairn	Borough Building, 582 6th Street, Pitcairn, PA 15140.
Borough of Pleasant Hills	Pleasant Hills Borough Office, 410 East Bruceton Road, Pittsburgh, PA 15236.
Borough of Plum	Plum Borough Planning and Zoning Office, 4575 New Texas Road, Pittsburgh, PA 15239.

Community	Community map repository address
Borough of Port Vue	Borough Hall, 1191 Romine Avenue, Port Vue, PA 15133.
Borough of Rankin	Borough Hall, 320 Hawkins Avenue, Rankin, PA 15104.
Borough of Rosslyn Farms	Rosslyn Farms Borough Secretary's Office, 421 Kings Highway, Carnegie, PA 15106.
Borough of Sewickley	Borough Building, 601 Thorn Street, Sewickley, PA 15143.
Borough of Sewickley Heights	Sewickley Heights Borough Hall, 238 Country Club Road, Sewickley, PA 15143.
Borough of Sewickley Hills	Sewickley Hills Borough Municipal Building, 349 Magee Road, Sewickley, PA 15143.
Borough of Sharpsburg	Sharpsburg Borough Office, 1611 Main Street, Pittsburgh, PA 15215.
Borough of Springdale	Borough Municipal Building, 325 School Street, Springdale, PA 15144.
Borough of Swissvale	Borough Hall, 7560 Roslyn Street, Swissvale, PA 15218.
Borough of Tarentum	Borough Municipal Building, 318 2nd Avenue, Tarentum, PA 15084.
Borough of Thornburg	Thornburg Borough Secretary's Office, 545 Hamilton Road, Pittsburgh, PA 15205.
Borough of Trafford	Borough Hall, 402 Duquesne Avenue, Trafford, PA 15085.
Borough of Turtle Creek	Borough Building, 125 Monroeville Avenue, Turtle Creek, PA 15145.
Borough of Verona	Borough Municipal Building, 736 East Railroad Avenue, Verona, PA 15147.
Borough of Versailles	Versailles Borough Building, 5100 Walnut Street, McKeesport, PA 15132.
Borough of Wall	Borough Engineer's Office, 413 Wall Avenue, Wall, PA 15148.
Borough of West Elizabeth	Borough Building, 206 North 3rd Avenue, West Elizabeth, PA 15088.
Borough of West Homestead	Borough Engineer's Office, 401 West 8th Avenue, West Homestead, PA 15120.
Borough of West Mifflin	Borough Hall, 4733 Greenspring Avenue, West Mifflin, PA 15122.
Borough of West View	West View Borough Building, 441 Perry Highway, Pittsburgh, PA 15229.
Borough of Whitaker	Whitaker Borough Secretary's Office, 1705 Maple Street, Homestead, PA 15120.
Borough of White Oak	Borough Municipal Building, 2280 Lincoln Way, White Oak, PA 15131.
Borough of Whitehall	Whitehall Borough Complex, 100 Borough Park Drive, Pittsburgh, PA 15236.
Borough of Wilmerding	Borough Building, 301 Station Street, Wilmerding, PA 15148.
City of Clairton	City Engineer's Office, 551 Ravensburg Boulevard, Clairton, PA 15025.
City of Duquesne	City Building Inspector's Office, 12 South 2nd Street, Duquesne, PA 15110.
City of McKeesport	City Building Inspector's Office, 201 Lysle Boulevard, McKeesport, PA 15132.
City of Pittsburgh	City-County Building, 414 Grant Street, Pittsburgh, PA 15219.
Municipality of Bethel Park	Municipal Building, 5100 West Library Avenue, Bethel Park, PA 15102.
Municipality of Monroeville	Municipal Engineering Office, 2700 Monroeville Boulevard, Monroeville, PA 15146.
Municipality of Mt. Lebanon	Mt. Lebanon Municipal Building, 710 Washington Road, Pittsburgh, PA 15228.
Municipality of Penn Hills	Municipal Planning Department, 12245 Frankstown Road, Penn Hills, PA 15235.
Township of Aleppo	Aleppo Township Building, 100 North Drive, Sewickley, PA 15143.
Township of Baldwin	Baldwin Township Municipal Building, 10 Community Park Drive, Pittsburgh, PA 15234.
Township of Collier	Collier Township Zoning Office, 2418 Hilltop Road, Suite 100, Presto, PA 15142.
Township of Crescent	Township Municipal Building, 225 Spring Run Road, Crescent, PA 15046.
Township of East Deer	East Deer Township Municipal Building, 927 Freeport Road, Creighton, PA 15030.
Township of Elizabeth	Township Municipal Building, 522 Rock Run Road, Elizabeth, PA 15037.
Township of Fawn	Fawn Township Office, 3054 Howes Run Road, Tarentum, PA 15084.
Township of Findlay	Findlay Township Building, 1271 Route 30, Clinton, PA 15026.
Township of Forward	Forward Township Municipal Building, 1000 Golden Circle, Elizabeth, PA 15037.
Township of Frazer	Frazer Township Hall, 2129 Butler Logan Road, Tarentum, PA 15084.
Township of Hampton	Hampton Township Municipal Building, 3101 McCully Road, Allison Park, PA 15101.
Township of Harmar	Harmar Township Municipal Building, 701 Freeport Road, Cheswick, PA 15024.
Township of Harrison	Harrison Township Municipal Building, 1 Municipal Drive, Natrona Heights, PA 15065.
Township of Indiana	Indiana Township Hall, 3710 Saxonburg Boulevard, Pittsburgh, PA 15238.
Township of Kennedy	Kennedy Township Municipal Building, 340 Forest Grove Road, Coraopolis, PA 15108.

Community	Community map repository address
Township of Kilbuck	Kilbuck Township Municipal Building, 640 California Avenue, Pittsburgh, PA 15202.
Township of Leet	Leet Township Building, 198 Ambridge Avenue, Fair Oaks, PA 15143.
Township of Marshall	Marshall Township Municipal Building, 525 Pleasant Hill Road, Suite 100, Wexford, PA 15090.
Township of McCandless	McCandless Township Hall, 9955 Grubbs Road, Wexford, PA 15090.
Township of Moon	Township Office, 1000 Beaver Grade Road, Moon Township, PA 15108.
Township of Neville	Neville Township Municipal Building, 5050 Grand Avenue, Pittsburgh, PA 15225.
Township of North Fayette	North Fayette Township Building, 400 North Branch Road, Oakdale, PA 15071.
Township of North Versailles	Township Administrative Office, 1401 Greensburg Avenue, North Versailles, PA 15137.
Township of O'Hara	O'Hara Township Office, 325 Fox Chapel Road, Pittsburgh, PA 15238.
Township of Ohio	Ohio Township Building, 1719 Roosevelt Road, Pittsburgh, PA 15237.
Township of Pine	Pine Township Municipal Building, 230 Pearce Mill Road, Wexford, PA 15090.
Township of Reserve	Reserve Township Hall, 33 Lonsdale Street, Pittsburgh, PA 15212.
Township of Richland	Richland Township Building, 4019 Dickey Road, Gibsonia, PA 15044.
Township of Robinson	Robinson Township Building, 1000 Church Hill Road, Pittsburgh, PA 15205.
Township of Ross	Ross Township Hall, 5325 Perrysville Avenue, Pittsburgh, PA 15229.
Township of Scott	Scott Township Office, 301 Lindsay Road, Carnegie, PA 15106.
Township of Shaler	Shaler Township Hall, 300 Wetzel Road, Glenshaw, PA 15116.
Township of South Fayette	South Fayette Township Municipal Building, 515 Millers Run Road, Morgan, PA 15064.
Township of South Park	Township Code Enforcement Office, 2675 Brownsville Road, South Park, PA 15129.
Township of South Versailles	South Versailles Township Office, 201 Lysle Boulevard, McKeesport, PA 15132.
Township of Springdale	Springdale Township Hall, 100 Plate Drive, Harwick, PA 15049.
Township of Stowe	Stowe Township Building, 1301 Island Avenue, McKees Rocks, PA 15136.
Township of Upper St. Clair	Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, PA 15241.
Township of West Deer	West Deer Township Building, 109 East Union Road, Cheswick, PA 15124.
Township of Wilkins	Township Municipal Building, 100 Peffer Road, Wilkins, PA 15145.
Mercer County, North Dakota, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.bakeraecom.com/index.php/north-dakota/mercer/*	
City of Hazen	146 Main Street East, Hazen, ND 58545.
Unincorporated Areas of Mercer County	DES Director, 021 Aurthur Street, Stanton, ND 58571.
Albemarle County, Virginia, and Incorporated Areas	
Maps Available for Inspection Online at: *www.rampp-team.com/va.htm*	
Town of Scottsville	Town Office, Victory Hall, Town Manager's Office, 401 Valley Street, Scottsville, VA 24590.
Unincorporated Areas of Albemarle County	Albemarle County Engineering Office, 401 McIntire Road, Charlottesville, VA 22902.
Chippewa County, Wisconsin, and Incorporated Areas	
Maps Available for Inspection Online at: *www.starr-team.com/starr/RegionalWorkspaces/RegionV/ChippewaWI*	
City of Eau Claire	City Hall, 203 South Farwell Street, Third Floor, Eau Claire, WI 54701.
Unincorporated Areas of Chippewa County	Chippewa County Courthouse, 711 North Bridge Street, Chippewa Falls, WI 54729.
Baraboo Watershed	
Columbia County, Wisconsin, and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/ColumbiaBarabooWI*	
City of Portage	City Hall, 115 West Pleasant Street, Portage, WI 53901.
Unincorporated Areas of Columbia County	Carl C. Frederick Administration Building, 400 DeWitt Street, Portage, WI 53901.

Community	Community map repository address
Eau Claire County, Wisconsin, and Incorporated Areas	
Maps Available for Inspection Online at: *www.starr-team.com/starr/RegionalWorkspaces/RegionV/EauClaireWI*	
City of Eau Claire	City Hall, 203 South Farwell Street, Third Floor, Eau Claire, WI 54701.
Unincorporated Areas of Eau Claire County	Eau Claire County Courthouse, 721 Oxford Avenue, Room 1510, Eau Claire, WI 54703.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05186 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0002; Internal Agency Docket No. FEMA–B–1296]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before June 4, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1296, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–4064, or (email) *Luis.Rodriguez3@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Community	Local map repository address
Bristol County, Massachusetts (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.starr-team.com/starr/RegionalWorkspaces/RegionI/BristolCountyMAcoastal/Preliminary%20Maps/Forms/AllItems.aspx*	
City of Fall River.	City Hall, One Government Center, Fall River, MA 02722.
Town of Berkley.	Town Hall, One North Main Street, Berkley, MA 02779.
Town of Dighton.	Town Hall, 979 Somerset Avenue, Dighton, MA 02715.
Town of Freetown.	Freetown Town Hall, 3 North Main Street, Assonet, MA 02702.
Town of Rehoboth.	Town Hall, 148 Peck Street, Rehoboth, MA 02769.
Town of Seekonk.	Town Hall, 100 Peck Street, Seekonk, MA 02771.
Town of Somerset.	Town Office Building, 140 Wood Street, Room 23, Somerset, MA 02726.
Town of Swansea.	Town Hall, 81 Main Street, Swansea, MA 02777.
Bryan County, Georgia, and Incorporated Areas	
Maps Available for Inspection Online at: *www.georgiadfirm.com/status/mapmodStatus.html*	
City of Pembrooke.	City Hall, 160 North Main Street, Pembroke, GA 31321.
Unincorporated Areas of Bryan County.	Bryan County Planning and Zoning Department, 51 North Courthouse Street, Pembroke, GA 31321.
Liberty County, Georgia, and Incorporated Areas	
Maps Available for Inspection Online at: *www.georgiadfirm.com/status/mapmodStatus.html*	
City of Flemington.	City Hall, 156 Old Sunbury Road, Flemington, GA 31309.
City of Gum Branch.	City Hall, 5334 Highway 196 West, Gum Branch, GA 31310.
City of Hinesville.	Inspections Department, 115 East M.L. King, Jr. Drive, Hinesville, GA 31313.
City of Walthourville.	City Hall, 222 Busbee Road, Walthourville, GA 31333.
Town of Allenhurst.	Town Hall, 4063 West Oglelthorpe Highway, Allenhurst, GA 31301.
Unincorporated Areas of Liberty County.	Liberty County Consolidated Planning Commission, 100 Main Street, Suite 1220, Hinesville, GA 31313.
Long County, Georgia, and Incorporated Areas	
Maps Available for Inspection Online at: *www.georgiadfirm.com/status/mapmodStatus.html*	
City of Ludowici.	City Hall, 469 North Main Street, Ludowici, GA 31316.
Unincorporated Areas of Long County.	Long County Code Enforcement Office, 459 South McDonald Street, Ludowici, GA 31316.
De Soto County, Mississippi, and Incorporated Areas	
Maps Available for Inspection Online at: *http://geology.deq.ms.gov/floodmaps/Projects/FY2009/?county=DeSoto*	
City of Hernando.	City Hall, 475 West Commerce Street, Hernando, MS 38632.
City of Horn Lake.	City Hall, Planning Department, 2285 Goodman Road, Horn Lake, MS 38637.
City of Olive Branch.	Planning and Building Department, 9150 Pigeon Roost Road, Olive Branch, MS 38654.
City of Southhaven.	Engineering Department, 8710 Northwest Drive, Southaven, MS 38671.
Unincorporated Areas of De Soto County.	De Soto County Geographic Information Systems, 365 Losher Street, Suite 200, Hernando, MS 38632.
Nash County, North Carolina, and Incorporated Areas	
Maps Available for Inspection Online at: *www.ncfloodmaps.com*	
Town of Middlesex.	Town Hall, 10232 South Nash Street, Middlesex, NC 27557.
Unincorporated Areas of Nash County.	Nash County Planning Department, 120 West Washington Street, Suite 2110, Nashville, NC 27856.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Roy Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2013–05183 Filed 3–5–13; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0017]

Agency Information Collection Activities: Application for Advance Permission to Enter as Nonimmigrant, Form I–192; Extension, Without Change, of a Currently Approved Collection

ACTION: 30-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on December 18, 2012, at 77 FR 74861, allowing for a 60-day public comment period. USCIS received one public comment submission in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 5, 2013. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* The comments submitted to the OMB USCIS Desk Officer may also be submitted to DHS via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0009 or via email at *uscisfrcomment@uscis.dhs.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0017.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at www.regulations.gov, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide

in any voluntary submission you make to DHS. For additional information please read the Privacy Act notice that is available via the link in the footer of www.regulations.gov.

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *http://egov.uscis.gov/cris/Dashboard.do*, or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Advance Permission to Enter as Nonimmigrant [Pursuant to Section 212(d)(3)(A)(ii) of the INA].

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–192; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 10,448 responses at 0.5 hours (30 minutes) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 5,224 annual burden hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov*. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140; Telephone 202–272–8377.

Dated: March 1, 2013.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–05234 Filed 3–5–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0114]

Agency Information Collection Activities: Application for Civil Surgeon Designation Registration, No Form; Extension, Without Change, of a Currently Approved Collection

ACTION: 60-Day Notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 6, 2013.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0114 in the subject box, the agency name and Docket ID USCIS–XXXX–XXXX. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.Regulations.gov* under e-Docket ID number USCIS–XXXX–XXXX;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov;*

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Civil Surgeon Designation Registration.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* No Form; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business or other for-profit. Section 212(a)(1)(A) of the Immigration and Nationality Act (Act) renders individuals inadmissible if the individual is afflicted with the statutorily mentioned diseases or medical conditions. In order to establish that the individual is admissible when seeking adjustment of status to a legal permanent resident (and in certain cases other aliens seeking an immigration benefit), the individual must submit Form I–693 (OMB Control Number 1615–0033), Report of Medical Examination and Vaccination Record, that is completed by a civil surgeon, a USCIS designated physician.'' The statutory basis for the designation of civil surgeons and the medical examination of aliens is contained in section 232 of the INA and 8 CFR 232.2. To be selected as a civil surgeon, the physician has to demonstrate that he or she is a licensed physician with no less than 4 years of professional experience.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 1,200 respondents at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,200 annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov*. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: March 1, 2013.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–05177 Filed 3–5–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2013–N049; 1112–0000–81440–F2]

Kelley-McDonough Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail, Community of Los Osos, San Luis Obispo County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from John Kelley and Denise McDonough for a 10-year incidental take permit under the Endangered Species Act of 1973, as amended. The application addresses the potential for ''take'' of the federally endangered Morro shoulderband snail that is likely to occur incidental to the construction, maintenance, and occupation of a single-family residence on an existing legal single-family-zoned parcel in the unincorporated community of Los Osos, San Luis Obispo County, California. The applicants would implement a conservation program to minimize and mitigate project activities that are likely to result in take of the Morro shoulderband snail as described in their plan. We invite comments from the public on the application package that includes the Kelley-McDonough Low-Effect Habitat Conservation Plan for the Morro Shoulderband Snail. This proposed action has been determined to be eligible for a Categorical Exclusion under the National Environmental Policy Act of 1969, as amended (NEPA).

DATES: To ensure consideration, please send your written comments by April 5, 2013.

ADDRESSES: You may download a copy of the habitat conservation plan, draft environmental action statement and low-effect screening form, and related documents on the Internet at *http://www.fws.gov/ventura/,* or you may request copies of the documents by U.S. mail or phone (see below). Please address written comments to Diane K. Noda, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. You may alternatively send comments by facsimile to 805–644–3958.

FOR FURTHER INFORMATION CONTACT: Julie M. Vanderwier, Fish and Wildlife Biologist, at the above address or by calling 805–644–1766.

SUPPLEMENTARY INFORMATION:

Background

The Morro shoulderband snail (=banded dune snail; *Helminthoglypta walkeriana*) was listed by the Service as endangered on December 15, 1994 (59 FR 64613). Section 9 of the Act and its implementing regulations (16 U.S.C. 1531 *et seq.*) prohibit the take of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the Act to include the following activities: ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the Act, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the Act as take that is not the purpose of carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are provided in the Code of Federal Regulations at 50 CFR 17.32 and 17.22. Issuance of an incidental take permit must not jeopardize the existence of federally listed fish, wildlife, or plant species.

