

Rules and Regulations

Federal Register

Vol. 78, No. 67

Monday, April 8, 2013

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

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

DEPARTMENT OF AGRICULTURE

Office of Procurement and Property Management

7 CFR Part 3201

RIN 0599-AA16

Designation of Product Categories for Federal Procurement; Withdrawal

AGENCY: Office of Procurement and Property Management, Departmental Management, USDA.

ACTION: Final rule; withdrawal.

SUMMARY: The U.S. Department of Agriculture (USDA) is withdrawing the final rule "Designation of Product Categories for Federal Procurement" published April 1, 2013, at 78 FR 19393. The final rulemaking, which amended the Guidelines for Designating Biobased Products for Federal Procurement, to add eight sections to designate product categories within which biobased products will be afforded Federal procurement preference, was published prematurely due to an oversight in the development process.

DATES: The final rule published April 1, 2013 (78 FR 19393) is withdrawn effective April 8, 2013.

FOR FURTHER INFORMATION CONTACT: Ron Buckhalt, USDA, Office of Procurement and Property Management, Room 361, Reporters Building, 300 7th St. SW., Washington, DC 20024; email: biopreferred@usda.gov; phone (202) 205-4008. Please cite "7 CFR Part 3201, RIN 0599-AA16" in all correspondence.

SUPPLEMENTARY INFORMATION: On April 1, 2013, USDA published a final rule, to be effective May 1, 2013, amending the Guidelines for Designating Biobased Products for Federal Procurement, to add eight sections to designate product categories within which biobased products will be afforded Federal procurement preference, as provided for

under section 9002 of the Farm Security and Rural Investment Act of 2002, as amended by the Food, Conservation, and Energy Act of 2008. The rule also adds a new subcategory to one previously designated product category and establishes minimum biobased contents for each of these product categories and subcategories. The rule also changes the term "item" to product category.

Due to an oversight in the development process, USDA published the final rule prematurely and, therefore, is withdrawing it. OPPI anticipates republishing the rulemaking in the coming months.

Signed in Washington, DC, on April 1, 2013.

Lisa M. Wilusz,

Director, Office of Procurement and Property Management.

[FR Doc. 2013-08026 Filed 4-5-13; 8:45 am]

BILLING CODE 3410-93-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30895; Amdt. No. 506]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: Effective 0901 UTC, May 2, 2013.

FOR FURTHER INFORMATION CONTACT: Rick Dunham, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500

South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated

impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on March 29, 2013.

John M. Allen,
Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, May 2, 2013.

PART 95 [AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES § CHANGEOVER POINTS

[Amendment 506 effective date May 02, 2013]

From	To	MEA
§ 95.6001 Victor Routes-U.S.		
§ 95.6001 VOR Federal Airway V1 Is Amended To Read in Part		
ASHES, NC FIX *2100—MOCA	YOAST, NC FIX	*5000
YOAST, NC FIX *1600—MOCA	WALLO, NC FIX	*7000
WALLO, NC FIX	KINSTON, NC VORTAC NE BND SW BND	2000 7000
§ 95.6002 VOR Federal Airway V2 Is Amended To Read in Part		
*SEATTLE, WA VORTAC *4300—MCA SEATTLE, WA VORTAC, E BND **3100—MOCA **5300—GNSS MEA	VAMPS, WA FIX E BND W BND	**8400 **4000
VAMPS, WA FIX *7700—GNSS MEA	BANDR, WA FIX E BND W BND	*8400 *7700
BANDR, WA FIX *9000—MRA	*BEEZR, WA FIX	8400
§ 95.6003 VOR Federal Airway V3 Is Amended To Read in Part		
DOLPHIN, FL VORTAC FORT LAUDERDALE, FL VOR/DME #FORT LAUDERDALE R-013 UNUSABLE, USE PALM BEACH R-190	FORT LAUDERDALE, FL VOR/DME PALM BEACH, FL VORTAC	2100 #2000
§ 95.6004 VOR Federal Airway V4 Is Amended To Read in Part		
LOFAL, WA FIX *6200—MCA SEATTLE, WA VORTAC, E BND **2800—MOCA	*SEATTLE, WA VORTAC	**4000
SEATTLE, WA VORTAC *3100—MOCA	BLAKO, WA FIX E BND W BND	*10000 *4000
BLAKO, WA FIX *6600—MOCA	HUMPP, WA FIX E BND W BND	*10000 *6600
§ 95.6025 VOR Federal Airways V25 Is Amended To Read in Part		
SALINAS, CA VORTAC *4000—MOCA	SANTY, CA FIX	*5000
WOODSIDE, CA VORTAC	SAN FRANCISCO, CA VOR/DME	4700
§ 95.6029 VOR Federal Airways V29 Is Amended To Read in Part		
DUPONT, DE VORTAC *1800—MOCA	MODENA, PA VORTAC	*3000

REVISIONS TO IFR ALTITUDES § CHANGEOVER POINTS—Continued

[Amendment 506 effective date May 02, 2013]

From	To	MEA
*2000—GNSS MEA		
§ 95.6068 VOR Federal Airways V68 Is Amended To Read in Part		
JUNCTION, TX VORTAC	CENTER POINT, TX VORTAC	4000
CENTER POINT, TX VORTAC	SAN ANTONIO, TX VORTAC	4100
§ 95.6087 VOR Federal Airways V87 Is Amended To Read in Part		
PANOCHE, CA VORTAC	SALINAS, CA VORTAC	6200
SALINAS, CA VORTAC	SANTY, CA FIX	*5000
*4000—MOCA		
WOODSIDE, CA VORTAC	SAN FRANCISCO, CA VOR/DME	4700
§ 95.6088 VOR Federal Airways V88 Is Amended To Read in Part		
NARCI, OK FIX	*WACCO, MO FIX	**6200
*3700—MRA		
*6200—MCA WACCO, MO FIX, SW BND		
**3100—MOCA		
**4000—