John Kelley and Denise McDonough (hereafter, the applicants) have submitted a low-effect habitat conservation plan (HCP) in support of their application for an incidental take permit (ITP) to address take of Morro shoulderband snail that is likely to occur as the result of direct impacts to up to 0.18 acre (8,000 square feet) of highly disturbed habitat invaded by nonnative species that is occupied by the species. Take would be associated with the construction, maintenance, and occupation of a single-family residence on an existing parcel legally described as County of San Luis Obispo Assessor Parcel Number 074–471–002 and located at 2285 Bay Vista Lane in western portion of Los Osos, an unincorporated community of San Luis Obispo County, California. The applicants are requesting a permit for take of Morro shoulderband snail that would result from HCP ''covered activities,'' which include the construction, maintenance, and occupation of a single-family residence and associated landscaping/infrastructure.

The applicants propose to minimize and mitigate take of Morro shoulderband snail associated with the covered activities by fully implementing the HCP. The following measures would be implemented to minimize the effects of the taking: (1) Pre-construction and concurrent construction monitoring surveys for Morro shoulderband snail

would be conducted, (2) all identified individuals of any life stage of Morro shoulderband snail would be captured and moved out of harm's way to a Service-approved receptor site by an individual in possession of a current valid recovery permit for the species, and (3) a contractor and employee training program for Morro shoulderband snail would be developed and presented. To mitigate for unavoidable take, the applicants would contribute $4,000 to an impact-directed environmental account held and administered by the National Fish and Wildlife Foundation. These funds would be used to implement recovery tasks identified in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County, California* (USFWS 1998). The applicants would fund up to $4,000, as needed, to ensure implementation of all of the minimization measures and reporting requirements identified in the HCP.

In the proposed HCP, the applicants consider two alternatives to the proposed action: ''No Action'' and ''Project Design.'' Under the ''No Action'' alternative, an ITP for the Kelley-McDonough single-family residence would not be issued. The Kelly-McDonough single-family residence would not be built, and a contribution of in-lieu fees would not be provided to effect recovery actions for the Morro shoulderband snail. Since the property is privately owned, there are ongoing economic considerations associated with continued ownership without use, including payment of associated taxes. The sale of this property for purposes other than the identified activity is not considered economically feasible. Because of economic considerations and because the proposed action results in a net benefit for the covered species, Morro shoulderband snail, the No Action Alternative has been rejected.

Under the ''Project Redesign'' alternative, the project would be redesigned to avoid or further reduce take of Morro shoulderband snail. The onsite habitats occupied by Morro shoulderband snail are highly degraded in nature, and the parcel is not of sufficient size to accommodate a redesign that would substantially improve the conservation benefit to the species beyond what would be achieved in the proposed project. For these reasons, the alternate design alternative has also been rejected.

We are requesting comments on our preliminary determination that the applicants' proposal will have a minor or negligible effect on the Morro shoulderband snail and that the plan qualifies as a low-effect HCP as defined by our Habitat Conservation Planning Handbook (November 1996). We base our determinations on three criteria: (1) Implementation of the proposed project as described in the HCP would result in minor or negligible effects on federally listed, proposed, and/or candidate species and their habitats; (2) implementation of the HCP would result in minor negligible effects on other environmental values or resources; and (3) HCP impacts, considered together with those of other past, present, and reasonably foreseeable future projects, would not result in cumulatively significant effects. In our analysis of these criteria, we have made a preliminary determination that the approval of the HCP and issuance of an ITP qualify for categorical exclusion under the NEPA (42 U.S.C. 4321 *et seq.*), as provided by the Department of Interior Manual (516 DM 2 Appendix 2 and 516 DM 8); however, based upon our review of public comments that we receive in response to this notice, this preliminary determination may be revised.

Next Steps

We will evaluate the permit application, including the plan and comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will also evaluate whether issuance of the ITP would comply with section 7(a)(2) of the Act by conducting an intra-Service Section 7 consultation.

Public Review

We provide this notice under section 10(c) of the Act and the NEPA public involvement regulations (40 CFR 1500.1(b), 1500.2(d), and 1506.6). We are requesting comments on our determination that the applicants' proposal will have a minor or neglible effect on the Morro shoulderband snail and that the plan qualifies as a low-effect HCP. We will evaluate the permit application, including the plan and comments we receive, to determine whether the application meets the requirements of section 10(a)(1)(B) of the Act. We will use the results of our internal Service consultation, in combination with the above findings, in our final analysis to determine whether to issue the permits. If the requirements are met, we will issue an ITP to the applicants for the incidental take of Morro shoulderband snail. We will make the final permit decision no sooner than 30 days after the date of this notice.

Public Comments

If you wish to comment on the permit applications, plans, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: February 27, 2013.

Diane K. Noda,

Field Supervisor, Ventura Fish and Wildlife Office. Ventura, California.

[FR Doc. 2013–05237 Filed 3–5–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–CACO–12173; PPNECACOS0, PPMPSD1Z.YM0000]

Notice of March 25, 2013, Meeting for Cape Cod National Seashore Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting Notice.

SUMMARY: This notice sets forth the date of the Two Hundred Eighty-Eighth Meeting of the Cape Cod National Seashore Advisory Commission.

DATES: The public meeting of the Cape Cod National Seashore Advisory Commission will be held on Monday, March 25, 2013, at 1:00 P.M. (EASTERN).

ADDRESSES: The Commission members will meet in the meeting room at Headquarters, 99 Marconi Site Road, Wellfleet, Massachusetts 02667.

Agenda: The March 25, 2013, Commission meeting will consist of the following:

1. Adoption of Agenda
2. Approval of Minutes of Previous Meeting (January 14, 2013)
3. Reports of Officers
4. Reports of Subcommittees
   Update of Pilgrim Nuclear Plant

Emergency Planning Subcommittee
Update of Herring Cove Beach Subcommittee
5. Superintendent's Report
Update on Dune Shacks
Update on Ponds Status
Improved Properties/Town Bylaws
Herring River Wetland Restoration
Wind Turbines/Cell Towers
Shorebird Management Planning
Highlands Center Update
Alternate Transportation funding
Ocean stewardship topics—shoreline change
Herring Cove Beach/revetment
Climate Friendly Parks
6. Old Business
7. New Business
Commercial Private Properties—Certificate of Suspension from Condemnation updates and decisions
8. Date and agenda for next meeting
9. Public comment and
10. Adjournment

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from the Superintendent, George E. Price, Jr., Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667, at (508) 771–2144.

SUPPLEMENTARY INFORMATION: The Commission was reestablished pursuant to Public Law 87–126 as amended by Public Law 105–280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members. Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent prior to the meeting. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 25, 2013.

George E. Price, Jr.,

Superintendent, Cape Cod National Seashore.

[FR Doc. 2013–05180 Filed 3–5–13; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–GETT–12380; PPMPSPD1Z.YM0000; PPNEGETTS1]

Gettysburg National Military Park Advisory Commission Meetings (FY2013)

AGENCY: National Park Service, Interior.

ACTION: Notice of upcoming scheduled meetings.

SUMMARY: This notice announces a schedule of upcoming meetings for the Gettysburg National Military Park Advisory Commission.

DATES: The meetings are scheduled for April 25, 2013, and September 5, 2013.

Time: All scheduled meetings will begin at 7:00 p.m. and end at 9:00 p.m.

ADDRESSES: All scheduled meetings will be held at the Gettysburg National Military Park, Ford Education Center, 1195 Baltimore Pike, Gettysburg, Pennsylvania 17325.

Call (717) 334–1124 or visit online at *http://www.nps.gov/gett* for additional information on this facility.

FOR FURTHER INFORMATION CONTACT: Bob Kirby, DFO, Gettysburg National Military Park, 1195 Baltimore Pike, Gettysburg, Pennsylvania 17325 or phone (717) 334–1124.

SUPPLEMENTARY INFORMATION: The scheduled meetings will be open to the public. Each scheduled meeting will result in presentations on the Gettysburg National Military Park Operational Update and the Sesquicentennial Events. The April 25, 2013, meeting will also have the nomination of new officers. Any member of the public may file with the Committee a written statement with issues or concerns. Before including your address, telephone number, email address, or other personal identifying information in your comments, 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 view, we cannot guarantee that we will be able to do so. The issues or concerns should be addressed to the Gettysburg National Military Park Advisory Commission, 1195 Baltimore Pike, Gettysburg, Pennsylvania 17325.

The Gettysburg National Military Park Advisory Commission was established by Public Law 101–377. Efforts have been made locally to ensure that the interested public is aware of the meeting dates.

Dated: February 28, 2013.

Bob Kirby,

DFO, Gettysburg National Military Park, Northeast Region.

[FR Doc. 2013–05179 Filed 3–5–13; 8:45 am]

BILLING CODE 4310–WV–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–AKR–GAAR–12397; PPAKAKROR4;PPMPRLE1Y.LS0000]

Notice of Open Public Meetings for the National Park Service (NPS) Alaska Region's Subsistence Resource Commission (SRC) Program for Calendar Year 2013

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: As required by the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), the NPS is hereby giving notice that the Gates of the Arctic National Park Subsistence Resource Commission (SRC) will hold meetings to develop and continue work on NPS subsistence program recommendations and other related subsistence management issues. The NPS SRC program is authorized under Title VIII, Section 808 of the Alaska National Interest Lands Conservation Act, Public Law 96–487.

Gates of the Arctic National Park SRC Meeting Date and Location: The Gates of the Arctic National Park SRC will meet from 9:00 a.m. to 5:00 p.m. on Tuesday, April 9 to Wednesday, April 10, 2013, at the Ambler Public School in Ambler, AK. SRC meeting locations and dates may change based on inclement weather or exceptional circumstances. If the meeting date and location are changed, the Superintendent will issue a press release and use local newspapers and radio stations to announce the meeting.

Gates of the Arctic National Park SRC Proposed Meeting Agenda:

The proposed meeting agenda includes the following:

1. Call to Order—Confirm Quorum
2. Welcome Introduction
3. Review and Adoption of Agenda
4. Approval of Minutes
5. Welcome by Local Community
6. Superintendent's Welcome and Review of the Commission Purpose
7. Commission Membership Status

8. SRC Chair's Report
9. Superintendent's Report
10. Old Business
    a. Update on Gates of the Arctic National Park and Preserve General Management Plan
    b. Update on National Park Service Local Hire Program
    c. Update on Department of the Interior Tribal Consultation Policies
11. New Business
12. Federal Subsistence Board Update
13. Alaska Boards of Fish and Game Update
14. National Park Service Reports
    a. Ranger Update
    b. Resource Management Update
    c. Subsistence Manager's Report
15. Public and Other Agency Comments
16. Work Session
17. Set Tentative Date and Location for Next Subsistence Resource Commission Meeting
18. Adjourn Meeting

For Further Information Contact Designated Federal Official: Greg Dudgeon, Superintendent, or Marcy Okada, Subsistence Manager, at (907) 457–5752 or Clarence Summers, Subsistence Manager, at (907) 644–3603. If you are interested in applying for Gates of the Arctic National Park SRC membership, contact the Superintendent at 4175 Geist Road, Fairbanks, AK 99709, or visit the park Web site at: *http://www.nps.gov.gaar/contacts.htm.*

SUPPLEMENTARY INFORMATION: These meetings are open to the public and will have time allocated for public testimony. The public is welcome to present written or oral comments to the SRC. The meetings will be recorded and meeting minutes will be available upon request from the park superintendent for public inspection approximately six weeks after the meeting. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 21, 2013.

Debora R. Cooper,

Associate Regional Director, Resources and Subsistence, Alaska Region.

[FR Doc. 2013–05173 Filed 3–5–13; 8:45 am]

BILLING CODE 4312–EF–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–538]

Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2012 Review: Additions and Competitive Need Limitation Waivers

AGENCY: United States International Trade Commission.

ACTION: Change in scope of investigation.

SUMMARY: Following receipt of a letter from the United States Trade Representative (USTR) dated February 21, 2013, advising of the withdrawal of several competitive need waiver petitions, the U.S. International Trade Commission (Commission) has terminated its investigation with respect to the articles subject to those withdrawn petitions and will not provide advice with respect to those articles.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Information specific to this investigation may be obtained from Alberto Goetzl, Project Leader, Office of Industries (202–205–3323 or *alberto.goetzl@usitc.gov*), Katherine Baldwin, Deputy Project Leader, Office of Industries (202–205–3396 or *katherine.baldwin@usitc.gov*), or Cynthia B. Foreso, Technical Advisor, Office of Industries (202–205–3348 or *cynthia.foreso@usitc.gov*). For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov).* Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site (*http://www.usitc.gov*). 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.

Background: The Commission published notice of institution of this investigation and a public hearing to be held in connection therewith in the **Federal Register** on January 24, 2013 (78 FR 5205). As stated in the January 24, 2013, notice, the public hearing in this investigation (concerning the remaining articles) will be held on February 27, 2013. The deadline for filing post-hearing briefs and all other written submissions in this investigation (March 4, 2013) remains the same as previously announced, as does the date for transmitting the Commission's report to the USTR (April 8, 2013).

The USTR notified the Commission that petitions requesting competitive need waivers for imports of the following articles have been withdrawn, and that the request for Commission advice accordingly is being withdrawn. As a result, the Commission is terminating its investigation with respect to the withdrawn articles and will not provide probable economic effect advice regarding them:

Edible products of animal origin, not elsewhere specified or included (HTS subheading 0410.00.00) from Indonesia;

Orchids: Cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, fresh, dried, dyed, bleached, impregnated or otherwise prepared (HTS subheading 0603.13.00) from Thailand;

Rice flour (HTS subheading 1102.90.25) from Thailand;

Food preparations not elsewhere specified or included, not canned or frozen (HTS subheading 2106.90.99) from Thailand;

Porcelain or china (o/than bone china) household table and kitchenware in sets in which aggregate value of arts./US note 6(b) o/$56 n/o $200 (HTS subheading 6911.10.37) from Indonesia.;

Ferrosilicon containing by weight more than 55% but not more than 80% of silicon, nesoi (HTS subheading 7202.21.50) from Russia;

Ferrosilicon manganese (HTS subheading 7202.30.00) from Georgia;

Stainless steel, not cast, flanges for tubes/pipes, not forged or forged and machined, tooled and otherwise processed after forging (HTS subheading 7307.21.50) from India;

Iron or steel (o/than stainless), not cast, flanges for tubes/pipes, not forged or forged and machined, tooled and processed after forging (HTS subheading 7307.91.50) from India;

Copper wire, coated or plated with metal (HTS subheading 7408.29.10) from Thailand; and

Ice skates w/footwear permanently attached (HTS subheading 9506.70.40) from Thailand.

All other information in the January 24, 2013, notice remains the same, including with respect to the procedures relating to the filing of written submissions and the submission of confidential business information.

Issued: March 1, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–05150 Filed 3–5–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–749 (Third Review)]

Persulfates From China; Correction to Notice of institution

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: In a notice published in the **Federal Register** on March 1, 2013 (78 FR 13891), the Commission published a notice of institution of a five-year review concerning the antidumping duty order on persulfates from China with an incorrect effective date.

Correction: The correct effective date is March 1, 2013. The Commission hereby gives notice of the correction.

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

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

Authority: This review is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: March 1, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–05149 Filed 3–5–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On February 28, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the Southern District of Indiana in the lawsuit entitled *United States, et al.* v. *Countrymark Refining and Logistics, LLC,* Civil Action No. 13–cv–00030–RLY–WGH.

In the Complaint, the United States and the State of Indiana allege that Countrymark Refining and Logistics, LLC (''CountryMark'') violated, at its petroleum refinery in Mt. Vernon, Indiana, various provisions of the Clean Air Act, 42 U.S.C. 7401 *et seq.;* Ind. Code 13–13–5–1 and 13–13–5–2; the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9609(c) and 9613(b); and the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. 11045(b)(3).

Under the consent decree, CountryMark will implement innovative pollution control technologies to reduce emissions of nitrogen oxides, sulfur dioxide, and particulate matter from refinery process units. CountryMark also agreed to limit the waste gases it sends to its flare through a ''cap'' on flaring. For waste gases that are flared, CountryMark will operate numerous monitoring systems and comply with several operating parameters to ensure that the flare adequately combusts the gases. In addition, CountryMark will adopt facility-wide enhanced benzene waste monitoring and fugitive emission control programs. Finally, CountryMark will pay a civil penalty of $167,000 to the United States and implement a $70,000 Supplemental Environmental Project to retrofit diesel school buses in the vicinity of the facility. CountryMark already funded a $111,000 State of Indiana project to remove asbestos from a grain elevator in Mt. Vernon, Indiana.

The publication of this notice opens a period of public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al.* v. *Countrymark Refining and Logistics, LLC,* D.J. Ref. No. 90–5–2–1–09311. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ–ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check in the amount of $59.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Robert D. Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–05113 Filed 3–5–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On February 27, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Hawaii in the lawsuit entitled *United States* v. *Waste Management of Hawaii, Inc.,* Civil Action No. CV 13 00095 RLP.

In this action, the United States filed a complaint under the Clean Air Act alleging violations at the Waimanalo Gulch Municipal Solid Waste Landfill located on the island of Oahu in Hawaii. The consent decree requires the County to implement injunctive relief including conducting enhanced gas monitoring, complying with interim wellhead gas temperature limits and implementing a Monitoring and Contingency Plan for Elevated Temperatures. The consent decree also requires the County to pay a civil penalty of $1,100,000.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural

Resources Division, and should refer to *United States* v. *Waste Management of Hawaii,* D.J. Ref. No. 90–5–2–1–09044. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email ...	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $11.00 (25 cents per page reproduction cost) payable to the United States Treasury for a version without appendices and $28.00 for a version with appendices.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–05078 Filed 3–5–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[OMB Control No. 1219–0141]

Proposed Extension of Existing Information Collection; Emergency Mine Evacuation

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration is soliciting comments concerning the extension of the information collection for 30 CFR 48.3, Training plans; time of submission; where filed; information required; time for approval; method for disapproval; commencement of training; approval of instructors, 30 CFR 75.1502, Mine emergency evacuation and firefighting program of instruction, 30 CFR 75.1504, Mine emergency evacuation training and drills, 30 CFR 75.1505, Escapeway maps, 30 CFR 75.1714–3, Self-rescue devices; inspection, testing, maintenance, repair, and recordkeeping, 30 CFR 75.1714–4, Storage of self-contained self-rescuers (SCSRs) in hardened rooms, 30 CFR 75.1714–5, Map locations of SCSRs, and 30 CFR 75.1714–8, Reporting SCSR inventory and malfunctions; retention of SCSRs.

DATES: All comments must be postmarked or received by midnight Eastern Standard Time on May 6, 2013.

ADDRESSES: Comments concerning the information collection requirements of this notice must be clearly identified with ''OMB 1219–0141'' and sent to the Mine Safety and Health Administration (MSHA). Comments may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Facsimile:* 202–693–9441, include ''OMB 1219–0141'' in the subject line of the message.
- *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939. For hand delivery, sign in at the receptionist's desk on the 21st floor.

FOR FURTHER INFORMATION CONTACT: Greg Moxness, Chief, Economic Analysis Division, Office of Standards, Regulations, and Variances, MSHA, at *moxness.greg@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

The Mine Safety and Health Administration (MSHA) issued a final rule addressing emergency mine evacuation in 2006. This regulation included requirements for immediate accident notification applicable to all mines. In addition, it contained requirements for new and expanded training, including evacuation drills; self-contained self-rescuer (SCSR) storage, training, and use; and the installation and maintenance of lifelines in underground coal mines.

II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to emergency mine evacuation. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address 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), to minimize the burden of the collection of information on those who are to respond.

The public may examine publicly available documents, including the public comment version of the supporting statement, at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939. OMB clearance requests are available on MSHA's Web site at *http://www.msha.gov* under ''**Federal Register** Documents'' on the right side of the screen by selecting *New and Existing Information Collections and Supporting Statements.* The document will be available on MSHA's Web site for 60 days after the publication date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because comments will not be edited to remove any identifying or contact information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

III. Current Actions

The information obtained from mine operators is used by MSHA during inspections to determine compliance with safety and health standards. MSHA has updated the data in respect to the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection extension request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

Summary

Type of Review: Extension.

Agency: Mine Safety and Health Administration.

Title: Emergency Mine Evacuation.

OMB Number: 1219–0141.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 48.3, 30 CFR 75.1502, 30 CFR 75.1504, 30 CFR 75.1505, 30 CFR 75.1714–3, 30 CFR 75.1714–4, 30 CFR 75.1714–5, 30 CFR 75.1714–8, and MSHA Form 2000–222.

Total Number of Respondents: 361.

Frequency: Various.

Total Number of Responses: 1,140,325.

Total Burden Hours: 450,840 hours.

Total Other Annual Cost Burden: $73,440.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: March 1st, 2013.

George F. Triebsch,

Certifying Officer.

[FR Doc. 2013–05159 Filed 3–5–13; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL SCIENCE FOUNDATION

National Science Board; Sunshine Act Meetings

The National Science Board's Task Force on Administrative Burdens, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of a teleconference for the transaction of National Science Board business and other matters specified, as follows:

DATE AND TIME: Thursday, March 14, 2013, 4:00 p.m.–5:00 p.m. EDT.

SUBJECT MATTER: Discussion of data collection and outreach and the Office of Management and Budget's recent proposed guidance for Federal awards.

STATUS: Open.

LOCATION: This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201Wilson Blvd., Arlington, VA 22230. A public listening room will be available for this teleconference meeting. All visitors must contact the Board Office (call 703–292–7000 or send an email message to *nationalsciencebrd@nsf.gov)* at least 24 hours prior to the teleconference for the public listening room number and to arrange for a visitor's badge. All visitors must report to the NSF visitor desk located in the lobby at the 9th and N. Stuart Streets entrance on the day of the teleconference to receive a visitor's badge.

UPDATES AND POINT OF CONTACT: Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information and schedule updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/*. Point of contact for this meeting is: John Veysey, National Science Board Office, 4201Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7000.

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2013–05300 Filed 3–4–13; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of Meeting.

SUMMARY: NRC will convene a meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on April 15–16, 2013. A sample of agenda items to be discussed during the public session includes: (1) An update on the status of the Commission Paper on data collection for Patient Release; (2) an update on the proposed interim enforcement policy for Permanent Implant Brachytherapy programs; (3) medical-related events from fiscal year 2012; (4) an update on the 10 CFR Part 35 Rulemaking; (5) a discussion on the draft guidance for the 10 CFR Part 35 Rulemaking; (6) an overview of the NNSA's efforts to minimize the use of highly enriched uranium in molybdenum-99 production; (7) an overview of the 2013 reimbursement policy for non-HEU produced medical isotopes and (8) the Abnormal Occurrence Subcommittee Report. The agenda is subject to change. The current agenda and any updates will be available at *http://www.nrc.gov/reading-rm/doc-collections/acmui/agenda* or by emailing Ms. Sophie Holiday at the contact information below.

Purpose: Discuss issues related to 10 CFR Part 35 Medical Use of Byproduct Material.

Date and Time for Closed Session: April 15, 2013, from 8:00 a.m. to 9:30 a.m. This session will be closed for ACMUI training.

Date and Time for Open Sessions: April 15, 2013, from 9:30 a.m. to 5:00 p.m. and April 16, 2013, from 8:00 a.m. to 2:30 p.m.

Address for Public Meeting: U.S. Nuclear Regulatory Commission, Two White Flint North Building, Room T2–B3, 11545 Rockville Pike, Rockville, Maryland 20852.

Public Participation: Any member of the public who wishes to participate in the meeting in person or via phone should contact Ms. Holiday using the information below. The meeting will also be webcast live: *video.nrc.gov*.

Contact Information: Sophie J. Holiday, email: *sophie.holiday@nrc.gov,* telephone: (301) 415–7865.

Conduct of the Meeting

Leon S. Malmud, M.D., will chair the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Holiday at the contact information listed above. All submittals must be received by April 8, 2013, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The draft transcript will be available on ACMUI's Web site (*http://www.nrc.gov/reading-rm/doc-collections/acmui/tr/)* on or about May 17, 2013. A meeting summary will be available on ACMUI's Web site (*http://*

www.nrc.gov/reading-rm/doc-collections/acmui/meeting-summaries/) on or about May 28, 2013.

4. Persons who require special services, such as those for the hearing impaired, should notify Ms. Holiday of their planned attendance.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations,* Part 7.

Dated: February 28, 2013.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2013–05168 Filed 3–5–13; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30411; 812–14043]

Forward Funds, et al.; Notice of Application

February 28, 2013.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (the ''Act'') for exemption from sections 12(d)(1)(A) and (B) of the Act and under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act.

Summary of the Application: The order would permit certain open-end management investment companies registered under the Act to acquire shares of certain open-end management investment companies registered under the Act that are outside of the same group of investment companies as the acquiring investment companies.

Applicants: Forward Funds (the ''Trust''), Forward Management, LLC (the ''Adviser''), and Forward Securities, LLC (the ''Distributor'').

Filing Dates: The application was filed on June 11, 2012, and amended on September 28, 2012, December 19, 2012, and February 6, 2013.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 25, 2013, and should be accompanied by proof of service on applicants, 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 Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants, 101 California Street, 16th Floor, San Francisco, CA 94111.

FOR FURTHER INFORMATION CONTACT: Christine Y. Greenlees, Senior Counsel, at (202) 551–6879, or David P. Bartels, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete 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.

Applicants' Representations

1. The Trust is an open-end management investment company registered under the Act and organized as a Delaware statutory trust. The Trust is comprised of separate series (each a ''Fund'' and collectively, the ''Funds''). The Adviser is registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act'') and serves as investment adviser for each of the Funds. The Distributor is registered as a broker dealer under the Securities Exchange Act of 1934 (the ''Exchange Act'') and serves as the Funds' distributor. Both the Adviser and the Distributor are Delaware limited liability companies.

2. Applicants request an order to permit (a) registered open-end management investment companies (the ''Investing Funds'') that are not part of the same ''group of investment companies,'' within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Trust, to acquire shares of the Funds in excess of the limits in section 12(d)(1)(A) of the Act, and (b) the Funds, any principal underwriter for a Fund, and any broker or dealer registered under the Exchange Act (''Broker'') to sell shares of the Funds to the Investing Funds in excess of the limits of section 12(d)(1)(B) of the Act.[1] Applicants also request an order under sections 6(c) and 17(b) of the Act to exempt applicants from section 17(a) to the extent necessary to permit a Fund to sell its shares to and redeem its shares from an Investing Fund.[2]

3. Each Investing Fund will be advised by an ''investment adviser,'' within the meaning of section 2(a)(20)(A) of the Act, and such adviser will be registered as an investment adviser under the Advisers Act (each, an ''Investing Fund Adviser''). Some Investing Funds may also be advised by an investment adviser that meets the definition of section 2(a)(20)(B) of the Act (each, an ''Investing Fund Subadviser'').

Applicants' Legal Analysis

A. Section 12(d)(1)

1. Section 12(d)(1)(A) of the Act, in relevant part, prohibits a registered investment company from acquiring shares of an investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company, its principal underwriter, and any Broker from knowingly selling the investment company's shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's total outstanding voting stock, or if the sale will cause more than 10% of the acquired company's total outstanding voting stock to be owned by investment companies generally.

2. Section 12(d)(1)(J) of the Act provides that the Commission may

[1] All entities that currently intend to rely on the requested order are named as applicants. Any other entity that relies on the order in the future will comply with the terms and conditions of the application. Certain of the Funds created in the future may be registered under the Act as open-end management investment companies and may have received exemptive relief to permit their shares to be listed and traded on a national securities exchange at negotiated prices (''ETFs'').

[2] Applicants request that the relief apply to: (1) Each registered open-end management investment company or series thereof that currently or subsequently is part of the same ''group of investment companies,'' within the meaning of section 12(d)(1)(G)(ii) of the Act, as the Trust and is advised by the Adviser (included in the term ''Funds''); (2) each Investing Fund that enters into a Participation Agreement (as defined below) with a Fund to purchase shares of the Fund; and (3) any principal underwriter to a Fund or Broker (as defined below) selling shares of a Fund.

exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Applicants seek an exemption under section 12(d)(1)(J) of the Act to permit Investing Funds to acquire shares of the Funds in excess of the limits in section 12(d)(1)(A), and a Fund, any principal underwriter for a Fund and any Broker to sell shares of a Fund to an Investing Fund in excess of the limits in section 12(d)(1)(B) of the Act.

3. Applicants state that the proposed arrangement will not give rise to the policy concerns underlying sections 12(d)(1)(A) and (B), which include concerns about undue influence by a fund of funds over underlying funds, excessive layering of fees, and overly complex fund structures. Accordingly, applicants believe that the requested exemption is consistent with the public interest and the protection of investors.

4. Applicants believe that the proposed arrangement will not result in the exercise of undue influence by an Investing Fund or an Investing Fund Affiliate over the Funds.[3] To limit the control that an Investing Fund may have over a Fund, applicants propose a condition prohibiting the Investing Fund's Advisory Group from controlling (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act.[4] The same prohibition would apply to any Investing Fund's Subadvisory Group.[5] Applicants propose other conditions to limit the potential for undue influence over the Funds, including that no Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in an offering of securities during the existence of any underwriting or selling syndicate of which a principal underwriter is an Underwriting Affiliate (''Affiliated Underwriting'').[6]

5. To ensure that the Investing Funds comply with the terms and conditions of the requested relief, prior to an Investing Fund's investment in the shares of a Fund in excess of the limit in section 12(d)(1)(A) of the Act, the Investing Fund and the Fund will execute an agreement stating, without limitation, that their Boards (as defined below) and their investment advisers understand the terms and conditions of the order and agree to fulfill their responsibilities under the order (''Participation Agreement'').[7] Applicants note that each of the Funds (other than an ETF whose shares are purchased by an Investing Fund in the secondary market) will retain its right at all times to reject any investment by an Investing Fund.[8]

6. Applicants state that they do not believe that the proposed arrangement will involve excessive layering of fees. The Board of each Investing Fund, including a majority of the directors or trustees who are not ''interested persons'' (within the meaning of section 2(a)(19) of the Act) (''Disinterested Directors''), will find that the advisory fees charged under investment advisory contract(s) are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Fund may invest. In addition, the Investing Fund Adviser will waive fees otherwise payable to it by an Investing Fund in an amount at least equal to any compensation (including fees received pursuant to any plan adopted by a Fund under rule 12b–1 under the Act) received from a Fund by the Investing Fund Adviser, or an affiliated person of the Investing Fund Adviser, other than any advisory fees paid to the Investing Fund Adviser or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in Rule 2830 of the Conduct Rules of the NASD (''NASD Conduct Rule 2830'').[9]

7. Applicants submit that the proposed arrangement will not create an overly complex fund structure. Applicants note that no Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except in certain circumstances identified in condition 12 below.

B. Section 17(a)

1. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and any affiliated person of the company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote, 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the other person; and (c) any person directly or indirectly controlling, controlled by, or under common control with the other person.

2. Applicants state that an Investing Fund and a Fund might be deemed to be affiliated persons of one another if the Investing Fund acquires 5% or more of a Fund's outstanding voting securities. Accordingly, section 17(a) could prevent a Fund from selling shares to and redeeming shares from an Investing Fund.

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c)

[3] An ''Investing Fund Affiliate'' is the Investing Fund Adviser, any Investing Fund Subadviser, promoter or principal underwriter of an Investing Fund, as well as any person controlling, controlled by, or under common control with any of those entities. A ''Fund Affiliate'' is an investment adviser, sponsor, promoter, or principal underwriter of a Fund, as well as any person controlling, controlled by, or under common control with any of those entities.

[4] An ''Investing Fund's Advisory Group'' is the Investing Fund Adviser, any person controlling, controlled by or under common control with the Investing Fund Adviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act that is advised or sponsored by the Investing Fund Adviser or any person controlling, controlled by or under common control with the Investing Fund Adviser.

[5] An ''Investing Fund's Subadvisory Group'' is an Investing Fund Subadviser, any person controlling, controlled by or under common control with the Investing Fund Subadviser, and any investment company or issuer that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act (or portion of such investment company or issuer) advised or sponsored by the Investing Fund Subadviser or any person controlling, controlled by or under common control with the Investing Fund Subadviser.

[6] An ''Underwriting Affiliate'' is a principal underwriter in any underwriting or selling syndicate that is an officer, director, trustee, advisory board member, Investing Fund Adviser, Investing Fund Subadviser, or employee of the Investing Fund, or a person of which any such officer, director, trustee, advisory board member, Investing Fund Adviser, Investing Fund Subadviser, or employee is an affiliated person. An Underwriting Affiliate does not include any person whose relationship to the Fund is covered by section 10(f) of the Act.

[7] The board of directors or trustees, as applicable, of a specified entity is referred to herein as a ''Board.''

[8] A Fund, including an ETF, would retain its right to reject any initial investment by an Investing Fund in excess of the limit in section 12(d)(1)(A)(i) of the Act by declining to execute the Participation Agreement with the Investing Fund.

[9] Any references to NASD Conduct Rule 2830 include any successor or replacement FINRA rule to NASD Conduct Rule 2830.

the proposed transaction is consistent with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants submit that the proposed transactions satisfy the standards for relief under sections 17(b) and 6(c) of the Act.[10] Applicants state that the terms of the transactions are reasonable and fair and do not involve overreaching. Applicants state that the terms upon which a Fund will sell its shares to or purchase its shares from an Investing Fund will be based on the net asset value of the Fund.[11] Applicants state that the proposed transactions will be consistent with the policies of each Investing Fund and each Fund and with the general purposes of the Act.

Applicants' Conditions

Applicants agree that the relief to permit Investing Funds to invest in Funds shall be subject to the following conditions:

1. The members of an Investing Fund's Advisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. The members of an Investing Fund's Subadvisory Group will not control (individually or in the aggregate) a Fund within the meaning of section 2(a)(9) of the Act. If, as a result of a decrease in the outstanding voting securities of a Fund, the Investing Fund's Advisory Group or the Investing Fund's Subadvisory Group, each in the aggregate, becomes a holder of more than 25 percent of the outstanding voting securities of a Fund, it will vote its shares of the Fund in the same proportion as the vote of all other holders of the Fund's shares. This condition does not apply to the Investing Fund's Subadvisory Group with respect to a Fund for which the Investing Fund Subadviser or a person controlling, controlled by, or under common control with the Investing Fund Subadviser acts as the investment adviser within the meaning of section 2(a)(20)(A) of the Act.

2. No Investing Fund or Investing Fund Affiliate will cause any existing or potential investment by the Investing Fund in shares of a Fund to influence the terms of any services or transactions between the Investing Fund or an Investing Fund Affiliate and the Fund or a Fund Affiliate.

3. The Board of an Investing Fund, including a majority of the Disinterested Directors, will adopt procedures reasonably designed to ensure that the Investing Fund Adviser and any Investing Fund Subadviser(s) are conducting the investment program of the Investing Fund without taking into account any consideration received by the Investing Fund or an Investing Fund Affiliate from a Fund or a Fund Affiliate in connection with any services or transactions.

4. Once an investment by an Investing Fund in the securities of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, the Board of the Fund, including a majority of the Disinterested Directors, will determine that any consideration paid by the Fund to the Investing Fund or an Investing Fund Affiliate in connection with any services or transactions: (a) Is fair and reasonable in relation to the nature and quality of the services and benefits received by the Fund; (b) is within the range of consideration that the Fund would be required to pay to another unaffiliated entity in connection with the same services or transactions; and (c) does not involve overreaching on the part of any person concerned. This condition does not apply with respect to any services or transactions between a Fund and its investment adviser(s) or any person controlling, controlled by, or under common control with such investment adviser(s).

5. No Investing Fund or Investing Fund Affiliate (except to the extent it is acting in its capacity as an investment adviser to a Fund) will cause a Fund to purchase a security in any Affiliated Underwriting.

6. The Board of a Fund, including a majority of the Disinterested Directors, will adopt procedures reasonably designed to monitor any purchases of securities by the Fund in an Affiliated Underwriting once an investment by an Investing Fund in the securities of the Fund exceeds the limit of section 12(d)(1)(A)(i) of the Act, including any purchases made directly from an Underwriting Affiliate. The Board of the Fund will review these purchases periodically, but no less frequently than annually, to determine whether the purchases were influenced by the investment by the Investing Fund in shares of the Fund. The Board will consider, among other things, (i) whether the purchases were consistent with the investment objectives and policies of the Fund; (ii) how the performance of securities purchased in an Affiliated Underwriting compares to the performance of comparable securities purchased during a comparable period of time in underwritings other than Affiliated Underwritings or to a benchmark such as a comparable market index; and (iii) whether the amount of securities purchased by the Fund in Affiliated Underwritings and the amount purchased directly from an Underwriting Affiliate have changed significantly from prior years. The Board will take any appropriate actions based on its review, including, if appropriate, the institution of procedures designed to ensure that purchases of securities in Affiliated Underwritings are in the best interest of shareholders.

7. Each Fund will maintain and preserve permanently in an easily accessible place a written copy of the procedures described in the preceding condition, and any modifications to such procedures, and will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any purchase in an Affiliated Underwriting occurred, the first two years in an easily accessible place, a written record of each purchase of securities in Affiliated Underwritings once an investment by an Investing Fund in the securities of a Fund exceeds the limit in section 12(d)(1)(A)(i) of the Act, setting forth from whom the securities were acquired, the identity of the underwriting syndicate's members, the terms of the purchase, and the information or materials upon which the Board's determinations were made.

8. Before investing in shares of a Fund in excess of the limits in section 12(d)(1)(A), each Investing Fund and Fund will execute a Participation Agreement stating, without limitation, that their Boards and their investment advisers understand the terms and conditions of the order and agree to fulfill their responsibilities under the order. At the time of its investment in

[10] Applicants acknowledge that receipt of any compensation by (a) an affiliated person of an Investing Fund, or an affiliated person of such person, for the purchase by an Investing Fund of shares of a Fund or (b) an affiliated person of a Fund, or an affiliated person of such person, for the sale by the Fund of its shares to an Investing Fund may be prohibited by section 17(e)(1) of the Act. The Participation Agreement also will include this acknowledgement.

[11] Applicants note that an Investing Fund generally would purchase and sell shares of a Fund that operates as an ETF through secondary market transactions rather than through principal transactions with the Fund. The requested relief is intended to cover, however, transactions directly between Funds and Investing Funds. Applicants are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where an ETF could be deemed an affiliated person, or an affiliated person of an affiliated person of an Investing Fund because an investment adviser to the ETF is also an investment adviser to the Investing Fund.

shares of a Fund in excess of the limit in section 12(d)(1)(A)(i), an Investing Fund will notify the Fund of the investment. At such time, the Investing Fund will also transmit to the Fund a list of the names of each Investing Fund Affiliate and Underwriting Affiliate. The Investing Fund will notify the Fund of any changes to the list of the names as soon as reasonably practicable after a change occurs. The Fund and the Investing Fund will maintain and preserve a copy of the order, the Participation Agreement, and the list with any updated information for the duration of the investment and for a period of not less than six years thereafter, the first two years in an easily accessible place.

9. Prior to approving any advisory contract under section 15 of the Act, the Board of each Investing Fund, including a majority of the Disinterested Directors, will find that the advisory fees charged under such advisory contracts are based on services provided that will be in addition to, rather than duplicative of, the services provided under the advisory contract(s) of any Fund in which the Investing Fund may invest. These findings and their basis will be recorded fully in the minute books of the appropriate Investing Fund.

10. An Investing Fund Adviser will waive fees otherwise payable to it by the Investing Fund in an amount at least equal to any compensation (including fees received pursuant to a plan adopted by a Fund under Rule 12b–1 under the Act) received from a Fund by the Investing Fund Adviser, or an affiliated person of the Investing Fund Adviser, other than any advisory fees paid to the Investing Fund Adviser or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund. Any Investing Fund Subadviser will waive fees otherwise payable to the Investing Fund Subadviser, directly or indirectly, by the Investing Fund in an amount at least equal to any compensation received from a Fund by the Investing Fund Subadviser, or an affiliated person of the Investing Fund Subadviser, other than any advisory fees paid to the Investing Fund Subadviser or its affiliated person by the Fund, in connection with the investment by the Investing Fund in the Fund made at the direction of the Investing Fund Subadviser. In the event that the Investing Fund Subadviser waives fees, the benefit of the waiver will be passed through to the Investing Fund.

11. Any sales charges and/or service fees charged with respect to shares of an Investing Fund will not exceed the limits applicable to a fund of funds as set forth in NASD Conduct Rule 2830.

12. No Fund will acquire securities of any investment company or company relying on section 3(c)(1) or 3(c)(7) of the Act in excess of the limits contained in section 12(d)(1)(A) of the Act, except to the extent permitted by exemptive relief from the Commission permitting the Fund to purchase shares of other investment companies for short-term cash management purposes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Kevin O'Neill,

Deputy Secretary.

[FR Doc. 2013–05167 Filed 3–5–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69005; File No. SR–Phlx–2013–16]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Transaction Fees for Options on Treasury Securities

February 28, 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 February 19, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend its Fee Schedule to create fees for options on Treasury securities.[3]

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on March 1, 2013. The Exchange will begin trading Options on Treasury Securities on February 19, 2013. From February 19, 2013 through February 28, 2013, the fees and rebates proposed herein will not be applicable. Exchange members and member organizations will be assessed $0.00 Options Transaction Charges and will receive $0.00 Options Transactions Rebates.

The text of the proposed rule change is provided in *Exhibit 5.* The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

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 Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to create new fees titled ''Options on Treasury Securities'' to support options overlying certain treasury securities (''Options on Treasury Securities''),[4] as well as to offer to discounted pricing to Customers and Specialists and Market Makers and rebates to Specialists and Market Makers to encourage these market participants to trade Options on Treasury Securities.

The Options on Treasury Securities will trade on the Exchange as a Singly

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Subsection (a)(1) of proposed Rule 1001D states that the term ''Treasury securities'' (also known as Treasury debt securities) means a bond or note or other evidence of indebtedness that is a direct obligation of, or an obligation guaranteed as to principal or interest by, the United States or a corporation in which the United States has a direct or indirect interest (except debt securities guaranteed as to timely payment of principal and interest by the Government National Mortgage Association). Securities issued or guaranteed by individual departments or agencies of the United States are sometimes referred to by the title of the department or agency involved (*e.g.,* a ''Treasury security'' is a debt instrument that is issued by the United States Treasury).

[4] *See* Securities Exchange Release Act No. 67976 (October 4, 2012), 77 FR 61794 (October 11, 2012) (SR–Phlx–2012–105) (approval order).

Listed Option.[5] The Exchange proposes to add these fees to Section III of the Fee Schedule titled ''Singly Listed Options.'' [6] Specifically, the Exchange is proposing to assess the following per contract fees and rebates on market participants to trade Options on Treasury Securities:

	Customer	Professional	Specialist and market maker	Firm	Broker-Dealer
Options Transaction Rebate—Electronic	N/A	N/A	$0.05	N/A	N/A
Options Transaction Charge—Electronic	$0.15	$0.20	N/A	$0.20	$0.20
Options Transaction Charge—Floor12 [7]	0.15	0.20	0.10	0.20	0.20

The Exchange believes that the $0.05 rebate per contract for electronic Options Transactions for Specialists and Market Makers should encourage them to offer options on treasury securities to their customers.

The charge for Options Transactions per contract, both electronic and floor, will be $0.15 for Customers and $0.20 for Professionals,[8] Firms and Broker-Dealers. Specialists and Market Makers will not be charged for electronic Options Transactions, but charged $0.10 for floor Options Transactions. However, for all market participants floor Options Transaction charges will apply to the first 500 contracts only, meaning that each additional contract will not be assessed a floor options transaction charge. This volume discount on trading Options on Treasury Securities will serve to increase order flow, which, in turn, will provide increased liquidity to the market and benefit all participants.

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative on March 1, 2013. The Exchange will begin trading Options on Treasury Securities on February 19, 2013. From February 19, 2013 through February 28, 2013, the fees and rebates proposed herein will not be applicable. Exchange members and member organizations will be assessed $0.00 Options Transaction Charges and will receive $0.00 Options Transactions Rebates.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act [9] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act [10] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities.

The Exchange believes that the proposed fees for Options on Treasury Securities are equitable, reasonable and not unfairly discriminatory because the Exchange is seeking to recoup the operational and development costs associated with the Options on Treasury Securities product, a proprietary product of the Exchange, while also encouraging members and member organizations to trade Options on Treasury Securities by assessing a floor options transaction charge that will apply only to the first 500 contracts and, thereafter, each additional contract will not be assessed an options transaction charge. It is also reasonable and equitable to offer a floor volume discount on trading Options on Treasury Securities because all market participants are treated equally and order flow will provide increased liquidity to the market and benefit all participants. Institutional investors trade in large size and typically utilize floor brokers on certain trades and the proposed pricing better aligns the fees with other similar derivatives in the market place. In addition, the concept of offering a volume discount to incentivize order flow is not novel.[11]

The Exchange has previously stated that it incurs higher costs for Singly Listed options as compared to Multiply Listed options.[12] The Chicago Board Options Exchange, Incorporated (''CBOE'') noted in a comment letter dated June 21, 2010, that CBOE relies upon fees to recoup licensing costs incurred on options products that use third-party proprietary indexes as benchmarks (such as the S&P 500®), and to generate returns on its investments for its own popular proprietary products (such as The CBOE Volatility Index® (''VIX®'') Options).[13] The Exchange agrees with CBOE's position and while the Exchange continues to assert that Singly Listed products incur higher costs and therefore market participants should be assessed higher fees as compared to Multiply Listed products, the Exchange is proposing to offer a volume discount, as a means to promote this new infant product.[14]

The Exchange believes that the proposed fees for Options on Treasury Securities are equitable because all market participants would be assessed lower fees for transacting electronic and floor Options on Treasury Securities (except Specialists and Market Makers that will not be charged at all for electronic transactions) as compared to other Singly Listed indexes (other than Alpha and MSCI Index Options). Specifically, Customers would be assessed $0.15 per contract to transact either electronic or floor Options on Treasury Securities as compared to $0.35 per contract for Singly Listed index options (other than Alpha and MSCI Index Options). Specialists,[15]

[5] A Singly Listed Option means an option that is only listed on the Exchange and is not listed by any other national securities exchange.

[6] Section III of the Fee Schedule includes options overlying currencies, equities, exchange-traded funds (''ETFs''), exchange-traded notes (''ETNs''), and indexes.

[7] The Commission notes that proposed footnote 12 of Section III of the Fee Schedule states ''Options Transaction Charge—Floor will apply to the first 500 contract only. Each additional contract will be assessed an options transaction charge—floor of $0.00.''

[8] The Exchange defines a ''professional'' as any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s) (hereinafter ''Professional'').

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] *See* CBOE's Fees Schedule. CBOE has a sliding scale for its proprietary products whereby transaction fees are reduced when a Clearing Trading Permit Holder reaches certain volume thresholds in multiply listed options on CBOE in a month.

[12] *See* Securities Exchange Release Act No. 64096 (March 18, 2011), 76 FR 16646 (March 24, 2011) (SR–Phlx–2011–34).

[13] *See* CBOE's Comment Letter dated June 21, 2010 to the Proposed Amendments to Rule 610 of Regulation NMS, File No. S7–09–10. CBOE further noted that options exchanges expend considerable resources on research and development related to new product offerings and options exchanges incur large licensing costs for many products.

[14] If the Exchange determines to increase the pricing for options overlying Options on Treasury Securities at a later date, the Exchange would file a proposal with the Commission.

[15] A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a).

Registered Options Traders,[16] SQTs,[17] and RSQTs [18] (collectively ''market makers'') [19] would be assessed no fee for transacting electronic Options on Treasury Securities and $0.10 per contract for transacting floor Options on Treasury Securities, as compared to the $0.40 per contract fee such Specialists and Market Makers are assessed for Singly Listed index options (other than Alpha and MSCI Index Options). Professionals, Firms and Broker-Dealers would be assessed $0.20 per contract to transact either electronic or floor Options on Treasury Securities, as compared to $0.60 per contract for all other Singly Listed index options (other than Alpha and MSCI Index Options). Specialists and Market Makers would be assessed $0.10 per contract to transact floor Options on Treasury Securities, as compared to $0.40 per contract for all other Singly Listed index options (other than Alpha and MSCI Index Options).

The Exchange believes that it is equitable and not unfairly discriminatory to assess lower fees of $0.15 per contract for electronic and floor Options Transactions on Treasury Securities for Customers and no fee for electronic and $0.10 per contract for floor Options Transactions on Treasury Securities for Specialists and Market Makers, as well as to offer a $0.05 rebate per contract for electronic Options Transactions on Treasury Securities for Specialists and Market Makers, in recognition of the differing contributions these participants provide to the market place. Increased Customer liquidity benefits all market participants seeking to provide liquidity to Customers. Additionally, the most critical form of advertising for an exchange's new product is the electronic quotations produced by Specialists and Market Makers and disseminated to the investing public. Wide markets can impede the growth of a product and to ensure the best possible quotes are available to the market place the Exchange will offer a rebate to create the incentive for Specialists and Market Makers to offer their best bids and offers without the impact of a fee. All Specialists and Market Makers, even an ROT, can avail themselves of this pricing by posting bids and/or offers in the electronic market. Electronic bids and offers act, in part, to attract orders to the floor, which provides floor participants opportunities to trade—the pricing reflects these differing benefits and contributions to the fledgling treasury options market place.

The Exchange also believes that offering discounted pricing to market participants for transacting 500 or more contracts on Options on Treasury Securities further provides benefits to market participants such as to increase order flow, which, in turn, will provide increased liquidity to the market and benefit all participants. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to assess a Professional, Firm and Broker-Dealer a per contract fee of $0.20 per contract for transacting Options on Treasury Securities because the Exchange is assessing all market participants, except Customers and Specialists and Market Makers, the same rate to transact Options on Treasury Securities. The Exchange believes that the price differentiation between Customers and Specialists and Market Makers as compared to Professionals, Firms and Broker-Dealers is justified and not unfairly discriminatory because Customers order flow brings unique benefits to the market which benefits all market participants through increased liquidity and Specialists and Market Makers have obligations to the market and regulatory requirements,[20] which normally do not apply to other market participants. They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The proposed differentiation as between Customers and Specialists and Market Makers and other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants, as well as the differing mix of orders entered.

The Exchange believes that the proposed fees are reasonable and not unfairly discriminatory because the fees are consistent with price differentiation that exists today at all option exchanges. For example, CBOE assesses different rates for certain proprietary indexes as compared to other index products transacted at CBOE. VIX options and The S&P 500® Index options (''SPX℠'') are assessed different fees than other indexes.[21] In addition, the concept of offering a volume discount to incentivize order flow is not novel.[22]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that by offering Options on Treasury Securities it will encourage order flow to be directed to the Exchange, which will benefit all market participants by increasing liquidity on the Exchange. The Exchange will assess such fees on all market participants (except Specialists and Market Makers for electronic Options Transactions). Additionally, Specialists and Market Makers are eligible to qualify for a rebate on electronic Options Transactions. The Exchange believes these pricing amendments do not impose a burden on competition but rather that the proposed rule change will continue to promote competition on the Exchange.

The Exchange believes that the adoption of the proposed fees and rebates for Options on Treasury Securities will not impose any unnecessary burden on intramarket competition because even though these options will be listed solely on the Exchange, the Exchange operates in a highly competitive market, comprised of eleven exchanges, any of which that can determine to trade similar products. Also, Options on Treasury Securities should result in increased options volume and greater trading opportunities for all market participants.

Accordingly, the fees that are assessed and the rebates paid by the Exchange described in the above proposal are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues on other products and

[16] A Registered Options Trader (''ROT'') includes a Streaming Quote Trader (''SQT''), a Remote Streaming Quote Trader (''RSQT'') and a Non-SQT ROT, which by definition is neither a SQT or a RSQT. A ROT is defined in Exchange Rule 1014(b) as a regular member or a foreign currency options participant of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. *See* Exchange Rule 1014 (b)(i) and (ii).

[17] An SQT is defined in Exchange Rule 1014(b)(ii)(A) as an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned.

[18] A RSQT is defined Exchange Rule in 1014(b)(ii)(B) as an ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. An RSQT may only submit such quotations electronically from off the floor of the Exchange.

[19] The Exchange market maker category includes Specialists (*see* Rule 1020) and ROTs (Rule 1014(b)(i) and (ii), which includes SQTs (*see* Rule 1014(b)(ii)(A)) and RSQTs (*see* Rule 1014(b)(ii)(B)).

[20] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

[21] *See* CBOE's Fees Schedule.

[22] *Supra* footnote 11.

similar or less than fees assessed on other singly-listed options and therefore must continue to be reasonable and equitably allocated.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[23] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2013–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2013–16. 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 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–Phlx–2013–16, and should be submitted on or before March 27, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05123 Filed 3–5–13; 8:45 am]

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[23] 15 U.S.C. 78s(b)(3)(A)(ii).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69008; File No. SR–NYSEArca–2013–18]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Fourteen Series of the iShares Trust Under NYSE Arca Equities Rule 8.600

February 28, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'' or ''Exchange Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on February 14, 2013, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 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 list and trade fourteen series of the iShares Trust under NYSE Arca Equities Rule 8.600. 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 list and trade shares (''Shares'') of iShares Australian Dollar Cash Rate Fund; iShares British Pound Cash Rate Fund; iShares Canadian Dollar Cash Rate Fund; iShares Chinese Offshore Renminbi Cash Rate Fund; iShares Euro Cash Rate Fund; iShares Japanese Yen Cash Rate Fund; iShares Mexican Peso Cash Rate Fund; iShares New Zealand Dollar Cash Rate Fund; iShares Norwegian Krone Cash Rate Fund; iShares Singapore Dollar Cash Rate Fund; iShares Swedish Krona Cash Rate Fund; iShares Swiss Franc Cash Rate Fund; iShares Thai Offshore Baht Cash Rate Fund; and iShares Turkish Lira Cash Rate Fund (each, a ''Fund'' and, collectively, the ''Funds'') under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund

Shares [4] on the Exchange.[5] The Shares will be offered by iShares Trust (the ''Trust''), a statutory trust organized under the laws of Delaware and registered with the Securities and Exchange Commission (the ''Commission'') as an open-end management investment company.[6]

The investment adviser to the Funds will be BlackRock Fund Advisors (''Investment Adviser'' or ''BFA''), an indirect wholly-owned subsidiary of BlackRock, Inc. BlackRock Investments, LLC, an affiliate of the Investment Adviser, will serve as the distributor for the Funds (''Distributor''). State Street Bank and Trust Company will serve as the administrator, custodian and transfer agent for each Fund.

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio. The Investment Adviser is affiliated with multiple broker-dealers and has implemented a ''fire wall'' with respect to such broker-dealers regarding access to information concerning the composition and/or changes to the Funds' portfolio. In the event (a) the Investment Adviser or any sub-adviser becomes newly affiliated with a broker-dealer, or (b) any new manager, adviser or sub-adviser becomes affiliated with a broker-dealer, it will implement a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

The Funds will not be index funds. The Funds will be actively managed and will not seek to replicate the performance of a specified index. Each Fund is classified as ''non-diversified.'' [8]

iShares Australian Dollar Cash Rate Fund

According to the Registration Statement, the iShares Australian Dollar Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Australian dollar against the United States dollar and (ii) the yield of the Australian dollar, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Australian dollars. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Australian dollars.

According to the Registration Statement, the Fund will be an actively managed exchange-traded fund (''ETF'') that will seek to achieve its investment objective by investing, under normal circumstances,[9] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Australian dollar (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Australian dollar reflecting: (i) The increase or decrease in the exchange rate of the Australian dollar against the United States dollar and (ii) the yield of the Australian dollar, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Australian dollar. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has previously approved the listing and trading on the Exchange of other actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving Exchange listing and trading of five fixed income funds of the PIMCO ETF Trust); 62623 (August 2, 2010), 75 FR 47652 (August 6, 2010) (SR–NYSEArca–2010–51) (order approving Exchange listing and trading of WisdomTree Dreyfus Commodity Currency Fund); 64935 (July 20, 2011), 76 FR 44966 (July 27, 2011) (SR–NYSEArca–2011–31) (order approving Exchange listing and trading of WisdomTree Dreyfus Euro Debt Fund); and 67320 (June 29, 2012), 77 FR 39763 (July 5, 2012) (SR–NYSEArca–2012–44) (order approving Exchange listing and trading of iShares Strategic Beta U.S. Large Cap Fund and iShares Strategic Beta U.S. Small Cap Fund).

[6] The Trust is registered under the 1940 Act. On August 9, 2012, the Trust filed with the Commission a post-effective amendment to Form N–1A under the Securities Act of 1933 (15 U.S.C. 77a) (''1933 Act'') and the 1940 Act relating to the Fund (File Nos. 333–92935 and 811–09729) (the ''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 29571 (January 24, 2011) (File No. 812–13601) (''Exemptive Order'').

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Investment Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] According to the Registration Statement, each Fund will be ''non-diversified'' under the 1940 Act and may invest more of its assets in fewer issuers than ''diversified'' funds. The diversification standard is set forth in Section 5(b)(1) of the 1940 Act (15 U.S.C. 80a–5(b)(1)).

[9] The term ''under normal circumstances'' includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance.

include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[10] U.S. corporate and commercial debt instruments,[11] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Australian dollar from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one nationally recognized statistical rating organization (''NRSRO'') or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[12] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Australian dollars. The Fund will enter into spot foreign exchange contracts only in Australian dollars and mainly for the purpose of taking long positions in the Australian dollar. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Australian dollar, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[13] The Fund will not enter into forward foreign exchange contracts.[14]

According to the Investment Adviser, the Australian dollar (''AUD'') is a free floating currency. The Reserve Bank of Australia is independent, conducts monetary policy, works to maintain a strong financial system and issues the nation's currency. The Australian dollar spot market is fully convertible and tradable 24 hours a day without restriction. Trading volume has expanded over the past few years with increased demand for commodities. The average AUD/USD bid/ask spread is 2–4 pips (.0002–.0004 USD). The average daily trading volume for Australian dollar spot transactions is $111 billion.[15] The average daily volatility over the last five years was 2.887%. Trading volume is relatively deep and steady during the London session. The Australian dollar/United States dollar pair is the most heavily traded currency pair in the Australian foreign exchange markets; interest in the Australian dollar/Japanese yen exchange rate appears during the Asian session.

iShares British Pound Cash Rate Fund

According to the Registration Statement, the iShares British Pound Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the British pound sterling against the United States dollar and (ii) the yield of the British pound sterling, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in British pound sterling. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in British pounds sterling.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[16] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the British pound sterling (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the British pound sterling, reflecting: (i) The increase or decrease in the exchange rate of the British pound sterling against the United States dollar and (ii) the yield of

[10] According to the Registration Statement, variable rate demand obligations (also referred to as variable rate demand notes) are tax-exempt obligations that contain a floating or variable interest rate adjustment formula and a right of demand on the part of the holder thereof to receive payment of the unpaid principal balance plus accrued interest upon a short notice period not to exceed seven days.

[11] The Fund will invest only in corporate bonds that the Investment Adviser deems to be sufficiently liquid at time of investment. Generally a non-U.S. corporate bond must have $200 million (or an equivalent value if denominated in a currency other than United States dollars) or more par amount outstanding and significant par value traded to be considered as an eligible investment, and a U.S. corporate bond must have $100 million (or an equivalent value if denominated in a currency other than United States dollars) or more par amount outstanding and significant par value traded to be considered as an eligible investment.

[12] According to the Investment Adviser, the Investment Adviser may determine that unrated securities are of ''equivalent quality'' based on such credit quality factors that it deems appropriate, which may include, among other things, performing an analysis similar, to the extent possible, to that performed by an NRSRO when rating similar securities and issuers. In making such a determination, the Investment Adviser may consider internal analyses and risk ratings, third party research and analysis, and other sources of information, as deemed appropriate by the Investment Adviser.

[13] According to the Registration Statement, a Fund will maintain exposure to the foreign currency identified in its name (the ''FX Base Currency'') by entering into two simultaneous trades that result in the same open net long position of the FX Base Currency with the settlement date extended by one business day. The first trade will be an offsetting transaction to the original position (which is the long foreign exchange contract that the Fund has entered into on the previous day) for the same notional amount and same settlement date. This offsetting transaction may cause a Fund to realize a gain or loss on the transaction. The second trade will be for the same notional amount as the original position with the settlement date extended by one business day. Where there is an interest rate differential in the overnight ''risk free'' rate between the FX Base Currency and the United States dollar, there will be a difference in price between the two trades of the simultaneous transaction. This difference represents the difference in benchmark overnight interest rates between the two currencies in the position (*i.e.,* one day of ''carry'' or ''cost of carry'').

[14] The Investment Adviser believes that the foreign exchange contracts entered into by the Funds are properly characterized as ''spot'' foreign exchange transactions as of the date of this filing. However, legal requirements and interpretations surrounding such transactions may change, which may lead market participants such as the Funds' foreign exchange counterparties to characterize such transactions as forward contracts.

[15] Bank of International Settlements. ''Triennial Central Bank Survey: Foreign exchange and derivatives market activity in April 2010,'' September 2010, available at *http://www.bis.org/publ/rpfx10.pdf.*

[16] *See* note 9, *supra.*

the British pound sterling, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the British pound sterling. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[17] U.S. corporate and commercial debt instruments [18] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments, and bank notes and similar demand deposits denominated in the British pound sterling from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[19] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of British pounds sterling. The Fund will enter into spot foreign exchange contracts only in British pounds sterling and mainly for the purpose of taking long positions in the British pound sterling. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the British pound sterling, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[20] The Fund will not enter into forward foreign exchange contracts.[21]

According to the Investment Adviser, the British pound (''GBP'') is a free floating currency. The Bank of England is an independent body that controls monetary policy. Its primary objective is to deliver price stability through low inflation of 2%. The British pound spot market is fully convertible and tradable 24 hours a day without restriction. The GBP/USD exchange market has deep liquidity. The average GBP/USD bid/ask spread is 2–4 pips (.0002–.0004 USD). The average daily trading volume for British pound spot transactions is $213 billion.[22] The average daily volatility over the last five years was 2.0669%. Trading volume is very deep from London open through New York early afternoon, with lighter volume during the late New York afternoon through Asia morning sessions, and with high currency flow around the 4:00 p.m. Greenwich Mean Time fixing.

iShares Canadian Dollar Fund

According to the Registration Statement, the iShares Canadian Dollar Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Canadian dollar against the United States dollar and (ii) the yield of the Canadian dollar, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Canadian dollars. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Canadian dollars.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[23] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Canadian dollar (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Canadian dollar, reflecting: (i) The increase or decrease in the exchange rate of the Canadian dollar against the United States dollar and (ii) the yield of the Canadian dollar, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Canadian dollar. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[24] U.S. corporate and commercial debt instruments,[25] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Canadian dollar from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[26] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security

[17] *See* note 10, *supra.*

[18] *See* note 11, *supra.*

[19] *See* note 12, *supra.*

[20] *See* note 13, *supra.*

[21] *See* note 14, *supra.*

[22] *See* note 15, *supra.*

[23] *See* note 9, *supra.*

[24] *See* note 10, *supra.*

[25] *See* note 11, *supra.*

[26] *See* note 12, *supra.*

is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Canadian dollars. The Fund will enter into spot foreign exchange contracts only in Canadian dollars and mainly for the purpose of taking long positions in the Canadian dollar. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Canadian dollar, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[27] The Fund will not enter into forward foreign exchange contracts.[28]

According to the Investment Adviser, the Canadian dollar (''CAD'') is a free floating currency. The Bank of Canada is responsible for Canada's monetary policy, bank notes, financial system, and funds management. Monetary policy targets inflation of near 2%. The Bank of Canada carries out monetary policy by influencing short-term interest rates. The Canadian dollar spot market is fully convertible and tradable 24 hours a day without restriction. The USD/CAD exchange market has deep liquidity. The average USD/CAD bid/ask spread is 2–4 pips (.0002-.0004 CAD). The average daily trading volume for Canadian dollar spot transactions is $78 billion.[29] The average daily volatility over the last five years was 2.1563%. Trading volume is relatively deep from the New York open through the New York close. There is high currency flow during the New York open and into the London close. Spikes in volume are noted at the London fixing.

iShares Chinese Offshore Renminbi Cash Rate Fund

According to the Registration Statement, the iShares Chinese Offshore Renminbi Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Chinese offshore renminbi against the United States dollar and (ii) the yield of the Chinese offshore renminbi, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Chinese offshore renminbi. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Chinese offshore renminbi.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[30] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Chinese offshore renminbi (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The Chinese offshore renminbi trades in Hong Kong and other markets outside mainland China. The offshore renminbi is also known as the ''offshore yuan.'' The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Chinese offshore renminbi, reflecting: (i) The increase or decrease in the exchange rate of the Chinese offshore renminbi against the United States dollar and (ii) the yield of the Chinese offshore renminbi, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Chinese offshore renminbi. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[31] U.S. corporate and commercial debt instruments,[32] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Chinese offshore renminbi from time to time when the Investment Adviser believes these securities may help the Fund to achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[33] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Chinese offshore renminbi. The Fund will enter into spot foreign exchange contracts only in Chinese offshore renminbi and mainly for the purpose of taking long positions in the Chinese offshore renminbi. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Chinese offshore renminbi, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[34] The Fund will not enter into forward foreign exchange contracts.[35]

[27] *See* note 13, *supra.*

[28] *See* note 14, *supra.*

[29] *See* note 15, *supra.*

[30] *See* note 9, *supra.*

[31] *See* note 10, *supra.*

[32] *See* note 11, *supra.*

[33] *See* note 12, *supra.*

[34] *See* note 13, *supra.*

[35] *See* note 14, *supra.*

According to the Investment Adviser, the People's Bank of China operates a managed floating exchange rate system, which is partially pegged to a basket of trade-weighted international currencies. The Chinese onshore renminbi is non-deliverable and partially convertible. Hong Kong is the only jurisdiction where Chinese offshore renminbi trading is sanctioned and regulated. Bank of China (Hong Kong) serves as the clearing bank for Chinese offshore renminbi. No fixing rate is set by authorities. The average bid/ask spread is 10–20 pips (0.001–0.002 Chinese offshore renminbi).[36] The average daily trading volume for Chinese offshore renminbi spot transactions is $300 million.[37] The average daily volatility over the last five years was 0.2715%. Trading volume is relatively deep from 9:00 a.m. to 5:00 p.m. Hong Kong Time.

iShares Euro Cash Rate Fund

According to the Registration Statement, the iShares Euro Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the euro against the United States dollar and (ii) the yield of the euro, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in euros. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in euros.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[38] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the euro (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the euro, reflecting: (i) The increase or decrease in the exchange rate of the euro against the United States dollar and (ii) the yield of the euro, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the euro. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[39] U.S. corporate and commercial debt instruments[40] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments, and bank notes and similar demand deposits denominated in the euro from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[41] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of euros. The Fund will enter into spot foreign exchange contracts only in euros and mainly for the purpose of taking long positions in the euro. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions, in order to maintain exposure to the euro, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[42] The Fund will not enter into forward foreign exchange contracts.[43]

According to the Investment Adviser, the euro (''EUR'') is a freely floating currency. The primary objective of the European Central Bank (''ECB'') is to maintain price stability in the euro area. The ECB aims for inflation rates of below, but close to, 2% over the medium term. The euro spot market is fully convertible and tradable 24 hours a day without restriction. The euro and United States dollar have the deepest liquidity of all foreign exchange pairs. The average EUR/USD bid/ask spread is 1–2 pips (.0001–.0002 USD). The average daily trading volume for euro spot transactions is $691 billion.[44] The average daily volatility over the last five years was 2.1994%. Trading volume is extremely deep from European open through New York close, and there is high currency flow around 2:15 p.m. Central European Time, the local fixing time.

iShares Japanese Yen Cash Rate Fund

According to the Registration Statement, the iShares Japanese Yen Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Japanese yen against the United States dollar and (ii) the yield of the Japanese yen, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Japanese yen. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Japanese yen.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[45] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional

[36] HSBC Global Research, ''The offshore renminbi: A practical primer on the CNH market,'' December 1, 2010, available at *http://www.research.hsbc.com/midas/Res/RDV?p=pdf&key=UHa14N6Tu3&n=282753.PDF*.

[37] *Id.*

[38] *See* note 9, supra.

[39] *See* note 10, *supra.*

[40] *See* note 11, *supra.*

[41] *See* note 12, *supra.*

[42] *See* note 13, *supra.*

[43] *See* note 14, *supra.*

[44] *See* note 15, *supra.*

[45] *See* note 9, *supra.*

amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Japanese yen (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of Japanese yen, reflecting: (i) The increase or decrease in the exchange rate of the Japanese yen against the United States dollar and (ii) the yield of the Japanese yen, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Japanese yen. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[46] U.S. corporate and commercial debt instruments [47] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments, and bank notes and similar demand deposits denominated in the Japanese yen from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one nationally recognized statistical rating organization (NRSRO) or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[48] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality. According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Japanese yen. The Fund will enter into spot foreign exchange contracts only in Japanese yen and mainly for the purpose of taking long positions in the Japanese yen. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Japanese yen, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[49] The Fund will not enter into forward foreign exchange contracts.[50]

According to the Investment Adviser, the Japanese yen (''JPY'') is a free floating currency. The Bank of Japan is an independent body that carries out currency and monetary policy. The Japanese yen spot market is fully convertible and tradable 24 hours a day without restriction. The USD/JPY exchange market has deep liquidity. The average USD/JPY bid/ask spread is 1–3 pips (.01–.03 JPY). The average daily trading volume for Japanese yen spot transactions is $300 billion.[51] The average daily volatility over the last five years was 1.9879%. Trading volume in USD/JPY is deep from the London open to the New York close.

iShares Mexican Peso Cash Rate Fund

According to the Registration Statement, the iShares Mexican Peso Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Mexican peso against the United States dollar and (ii) the yield of the Mexican peso, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Mexican peso. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Mexican pesos.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[52] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Mexican peso (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Mexican peso, reflecting: (i) The increase or decrease in the exchange rate of the Mexican peso against the United States dollar and (ii) the yield of the Mexican peso, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Mexican peso. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[53] U.S. corporate and commercial debt instruments [54] and bank notes, and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Mexican peso from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[55] The Fund may also invest its assets in money market funds

[46] *See* note 10, *supra.*

[47] *See* note 11, *supra.*

[48] *See* note 12, *supra.*

[49] *See* note 13, *supra.*

[50] *See* note 14, *supra.*

[51] *See* note 15, *supra.*

[52] *See* note 9, *supra.*

[53] *See* note 10, *supra.*

[54] *See* note 11, *supra.*

[55] *See* note 12, *supra.*

(including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Mexican pesos. The Fund will enter into spot foreign exchange contracts only in Mexican pesos and mainly for the purpose of taking long positions in the Mexican peso. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Mexican peso, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[56] The Fund will not enter into forward foreign exchange contracts.[57]

According to the Investment Adviser, the Mexican peso (''MXN'') is a free floating currency. Banco de México (''Banxico'') is responsible for regulating foreign exchange operations. It is formally independent and follows an inflation targeting policy. The Mexican peso is fully deliverable for all types of investors. There is some overnight trading, but the vast majority of trading in the Mexican peso occurs during local hours. Mexico has the most liquid spot market in Latin America. The average spot transaction is $5 million. The average bid/ask spread is 30–50 pips (0.003–0.005 MXN). The average daily trading volume for Mexican peso spot transactions is $18 billion.[58] The average daily volatility over the last five years was 2.3338%. Trading volume is relatively deep from the London afternoon through the New York close. Banxico sets the fixing rate daily from 12 p.m. Central Standard Time onwards by surveying at least four local banks.

iShares New Zealand Dollar Cash Rate Fund

According to the Registration Statement, the iShares New Zealand Dollar Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the New Zealand dollar against the United States dollar and (ii) the yield of the New Zealand dollar, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in New Zealand dollars. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in New Zealand dollars.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[59] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the New Zealand dollar (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the New Zealand dollar, reflecting: (i) The increase or decrease in the exchange rate of the New Zealand dollar against the United States dollar and (ii) the yield of the New Zealand dollar, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the New Zealand dollar. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[60] U.S. corporate and commercial debt instruments,[61] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the New Zealand dollar from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one nationally recognized statistical rating organization (NRSRO) or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[62] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality. According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of New Zealand dollars. The Fund will enter into spot foreign exchange contracts only in New Zealand dollars and mainly for the purpose of taking long positions in the New Zealand dollar. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the New Zealand dollar, the Fund will continuously enter into new spot foreign exchange contracts by entering

[56] *See* note 13, *supra.*

[57] *See* note 14, *supra.*

[58] *See* note 15, *supra.*

[59] *See* note 9, *supra.*

[60] *See* note 10, *supra.*

[61] *See* note 11, *supra.*

[62] *See* note 12, *supra.*

into two simultaneous trades.[63] The Fund will not enter into forward foreign exchange contracts.[64]

According to the Investment Adviser, the New Zealand Dollar (''NZD'') is a freely floating currency. The Reserve Bank of New Zealand manages monetary policy to maintain price stability. The NZD trading day changes at 7:00 a.m. New Zealand time Tuesday through Friday (*i.e.,* Monday through Thursday, Eastern Time (''E.T.'')); Friday's trading day for the NZD lasts through 5:00 p.m., E.T. This is unique to this currency; the market convention for other currencies is to change the trading day at 5:00 p.m. E.T. The New Zealand dollar is fully convertible and tradable 24 hours a day without restriction. The average NZD/USD bid/ask spread is 3–5 pips (.0003–.0005 USD). The average daily trading volume for New Zealand dollar spot transactions is $22 billion.[65] The average daily volatility over the last five years was 3.018%. Trading volume in NZD/USD is relatively steady from the Asian open through London close. Volume spikes are noted in NZD/JPY at the Tokyo open. AUD/NZD volumes are consistent during a 24 hour period in all trading centers.

iShares Norwegian Krone Cash Rate Fund

According to the Registration Statement, the iShares Norwegian Krone Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Norwegian krone against the United States dollar and (ii) the yield of the Norwegian krone, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Norwegian krone. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Norwegian kroner.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[66] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Norwegian krone (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Norwegian krone, reflecting: (i) The increase or decrease in the exchange rate of the Norwegian krone against the United States dollar and (ii) the yield of the Norwegian krone, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Norwegian krone. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[67] U.S. corporate and commercial debt instruments,[68] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Norwegian krone from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one nationally recognized statistical rating organization (NRSRO) or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[69] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality. According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Norwegian kroner. The Fund will enter into spot foreign exchange contracts only in Norwegian kroner and mainly for the purpose of taking long positions in the Norwegian krone. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Norwegian krone, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[70] The Fund will not enter into forward foreign exchange contracts.[71]

According to the Investment Adviser, the Norwegian krone (''NOK'') is a floating currency. Norges Bank (the Norwegian Central Bank) has executive and advisory responsibilities for monetary policy and is responsible for promoting robust and efficient payment systems and financial markets. The Norwegian krone spot market is fully convertible and tradable 24 hours a day. EUR/NOK and NOK/Swedish krona have the deepest liquidity of currency pairs in the Norwegian foreign exchange markets. The average USD/NOK bid/ask spread is 25–45 pips (.0025–.0045 NOK). The average daily trading volume for Norwegian krone spot transactions is $12 billion.[72] The average daily volatility over the last five years was 2.648%. Trading volume in EUR/NOK is relatively deep from European session open to the London close. Volumes are lighter, but well supported throughout the New York session. High trading volume is noted in NOK/USD around the Norges Bank fixing time (2:15 p.m. Central European Time).

iShares Singapore Dollar Cash Rate Fund

According to the Registration Statement, the iShares Singapore Dollar Cash Rate Fund will seek to provide its shareholders a daily return that reflects:

[63] *See* note 13, *supra.*

[64] *See* note 14, *supra.*

[65] *See* note 15, *supra.*

[66] *See* note 9, *supra.*

[67] *See* note 10, *supra.*

[68] *See* note 11, *supra.*

[69] *See* note 12, *supra.*

[70] *See* note 13, *supra.*

[71] *See* note 14, *supra.*

[72] *See* note 15, *supra.*

(i) The increase or decrease in the exchange rate of the Singapore dollar against the United States dollar and (ii) the yield of the Singapore dollar, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Singapore dollars. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Singapore dollars.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[73] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Singapore dollar (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Singapore dollar, reflecting: (i) The increase or decrease in the exchange rate of the Singapore dollar against the United States dollar and (ii) the yield of the Singapore dollar, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Singapore dollar. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[74] U.S. corporate and commercial debt instruments,[75] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Singapore dollar from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[76] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Singapore dollars. The Fund will enter into spot foreign exchange contracts only in Singapore dollars and mainly for the purpose of taking long positions in the Singapore dollar. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Singapore dollar, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[77] The Fund will not enter into forward foreign exchange contracts.[78]

According to the Investment Adviser, the Singapore dollar floats within an undisclosed crawling target band set against a trade-weighted basket of currencies. It is fully convertible and deliverable. The Monetary Authority of Singapore has considerable operational independence in acting as the central bank, although it is not independent. The Singapore dollar spot market is fully convertible and tradable 24 hours a day without restriction. The average spot transaction is $10 million. The average bid/ask spread is 2–5 pips (0.0002–0.0005 SGD). The average daily trading volume for Singapore dollar spot transactions is $16 billion.[79] The average daily volatility over the last five years was 1.182%. Trading volume is relatively deep from Asia open through London close.

iShares Swedish Krona Cash Rate Fund

According to the Registration Statement, the iShares Swedish Krona Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Swedish krona against the United States dollar and (ii) the yield of the Swedish krona, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Swedish krona. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Swedish kronor.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[80] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Swedish krona (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Swedish krona, reflecting: (i) The increase or decrease in the exchange rate of the Swedish krona against the United States dollar and (ii) the yield of the Swedish krona, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Swedish krona. The short-term debt securities held by the Fund generally will consist of high

[73] *See* note 9, *supra.*

[74] *See* note 10, *supra.*

[75] *See* note 11, *supra.*

[76] *See* note 12, *supra.*

[77] *See* note 13, *supra.*

[78] *See* note 14, *supra.*

[79] *See* note 15, *supra.*

[80] *See* note 9, *supra.*

quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[81] U.S. corporate and commercial debt instruments,[82] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Swedish krona from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[83] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Swedish kronor. The Fund will enter into spot foreign exchange contracts only in Swedish kronor and mainly for the purpose of taking long positions in the Swedish krona. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Swedish krona, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[84] The Fund will not enter into forward foreign exchange contracts.[85]

According to the Investment Adviser, the Swedish krona (''SEK'') is a floating currency. The independent Riksbank (the Swedish Central Bank) is responsible for monetary policy with the objective of maintaining price stability. The Swedish krona spot market is fully convertible and tradable 24 hours a day. EUR/SEK and NOK/SEK have deep liquidity. The average USD/SEK bid/ask spread is 25–40 pips (.0025–.0040 SEK). The average daily trading volume for Swedish krona spot transactions is $19 billion.[86] The average daily volatility over the last five years was 2.736%. Trading volume is heaviest during the European session. Volumes are lighter, but well supported throughout the New York session.

iShares Swiss Franc Cash Rate Fund

According to the Registration Statement, the iShares Swiss Franc Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Swiss franc against the United States dollar and (ii) the yield of the Swiss franc, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Swiss francs. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Swiss francs.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[87] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Swiss franc (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Swiss franc, reflecting: (i) The increase or decrease in the exchange rate of the Swiss franc against the United States dollar and (ii) the yield of the Swiss franc, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Swiss franc. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[88] U.S. corporate and commercial debt instruments,[89] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Swiss franc from time to time when the Investment Adviser believes these securities may help the Fund to achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[90] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a

[81] *See* note 10, *supra.*

[82] *See* note 11, *supra.*

[83] *See* note 12, *supra.*

[84] *See* note 13, *supra.*

[85] *See* note 14, *supra.*

[86] *See* note 15, *supra.*

[87] *See* note 9, *supra.*

[88] *See* note 10, *supra.*

[89] *See* note 11, *supra.*

[90] *See* note 12, *supra.*

specified purchase price expressed in United States dollars, a specified amount of Swiss francs. The Fund will enter into spot foreign exchange contracts only in Swiss francs and mainly for the purpose of taking long positions in the Swiss franc. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Swiss franc, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[91] The Fund will not enter into forward foreign exchange contracts.[92]

According to the Investment Adviser, the Swiss franc (''CHF'') is a floating currency. The Swiss National Bank conducts the country's monetary policy as an independent central bank. Its primary goal is to ensure price stability, while taking due account of economic developments. The Swiss franc spot market is fully convertible and tradable 24 hours a day without restriction. The Swiss franc is traditionally considered a safe haven currency. The average USD/CHF bid/ask spread is 2–5 pips (.0002–.0005 CHF). The average daily trading volume for Swiss franc spot transactions is $92 billion.[93] The average daily volatility over the last five years was 2.3123%. Trading volume in USD/CHF is deep during the London session, and there is high currency flow around the London fixing and London close.

iShares Thai Offshore Baht Cash Rate Fund

According to the Registration Statement, the iShares Thai Offshore Baht Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Thai offshore baht against the United States dollar and (ii) the yield of the Thai offshore baht, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Thai offshore baht. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Thai offshore bahts.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[94] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Thai offshore baht (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The Thai onshore baht is the everyday currency used to purchase goods and services in Thailand. The Thai offshore baht is the foreign exchange currency for Thailand; offshore banks cannot exchange Thai onshore baht for foreign currency. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Thai offshore baht, reflecting: (i) The increase or decrease in the exchange rate of the Thai offshore baht against the United States dollar and (ii) the yield of the Thai offshore baht, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Thai offshore baht. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[95] U.S. corporate and commercial debt instruments[96] and bank notes and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments, and bank notes and similar demand deposits denominated in the Thai offshore baht from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[97] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Thai offshore baht. The Fund will enter into spot foreign exchange contracts only in Thai offshore baht and mainly for the purpose of taking long positions in the Thai offshore baht. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Thai offshore baht, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[98] The Fund will not enter into forward foreign exchange contracts.[99]

According to the Investment Adviser, the Thai baht (''THB'') is a managed floating currency. It is deliverable and convertible. The Bank of Thailand (''BoT'') sets and implements monetary policy. The foreign exchange market is the most competitive financial instrument market in Thailand. The BoT has important influence over the size and liquidity of the market due to onshore-offshore currency regulations. The average offshore spot transaction is $3 million. The average bid/ask spread is 1 pip (0.01 THB). The average daily trading volume for Thai baht spot transactions is $3 billion.[100] The average daily volatility over the last five years was 0.976%. Trading volume is relatively deep from 9:00 a.m. to 4:00 p.m. Bangkok local time (Greenwich Mean Time plus seven hours).

[91] *See* note 13, *supra.*

[92] *See* note 14, *supra.*

[93] *See* note 15, *supra.*

[94] *See* note 9, *supra.*

[95] *See* note 10, *supra.*

[96] *See* note 11, *supra.*

[97] *See* note 12, *supra.*

[98] *See* note 13, *supra.*

[99] *See* note 14, *supra.*

[100] *See* note 15, *supra.*

iShares Turkish Lira Cash Rate Fund

According to the Registration Statement, the iShares Turkish Lira Cash Rate Fund will seek to provide its shareholders a daily return that reflects: (i) The increase or decrease in the exchange rate of the Turkish lira against the United States dollar and (ii) the yield of the Turkish lira, minus the Fund's fees and expenses. ''Yield'' refers to the yield an investor would expect to receive if they invested in an overnight or similar cash or cash equivalent investment denominated in Turkish lira. The Fund also will seek to preserve liquidity, and maintain stability of principal and preserve capital, each as measured in Turkish lira.

According to the Registration Statement, the Fund will be an actively managed ETF that will seek to achieve its investment objective by investing, under normal circumstances,[101] substantially all of its assets in short-term securities denominated in United States dollars and a matching notional amount of spot foreign exchange contracts (generally required to be settled within two business days) to purchase the Turkish lira (against delivery of the United States dollar). Under normal circumstances, there will be a 1:1 ratio between the fixed income securities and spot contracts. The strategy of combining investments in short-term fixed income securities and spot foreign exchange contracts is designed to provide financial exposure substantially similar to a purchase of the Turkish lira, reflecting: (i) The increase or decrease in the exchange rate of the Turkish lira against the United States dollar and (ii) the yield of the Turkish lira, minus the Fund's fees and expenses.

According to the Registration Statement, the Fund will invest in United States dollar denominated short-term debt securities of varying maturities and spot foreign exchange contracts in order to seek to replicate the daily return of the Turkish lira. The short-term debt securities held by the Fund generally will consist of high quality debt obligations and may include, but are not limited to, obligations issued by the U.S. government and its agencies and instrumentalities, U.S. municipal variable rate demand notes,[102] U.S. corporate and commercial debt instruments [103] and bank notes, and similar demand deposits. The Fund's assets also may be invested in short-term debt instruments and bank notes and similar demand deposits denominated in the Turkish lira from time to time when the Investment Adviser believes these debt securities may help the Fund achieve its investment objective. All short-term debt securities acquired by the Fund will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[104] The Fund may also invest its assets in money market funds (including funds that are managed by the Investment Adviser or one of its affiliates), cash and cash equivalents. All money market securities acquired by the Fund will be rated investment grade. The Fund does not intend to invest in any unrated money market securities. However, the Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, the Fund generally will maintain a weighted average portfolio maturity of between 1 and 30 days and generally will be limited to investments with remaining maturities of 60 days or less. The Fund will not purchase any security with a remaining maturity of more than 397 calendar days.

According to the Registration Statement, generally, each spot foreign exchange contract entered into by the Fund will require the Fund to purchase from a foreign exchange dealer selected by the Investment Adviser, at a specified purchase price expressed in United States dollars, a specified amount of Turkish lira. The Fund will enter into spot foreign exchange contracts only in Turkish lira and mainly for the purpose of taking long positions in the Turkish lira. Because the spot foreign exchange contracts entered into by the Fund will be spot transactions and typically settle within two business days, in order to maintain exposure to the Turkish lira, the Fund will continuously enter into new spot foreign exchange contracts by entering into two simultaneous trades.[105] The Fund will not enter into forward foreign exchange contracts.[106]

According to the Investment Adviser, the Turkish lira (''TRY'') is a managed freely floating currency, and is freely convertible. The Central Bank of the Republic of Turkey is responsible for carrying out the government's monetary policy. Turkey's spot transactions market is one of the most liquid in the emerging markets, and has an Interbank minimum transaction size of $1,000. The average spot transaction is $1 million. The average bid/ask spread is 5 pips (0.0005 TRY). The average daily trading volume for Turkish lira spot transactions is $8 billion.[107] The average daily volatility over the last five years was 2.579%. Emerging European currencies such as the Turkish lira are supported by the major global banks and liquidity providers. Trading volume is deepest throughout the European trading session.

Other Investments

According to the Registration Statement, in addition to the principal investments described above, each Fund will invest in other short-term instruments, including other money market instruments, on an ongoing basis to provide liquidity or for other reasons.

While each Fund may invest in money market instruments as part of its principal investment strategies, the Investment Adviser expects that, under normal circumstances, each Fund also intends to invest in money market securities (as described below) in a manner consistent with its investment objective in order to help manage cash flows in and out of the Fund, such as in connection with payment of dividends or expenses, and to satisfy margin requirements, or to provide collateral. For the Funds' purposes, money market securities include: short-term, high-quality obligations issued or guaranteed by the U.S. Treasury or the agencies or instrumentalities of the U.S. government; short-term, high-quality securities issued or guaranteed by non-U.S. governments, agencies and instrumentalities; non-convertible corporate debt securities with remaining maturities of not more than 397 days that satisfy ratings requirements under Rule 2a–7 of the 1940 Act; repurchase agreements backed by U.S. government securities; money market mutual funds; commercial paper; U.S. municipal variable rate demand notes and deposits and other obligations of U.S. and non-U.S. banks and financial institutions. All money market securities acquired by the Funds will be rated investment grade. The Funds do not intend to invest in any unrated money market securities. However, a Fund may do so, to a limited extent, such as where a rated money market security becomes unrated, if such money market security is determined by the Investment Adviser to be of comparable quality.

According to the Registration Statement, each Fund may hold up to

[101] *See* note 9, *supra.*

[102] *See* note 10, *supra.*

[103] *See* note 11, *supra.*

[104] *See* note 12, *supra.*

[105] *See* note 13, *supra.*

[106] *See* note 14, *supra.*

[107] *See* note 15, *supra.*

15% of its net assets in securities that are illiquid (calculated at the time of investment), including Rule 144A Securities.[108] The aggregate value of all of a Fund's illiquid securities and Rule 144A Securities shall not exceed 15% of a Fund's total assets. Each Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities.

According to the Registration Statement, a Fund may not concentrate its investments (*i.e.,* invest 25% or more of its total assets in the securities of a particular industry or industry group),[109] provided that this restriction does not limit a Fund's: (i) Investments in its FX Base Currency, (ii) investments in securities of other investment companies, (iii) investments in securities issued or guaranteed by the U.S. government, its agencies or instrumentalities, certificates of deposit, and bankers' acceptances, (iv) investments in repurchase agreements collateralized by U.S. government securities, or (v) investments in U.S. municipal securities.

Each Fund intends to qualify as a regulated investment company under Subchapter M of Subtitle A, Chapter 1, of the Internal Revenue Code.[110] The Funds will not invest in any non-U.S registered equity securities. The Funds will not invest in options contracts, futures contracts or swap agreements.[111] Each Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. Consistent with NYSE Arca Equities Rule 8.600(d)(2)(B)(ii), the Investment Adviser will implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the actual components of the Funds' portfolios. The Exchange represents that, for initial and/or continued listing, the Funds will be in compliance with Rule 10A–3 [112] under the Exchange Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the net asset value per Share (''NAV'') [113] will be calculated daily and that the NAV and the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) will be made available to all market participants at the same time.

Determination of Net Asset Value

According to the Registration Statement, the NAV for each Fund normally will be determined once daily Monday through Friday, generally as of the regularly scheduled close of business of the New York Stock Exchange (''NYSE'') (normally 4:00 p.m. E.T.) on each day that the NYSE is open for trading, based on prices at the time of closing provided that (a) any Fund assets or liabilities denominated in currencies other than the United States dollar will be translated into United States dollars at the prevailing market rates on the date of valuation as quoted by one or more data service providers and (b) U.S. fixed-income assets may be valued as of the announced closing time for trading in fixed-income instruments in a particular market or exchange. The NAV of each Fund will be calculated by dividing the value of the net assets of a Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of outstanding Shares of the Fund, generally rounded to the nearest cent.

The value of the securities and other assets and liabilities held by each Fund, are determined pursuant to valuation policies and procedures approved by the Trust's Board of Trustees (the ''Board'').

Generally, trading in non-U.S. securities, U.S. government securities, money market instruments and certain fixed-income securities is substantially completed each day at various times prior to the close of business on the NYSE. The values of such securities used in computing the NAV of the Funds will be determined as of such times. Non-U.S. securities held by the Funds may trade on weekends or other days when the Funds do not price their Shares. As a result, the NAV of the Funds may change on days when authorized participants will not be able to purchase or redeem Fund Shares, as described below.

When market quotations are not readily available or are believed by the Investment Adviser to be unreliable, each Fund's investments will be valued at fair value.[114] Fair value determinations will be made by the Investment Adviser in accordance with policies and procedures approved by the Funds' Board. The Investment Adviser may conclude that a market quotation is not readily available or is unreliable if a security or other asset or liability does not have a price source due to its lack of liquidity, if a market quotation differs significantly from recent price quotations or otherwise no longer appears to reflect fair value, where the security or other asset or liability is thinly traded, or where there is a significant event subsequent to the most recent market quotation. A ''significant event'' is an event that, in the judgment of the Investment Adviser, is likely to cause a material change to the closing market price of the asset or liability held by a Fund. Non-U.S. securities or other instruments whose values are affected by volatility that occurs in U.S. markets on a trading day

[108] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

[109] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[110] 26 U.S.C. 851.

[111] The Investment Adviser believes that the foreign exchange contracts entered into by the Funds are properly characterized as ''spot'' foreign exchange transactions as of the date of this filing. However, legal requirements and interpretations surrounding such transactions may change, which may lead market participants such as the Funds' foreign exchange counterparties to characterize such transactions as swap agreements.

[112] 17 CFR 240.10A–3.

[113] For more information regarding the valuation of Fund investments in calculating a Fund's NAV, see the Registration Statement.

[114] According to the Registration Statement, fair value represents a good faith approximation of the value of an asset or liability. The fair value of an asset or liability held by a Fund is the amount the Fund might reasonably expect to receive from the current sale of that asset or the cost to extinguish that liability in an arm's-length transaction. Valuing a Fund's investments using fair value pricing will result in prices that may differ from current market valuations and that may not be the prices at which those investments could have been sold during the period in which the particular fair values were used.

after the close of non-U.S. securities markets may be fair valued.

The value of assets or liabilities denominated in foreign currencies will be converted into United States dollars using prevailing or generally accepted exchange rates.

Creations and Redemptions of Shares

According to the Registration Statement, the Trust will issue and redeem Shares of each Fund on a continuous basis only in large specified numbers of Shares through the Distributor or its agent, without a sales load, at a price based on the Fund's NAV next determined after receipt, on any business day, of an order received by the Distributor or its agent in proper form. The Funds generally will offer and redeem Shares solely for cash. However, each Fund may also accept securities in lieu of cash at the discretion of the Fund (''Deposit Securities'').[115]

The consideration for purchase of Shares of a Fund will generally consist of an amount of cash equal in value to the holdings of the Fund in exchange for a specified number of Fund Shares (which must be equal to or greater than the Fund's ''Minimum Subscription Size''). It is currently anticipated that the Minimum Subscription Size for the Funds will generally be 50,000 Shares (although may range from 25,000 to 100,000 Shares, representing Minimum Subscription Sizes ranging from $1.25 million to $10 million, and may vary from Fund to Fund), though the number may change from time to time, including prior to the listing of the Funds. The exact number of Shares that will constitute each Fund's Minimum Subscription Size will be disclosed in the Registration Statement of the Fund. In the case of an in-kind transaction, the Investment Adviser will make available through the Cürex Group's technology platform on each business day prior to the opening of business on the Exchange, (1) the list of names and the required number of shares of each Deposit Security and the amount of cash necessary to purchase the shares (together, the cash and any Deposit Securities are referred to herein as the ''Fund Deposit''), and (2) the designated portfolio of securities that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day (''Fund Securities''), and an amount of cash applicable to a redemption (the ''Cash Amount,'' as described below), in each case based on information as of the end of the previous business day for each Fund.

Shares may be purchased or redeemed only by or through a Depository Trust Company participant that has entered into an Authorized Purchaser Agreement with the Distributor.

To initiate an order for Shares or to submit a request to redeem Shares of a Fund (except the iShares New Zealand Dollar Cash Rate Fund), an authorized participant must submit to the Distributor or its agent an irrevocable order to purchase or redeem Shares of a Fund generally before 4:00 p.m. E.T. on any business day to receive that day's NAV. To initiate an order for Shares or to submit a request to redeem Shares of the iShares New Zealand Dollar Cash Rate Fund, an authorized participant must submit to the Distributor or its agent an irrevocable order to purchase or redeem Shares of a Fund generally before 7:00 a.m., New Zealand Time on any business day to receive that day's NAV.

To purchase Shares of a Fund, the authorized participant must make available on or before the contractual settlement date, by means satisfactory to a Fund, cash in immediately available or same day funds estimated by a Fund to be sufficient to pay the Fund Deposit (exclusive of any Deposit Securities) next determined after acceptance of the purchase order, together with the applicable transaction fees.

Shares of a Fund may be redeemed by authorized participants only in aggregations equal to or greater than such Fund's Minimum Subscription Size at their NAV next determined after receipt of a redemption request in proper form by the Distributor or its agent and only on a business day. The Trust may, in its sole discretion, substitute a ''cash in lieu'' amount to replace any Fund Security.

For all cash redemptions, a Fund will deliver cash to the authorized participant equal to the NAV of the Shares being redeemed. If redemptions are not paid in cash, the redemption proceeds for Shares generally will consist of Fund Securities, plus an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after the receipt of a redemption request in proper form, and the value of Fund Securities (the ''Cash Amount''), less a redemption transaction fee.

Additional information regarding the Trust, the Funds and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings, disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Funds that are referred to but not defined in this proposed rule change are defined in the Registration Statement.

Availability of Information

The Funds' Web site (*www.iShares.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Funds that may be downloaded. The Funds' Web site will include additional quantitative information updated on a daily basis, including, for the Funds, (1) the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[116] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters.

On each business day, before commencement of trading in Shares in the Core Trading Session (9:30 a.m. E.T. to 4:00 p.m. E.T.) on the Exchange, the Funds will disclose on *www.iShares.com* the identities and quantities of the Funds' portfolio holdings that will form the basis for the Funds' calculation of NAV at the end of the business day.[117]

On a daily basis, the Funds will disclose on *www.iShares.com* for each portfolio security and other financial instrument of the Funds the following information: ticker symbol (if applicable), name of securities and financial instruments, number of shares or dollar value of securities and financial instruments held in the portfolio, and percentage weighting of the securities and financial instruments in the portfolio. The Web site information will be publicly available at no charge. In addition, intra-day, closing and settlement prices or other values of the debt securities, fixed income instruments, and other investments held by the Funds are also generally readily available from the national securities exchanges trading such securities,

[115] According to the Fund, the Deposit Securities would be composed of United States dollar-denominated money market instruments.

[116] The Bid/Ask Price of a Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by each Fund and its service providers.

[117] Under accounting procedures followed by the Funds, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, a Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. Foreign currency exchange rates are generally readily available from on-line information services such as Bloomberg or Reuters.

In addition, a basket composition file, which includes the security names and share quantities, if applicable, required to be delivered in exchange for a Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via the National Securities Clearing Corporation. The NAV of the Funds will normally be determined as of the close of the regular trading session on the NYSE (ordinarily 4:00 p.m. E.T.) on each business day.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Funds' Shareholder Reports, and their Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports will be available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line.

In addition, the Indicative Optimized Portfolio Value (''IOPV''),[118] which is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600 (c)(3), will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors.[119] The dissemination of the IOPV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Funds on a daily basis and to provide a close estimate of that value throughout the trading day. The intra-day, closing and settlement prices or other values of the portfolio securities and other Fund investments are also generally readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Funds.[120] Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the relevant Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4 a.m. to 8 p.m. E.T. in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[121] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations. FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares with other markets that are members of the Intermarket Surveillance Group (''ISG'') or with which the Exchange has in place a comprehensive surveillance sharing agreement.[122]

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders (''ETP Holders'') in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in aggregations equal to or greater than the relevant Fund's Minimum Subscription Size (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares

[118] According to the Registration Statement, the IOPV will be based on the current value of the securities, spot foreign exchange contracts and/or cash required to be deposited in exchange for Fund Shares. The IOPV will not necessarily reflect the precise composition of the current portfolio of securities held by a Fund at a particular point in time or the best possible valuation of the current portfolio. Therefore, the IOPV should not be viewed as a ''real-time'' update of each Fund's NAV, which is computed only once a day. The IOPV will be generally determined by using both current market quotations and/or price quotations obtained from broker-dealers that may trade in the portfolio securities and other instruments held by the Funds.

[119] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available Portfolio Indicative Values published on CTA or other data feeds.

[120] *See* NYSE Arca Equities Rule 7.12, Commentary .04.

[121] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[122] For a list of the current members of ISG, see *http://www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (4) how information regarding the Portfolio Indicative Value is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Funds are subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Exchange Act. The Bulletin will also disclose that the NAV for the Shares will be calculated after 4:00 p.m. E.T. each trading day.

2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act [123] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Investment Adviser has implemented a ''fire wall'' with respect to its affiliated broker-dealers regarding access to information concerning the composition and/or changes in the Funds' portfolios. All short-term debt and money market securities acquired by the Funds will be rated investment grade by at least one NRSRO or, if unrated, deemed by the Investment Adviser to be of equivalent quality.[124] The Fund will invest only in corporate bonds that the Investment Adviser deems to be sufficiently liquid at time of investment. Generally a non-U.S. corporate bond must have $200 million (or an equivalent value if denominated in a currency other than United States dollars) or more par amount outstanding and significant par value traded to be considered as an eligible investment, and a U.S. corporate bond must have $100 million (or an equivalent value if denominated in a currency other than United States dollars) or more par amount outstanding and significant par value traded to be considered as an eligible investment. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The aggregate value of all of each Fund's illiquid securities and Rule 144A Securities shall not exceed 15% of the Fund's total assets. The Funds will not invest in any non-U.S registered equity securities. Each Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage. The Funds will not invest in options contracts, futures contracts or swap agreements.[125]

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Funds and the Shares, thereby promoting market transparency. Moreover, the IOPV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Funds will disclose on their Web site the Disclosed Portfolio that will form the basis for the Funds' calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. Price information for the debt securities, fixed income instruments, and other investments held by the Funds will be available through major market data vendors and/or the securities exchange on which they are listed and traded. Foreign currency exchange rates are generally readily available from on-line information services such as Bloomberg or Reuters. The Web site for the Funds will include a form of the prospectus for the Funds and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of a Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of a Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Funds' holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Funds' holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

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 purpose of the Exchange Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of additional types of actively-managed exchange-traded products that will enhance competition among market participants, to the benefit of investors and the marketplace.

[123] 15 U.S.C. 78f(b)(5).

[124] *See* note 12, *supra.*

[125] *See* note 111, *supra.*

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2013–18 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2013–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–NYSEArca–2013–18 and should be submitted on or before March 27, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[126]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05124 Filed 3–5–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69007; File No. SR–MIAX–2013–05]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish the MIAX Top of Market (''ToM'') Data Product

February 28, 2013.

Pursuant to the provisions of 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 February 15, 2013, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to establish a market data product related to the trading of standardized options on MIAX. Specifically, the Exchange is proposing to provide the MIAX Top of Market (''ToM''), a direct data feed that features the Exchange's best bid and offer, with aggregate size and last sale information on the MIAX system.

The text of the proposed rule change is also available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to establish the ToM market data product. ToM provides a direct data feed that includes the Exchange's best bid and offer, with aggregate size, based on displayable order and quoting interest on the Exchange. The ToM data feed includes data that is identical to the data sent to the processor for the Options Price Reporting Authority (''OPRA''). The ToM and OPRA data leave the MIAX system at the same time, as required under Section 5.2(c)(iii)(B) of the Limited Liability Company Agreement of the Options Price Reporting Authority LLC (the ''OPRA Plan''), which prohibits the dissemination of proprietary information on any more timely basis than the same information is furnished to the OPRA System for inclusion in OPRA's consolidated dissemination of options information.

In addition to MIAX's best bid and offer, with aggregate size and last sale information, subscribers to ToM will also receive: Opening imbalance condition information; opening and intra-day routing information; Expanded

[126] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Quote Range [3] information; Post-Halt Notification [4] and Liquidity Refresh [5] condition information. MIAX Market Makers receive this additional information by way of connectivity with the MIAX Express Interface (''MEI''); [6] those who are not MIAX Market Makers must subscribe to ToM in order to receive the additional information.

The Exchange expects to file with the Commission to assess fees applicable to ToM. Such fees will not be assessed until the first full calendar month during which MIAX lists and trades options overlying at least 100 underlying securities. Once MIAX begins listing and trading options overlying at least 100 underlying securities, and subject to filing with the Commission, MIAX will assess market data fees applicable to ToM.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) [7] of the Act in general, and furthers the objectives of Section 6(b)(5) [8] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The ToM product is designed to promote just and equitable principles of trade by providing all subscribers with top of market data that should enable them to make informed decisions on trading in MIAX options by using the ToM data to assess current market conditions that directly affect such decisions. The market data provided by ToM removes impediments to, and is designed to further perfect, the mechanisms of a free and open market and a national market system by making the MIAX market more transparent and accessible to market participants making routing decisions concerning their options orders.

The ToM market data product is also designed to protect investors and the public interest by providing data to subscribers that is already currently available on other exchanges [9] and will enable MIAX to compete with such other exchanges, thereby offering market participants with additional data in order to seek the market center with the best price and the most liquidity on which to execute their transactions, all to the benefit of investors and the public interest, and to the marketplace as a whole.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

On the contrary, the Exchange believes that the ToM market data product will enhance competition in the U.S. options markets by providing similar data to that which is currently provided on another options exchange.[10]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [11] and Rule 19b-4(f)(6) [12] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2013–05 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.

All submissions should refer to File Number SR–MIAX–2013–05. 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

[3] Where there is an imbalance at the price at which the maximum number of contracts can trade that is also at or within the highest valid width quote bid and lowest valid width quote offer, the System will calculate an Expanded Quote Range (''EQR''). The EQR will be recalculated any time a Route Timer or Imbalance Timer expires if material conditions of the market (imbalance size, ABBO price or size, liquidity price or size, etc.) have changed during the timer. Once calculated, the EQR will represent the limits of the range in which transactions may occur during the opening process. *See* Exchange Rule 503(f)(5).

[4] After the Exchange has determined to end a trading system halt, the System will broadcast to subscribers of the Exchange's data feeds a Post-Halt Notification. *See* Exchange Rule 504(d).

[5] If a Market Maker quote was all or part of the MIAX Best Bid or Offer (''MBBO'') and the Market Maker's quote was exhausted by the partial execution of the initiating order, the System will pause the market for a time period not to exceed one second to allow additional orders or quotes refreshing the liquidity at the MBBO to be received (''liquidity refresh pause''). *See* Exchange Rule 515(c)(1)(iii)(A).

[6] MEI is a connection to MIAX systems that enables Market Makers to submit electronic quotes to MIAX.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* Securities Exchange Act Release No. 60459 (August 7, 2009), 74 FR 41466 (August 17, 2009) (SR–Phlx–2009–54) (Order Approving a Proposed Rule Change to Establish Fees for the Top of PHLX Options Direct Data Feed Product).

[10] *Id.*

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2013–05 and should be submitted on or before March 27, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–05166 Filed 3–5–13; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 8216]

Culturally Significant Objects Imported for Exhibition Determinations: ''Overdrive: L.A. Constructs the Future, 1940–1990''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Overdrive: L.A. Constructs the Future, 1940–1990,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The J. Paul Getty Museum, Los Angeles, CA, from on or about April 9, 2013, until on or about July 21, 2013; and the National Building Museum, Washington, DC, from on or about October 15, 2013, until on or about March 2, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: February 28, 2013.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–05219 Filed 3–5–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8215]

Culturally Significant Objects Imported for Exhibition Determinations: ''Sicily: Art and Invention Between Greece and Rome''

ACTION: Notice, correction.

SUMMARY: On September 5, 2012, notice was published on page 54647 of the **Federal Register** (volume 77, number 172) of determinations made by the Department of State pertaining to the exhibit ''Sicily: Art and Invention Between Greece and Rome.'' The referenced notice is corrected to accommodate additional objects to be included in the exhibition. Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the additional objects to be included in the exhibition ''Sicily: Art and Invention Between Greece and Rome,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the additional exhibit objects at The J. Paul Getty Museum in Los Angeles, California from on or about April 3, 2013, until on or about August 19, 2013, at the Cleveland Museum of Art in Cleveland, Ohio from September 29, 2013 to January 5, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the additional exhibit objects, contact Ona M. Hahs, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6473). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: February 26, 2013.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–05216 Filed 3–5–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (formerly Subpart Q) during the Week Ending February 16, 2013. The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: DOT–OST–2013–0032.

Date Filed: Februrary 15, 2013.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 8, 2013.

Description: Joint application of United Air Lines, Inc. (''United''), Continental Airlines, Inc. (''Continental''), Continental Micronesia, Inc. (''Continental Micronesia'') and Air Micronesia, Inc.

[13] 17 CFR 200.30–3(a)(12).

(''Air Micronesia'') (collectively, the ''Joint Applicants'') notifying the Department of an upcoming corporate name change of Continental to ''United Airlines, Inc.'', requests reissuance of their certificates of public convenience and necessity and economic and other authorities to reflect this name change, and request that the trade name ''Continental'' be registered for use in their operations as may be needed during the completion of their merger and integration process.

Barbara J. Hairston,

Acting Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 2013–05145 Filed 3–5–13; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2003–0014]

Notice of Request for the Extension of a Currently Approved Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to extend the following currently approved information collection: 49 U.S.C. 5317—New Freedom Program.

DATES: Comments must be submitted before May 6, 2013.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Web site: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–493–2251.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.* Docket: For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Gilbert Williams, FTA Office of Program Management (202) 366–0797, or email: *Gilbert.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: 49 U.S.C. 5317—New Freedom Program.

(*OMB Number: 2132–0565*).

Background: 49 U.S.C. 5317, the New Freedom Program, authorizes the Secretary of Transportation to make grants to states for areas with a population of less than 200,000 and designated recipients in urbanized areas of 200,000 persons or greater to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the Americans with Disabilities Act (ADA) of 1990. Grant recipients are required to make information available to the public and to publish a program of projects which identifies the subrecipients and projects for which the State or designated recipient is applying for financial assistance. FTA uses the information to determine eligibility for funding and to monitor the grantees' progress in implementing and completing project activities. FTA collects performance information annually from designated recipients in rural areas, small urbanized areas, other direct recipients for small urbanized areas, and designated recipients in urbanized areas of 200,000 persons or greater. FTA collects milestone and financial status reports from designated recipients in large urbanized areas on a quarterly basis. The information submitted ensures FTA's compliance with applicable federal laws and OMB Circular A–102.

Respondents: State and local government, private non-profit organizations and public transportation authorities.

Estimated Annual Burden on Respondents: 251 hours for each of the respondents.

Estimated Total Annual Burden: 129,679 hours.

Frequency: Annual.

Issued: February 28, 2013.

Matthew M. Crouch,

Deputy Administrator for Administration.

[FR Doc. 2013–05144 Filed 3–5–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket FTA–2013–0013]

Joint Development: Proposed Circular

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Availability of Proposed Circular and Request for Comments

SUMMARY: The Federal Transit Administration (FTA) has placed in the docket and on its web site proposed guidance, in the form of a circular, on joint development. This circular provides guidance to recipients of Federal Transit Administration (FTA) financial assistance on how to use FTA funds or FTA-funded real property for joint development. This circular: (1) Defines the term ''joint development'';

(2) explains how to determine which joint development activities are eligible for FTA funding; (3) describes the legal requirements applicable to the acquisition, use, and disposition of FTA-funded real property; and (4) outlines the most common crosscutting requirements. This circular incorporates provisions of the Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141 (2012), advances the goals of 49 U.S.C. 5315 by informing FTA recipients of opportunities for private sector participation in public transportation projects, and includes the most current guidance for the federal public transportation program. By this notice, FTA invites public comment on this proposed circular.

DATES: Comments must be submitted by April 5, 2013. Late-filed comments will be considered to the extent practicable.

ADDRESSES: You may submit comments to DOT Docket ID Number FTA–2013–0013 by any of the following methods:

Federal e-Rulemaking 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 Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

Fax: 202–493–2251.

Instructions: You must include the agency name (Federal Transit Administration) and Docket number (FTA–2013–0013) for this notice at the beginning of your comments. You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided and will be available to internet users. You may review DOT's complete Privacy Act Statement published in the **Federal Register** on April 11, 2000 (65 FR 19477). *Docket:* For access to the docket to read background documents and comments received, go to *http://www.regulations.gov* at any time or to the U.S. Department of Transportation, 1200 New Jersey Ave. SE., Docket Operations, M–30, West Building Ground Floor, Room W12–140, Washington, DC 20590 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For legal questions, Jayme L. Blakesley, Office of Chief Counsel, 1200 New Jersey Avenue SE., Room E56–316, phone: (202) 366–0304, or email, *jayme.blakesley@dot.gov;* For program questions, Sharon Pugh, Office of Budget and Policy, Federal Transit Administration, 1200 New Jersey Ave. SE., Room E52–322, Washington, DC 20590, phone: (202) 366–0713, or email, *sharon.pugh@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

It is FTA's policy to maximize the utility of FTA-funded projects and to encourage transit agencies to generate program income through joint development. The benefits of joint development include revenue generation for the transit system through ''value capture'' mechanisms, such as income derived from rental or lease payments, and private sector contributions to public infrastructure. Other benefits include shared costs, efficient land use, reduced distance between transportation and other activities, economic development, increased transit ridership, and improved transit connectivity.

This proposed circular is intended to guide interested parties through the FTA program and policy requirements that must be considered when pursuing a joint development project.

This following is a summary of the proposed circular. The proposed circular itself is not included in this notice; an electronic version may be found on FTA's Web site at *www.fta.dot.gov* or on the Docket at *www.regulations.gov* (Docket No. FTA–2013–0013). Paper copies of the proposed circular may be obtained by contacting FTA's Administrative Services Help Desk at (202) 366–4865. FTA seeks comment on the proposed circular.

II. Chapter Summary

A. Chapter I—Introduction and Background

Chapter I is an introductory chapter. It defines terms used throughout the proposed circular, provides a brief background of FTA's authorizing legislation, the effect of the circular, and instructions for how to contact FTA.

B. Chapter II—Circular Overview

Chapter II introduces the substance of the proposed circular. It describes joint development as a concept and lists several elements of a joint development capital project, including the funding sources, project eligibility criteria, crosscutting requirements, and restrictions on the use of real property acquired with federal assistance. The real property section includes discussion on the requirements for real property acquisition, satisfactory continuing control, incidental use, and disposition.

C. Chapter III—FTA Assistance for Planning and Capital Projects

Chapter III describes the eligibility requirements for an FTA-funded joint development capital project or planning activity.

FTA planning grants are available to assist states, metropolitan planning organizations, local governments, and others to plan transportation projects, including joint developments.

FTA program funds may be used to support capital projects. The Moving Ahead for Progress in the Twenty First Century Act (MAP–21), Public Law 112–141, provides the most recent authorization for FTA's programs. MAP–21 explicitly includes joint development within the definition of capital project. The proposed circular describes the MAP–21 provisions on joint development and explains each element of the statutory eligibility criteria. Chapter III is based on previously published guidance on the eligibility of joint development activities for FTA funding. 72 FR 5788 (Feb. 7, 2007).

D. Chapter IV—Real Property Considerations

Chapter IV reviews the requirements applicable to the acquisition, use, and disposition of real property acquired with FTA funds. Chapter IV gives special attention to circumstances that are most likely to be part of a joint development project. For example, Chapter IV discusses subordination of the federal government's unrecorded interest in real property, the incidental use of real property for non-transit purposes, and the maintenance of satisfactory continuing control of real property in the context of a joint development project.

E. Chapter V—Crosscutting Federal Requirements

Chapter V reviews federal requirements that are not unique to public transportation projects, but which have application to all federally assisted projects, including joint development projects funded by FTA.

III. Request for Comments and Examples

In addition to general comments about the proposed circular, FTA invites comments on the following topics specifically:

Currently, the proposed circular does not expressly define the term ''fair share of revenue'' and does not set a monetary threshold for the same. Instead, FTA proposes to reserve the right to decline funding for a joint development project if the project does not generate a meaningful amount of revenue. FTA seeks comment on how it should assess whether a project generates a ''fair share of revenue,'' including any measures or criteria FTA should use.

The proposed circular does not yet include a chapter on the process FTA will follow to review and approve or concur in a joint development project. Before drafting this chapter, FTA seeks comment from its stakeholders. After considering comments, FTA intends to include a chapter on FTA's review process in the final version of the proposed circular.

FTA requests the submission of examples that illustrate the many issues that arise in joint development projects.

Issued in Washington, DC, this 27th day of February, 2013.

Peter Rogoff,

Administrator.

[FR Doc. 2013–05226 Filed 3–5–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 6 (Sub-No. 487X)]

BNSF Railway Company—Abandonment Exemption—in Cook County, Ill.

BNSF Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR part 1152 subpart F–*Exempt Abandonments* to abandon approximately 1.1 miles of rail line in Chicago, in Cook County, Ill., as follows: (1) Approximately 0.50 miles of track (Sangamon Street Line) from south of Western Avenue Yard at 16th Street (Station 186+79), extending to the red board south of Cullerton Street (Station 163+50); and (2) approximately 0.60 miles of track (Lumber Street Line) from West Cermak Road at the Colonial Brick switch (Station 157+65), extending to the end of the line on Lumber Street (Station 197+81). The line traverses United States Postal Service Zip Codes 60608 and 60616.

BNSF has certified that: (1) No local traffic has moved over the line for at least two years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 5, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 18, 2013. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 26, 2013, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Karl Morell, BALL JANIK LLP, Suite 225, 655 Fifteenth Street NW., Washington, DC 20005.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

BNSF has filed environmental and historic reports that address the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by March 11, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by March 6, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our Web site at ''*www.stb.dot.gov.*''

Decided: March 1, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Raina S. White,

Clearance Clerk.

[FR Doc. 2013–05175 Filed 3–5–13; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of 1 Individual Pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the name of 1 individual whose property and interests in property are blocked pursuant to Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons

Who Commit, Threaten To Commit, or Support Terrorism.''

DATES: The designation by the Director of OFAC of the 1 individual in this notice, pursuant to Executive Order 13224, is effective on February 26, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On September 23, 2001, the President issued Executive Order 13224 (the ''Order'') pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the United Nations Participation Act of 1945, 22 U.S.C. 287c. In the Order, the President declared a national emergency to address grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the September 11, 2001 terrorist attacks in New York, Pennsylvania, and at the Pentagon. The Order imposes economic sanctions on persons who have committed, pose a significant risk of committing, or support acts of terrorism. The President identified in the Annex to the Order, as amended by Executive Order 13268 of July 2, 2002, 13 individuals and 16 entities as subject to the economic sanctions. The Order was further amended by Executive Order 13284 of January 23, 2003, to reflect the creation of the Department of Homeland Security.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in or hereafter come within the United States or the possession or control of United States persons, of: (1) Foreign persons listed in the Annex to the Order; (2) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States; (3) persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order; and (4) except as provided in section 5 of the Order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of the Department of Homeland Security and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Director of OFAC, in consultation with the Departments of State, Homeland Security and Justice, to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to the Order or determined to be subject to the Order or to be otherwise associated with those persons listed in the Annex to the Order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of the Order.

On February 26, 2013 the Director of OFAC, in consultation with the Departments of State, Homeland Security, Justice and other relevant agencies, designated, pursuant to one or more of the criteria set forth in subsections 1(b), 1(c) or 1(d) of the Order, 1 individual whose property and interests in property are blocked pursuant to Executive Order 13224.

The listings for this individual on OFAC's list of Specially Designated Nationals and Blocked Persons appear as follows:

Individual

1. NOORZAI, Mullah Ahmed Shah (a.k.a. SHAH, Haji Ahmad; a.k.a. SHAH, Haji Mullah Ahmad; a.k.a. SHAH, Maulawi Ahmed; a.k.a. SHAH, Mullah Mohammed), Quetta, Pakistan; DOB 01 Jan 1985; alt. DOB 1981; POB Quetta, Pakistan; Passport NC5140251 (Pakistan) issued 23 Oct 2009 expires 22 Oct 2014; National ID No. 5440122880259 (Pakistan) (individual) [SDGT].

Dated: February 26, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–05232 Filed 3–5–13; 8:45 am]

BILLING CODE 4810–AL–P

FEDERAL REGISTER

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Part II

The President

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Presidential Documents

Title 3—

The President

Proclamation 8937 of March 1, 2013

National Consumer Protection Week, 2013

By the President of the United States of America

A Proclamation

Over 4 years ago, widespread abuses in America's financial system nearly brought our economy to its knees. Millions saw their life savings erode, businesses shuttered their doors, and families were devastated by job loss and foreclosure. This crisis cast a harsh light on the breakdown in oversight that led to an epidemic of irresponsibility, and it highlighted the need for common-sense regulations to protect the vast majority of Americans from the reckless actions of a few. During National Consumer Protection Week, we remember those lessons, and we recognize that our shared prosperity depends on empowering all Americans to make sound decisions for themselves and their families.

My Administration is ramping up consumer protection throughout the economy. Last year, we established a new unit to combat fraud and investigate the abusive lending and mortgage packaging that led to the housing crisis. We launched the ''Know Before You Owe'' campaign to help students and their parents make smart decisions about paying for college. We cracked down on unscrupulous lenders and credit card companies that charge hidden fees. And we did away with the practice of adding pages of misleading fine print to important financial agreements.

We are also committed to helping consumers avoid scams, protect their personal information, and make good financial decisions. That is why agencies across the Federal Government joined with consumer advocates to launch www.NCPW.gov, an online resource that provides practical advice for managing finances and safeguarding against identity theft.

As the driving force behind our economy, consumers deserve clear rules, fair treatment, and full disclosure. Whether opening credit cards, buying cars, applying for mortgages, or taking out student loans, all Americans should have access to complete, concise information. This week, we resolve to strengthen consumer rights and build a more transparent, efficient, effective marketplace.

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 March 3 through March 9, 2013, as National Consumer Protection Week. I call upon government officials, industry leaders, and advocates across the Nation to share information about consumer protection and provide our citizens with information about their rights as consumers.

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

[FR Doc. 2013–05394
Filed 3–5–13; 11:15 am]
Billing code 3295–F3

Presidential Documents

Proclamation 8938 of March 1, 2013

10th Anniversary of the United States Department of Homeland Security

By the President of the United States of America

A Proclamation

Ten years ago, when the tragic events of September 11 were fresh in our hearts and our Nation found itself in a more uncertain world, the United States Department of Homeland Security (DHS) opened its doors with a single task: keeping the American people safe. Day by day, hour by hour, the Department has advanced that critical mission through a decade of shifting threats and new challenges. We take this opportunity to recognize its accomplishments and pay tribute to the people who have made them possible.

Alongside its partners in government and the private sector, DHS has taken action to make our borders and ports more secure, our critical infrastructure and cyber networks more resilient, and our people more engaged in addressing the dangers we face. While threats persist, America is better prepared to meet them, and we stand ready to overcome whatever challenges the future holds.

Homeland security cannot begin and end with the Federal Government; it takes commitment from every part of society. By forging lasting partnerships with stakeholders at home and abroad, DHS has worked to streamline our legal immigration system, stem the tide of illegal immigration, and chart a course toward sensible reform. And in a decade marked by national emergencies and natural disasters, the Department has invested in communities nationwide, improving our preparedness for times of crisis.

As we commemorate a decade of service, our Nation recognizes the men and women who have carried out the Department of Homeland Security's vision for a safer, stronger 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 March 1, 2013, as the 10th Anniversary of the United States Department of Homeland Security. I call upon all Americans to recognize the United States Department of Homeland Security for improving America's readiness and resilience.

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

[FR Doc. 2013–05395
Filed 3–5–13; 11:15 am]
Billing code 3295–F3

Presidential Documents

Proclamation 8939 of March 1, 2013

100th Anniversary of the United States Department of Labor

By the President of the United States of America

A Proclamation

On March 4, 1913, President William Howard Taft signed a bill establishing the United States Department of Labor—an agency charged with promoting the welfare of American workers and ensuring their efforts are rewarded with fair wages and real protections. After decades of struggle by labor leaders and ordinary citizens, the Department took up the cause of justice in the workplace and lifted it to the highest halls of government.

Over the course of a century, the Department of Labor has fought to secure strong safeguards for workers and their families. It helped lay the cornerstones of middle class security, from the 40-hour work week and the minimum wage to family leave and pensions. As the agency once led by our Nation's first female Cabinet Secretary, the Department has broken down barriers to equal opportunity in the workplace. And for decades, it has improved worker safety and health and aggressively combated child labor at home and abroad.

Today, the Department of Labor is working to restore the basic bargain that built our country: that no matter what you look like or where you come from, if you work hard and meet your responsibilities, you can get ahead. It is forging new ladders of opportunity so a generation of workers can get the 21st century skills and training they need. And to preserve a century's progress in labor rights, the Department will continue to ensure hardworking Americans always have a voice in government and on the job.

On this centennial, we recognize the dedicated public servants at the Department of Labor who have helped move our country forward, and we reaffirm our commitment to giving America's workers the chance to build a brighter future for themselves and their families.

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 March 4, 2013, as the 100th Anniversary of the United States Department of Labor. I call upon all Americans to observe this day with appropriate programs, ceremonies, and activities that recognize the United States Department of Labor for upholding dignity in our workplaces and our way of life.

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

[FR Doc. 2013–05396
Filed 3–5–13; 11:15 am]
Billing code 3295–F3

Presidential Documents

Order of March 1, 2013

Sequestration Order for Fiscal Year 2013 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, as Amended

By the authority vested in me as President by the laws of the United States of America, and in accordance with section 251A of the Balanced Budget and Emergency Deficit Control Act, as amended (the ''Act''), 2 U.S.C. 901a, I hereby order that budgetary resources in each non-exempt budget account be reduced by the amount calculated by the Office of Management and Budget in its report to the Congress of March 1, 2013.

Pursuant to sections 250(c)(6), 251A, and 255(e) of the Act, budgetary resources subject to sequestration shall be new budget authority, unobligated balances of defense function accounts carried over from prior fiscal years, direct spending authority, and obligation limitations.

All sequestrations shall be made in strict accordance with the requirements of section 251A of the Act and the specifications of the Office of Management and Budget's report of March 1, 2013, prepared pursuant to section 251A(11) of the Act.

THE WHITE HOUSE,
Washington, March 1, 2013.

[FR Doc. 2013–05397
Filed 3–5–13; 11:15 am]
Billing code 3295–F3

Reader Aids

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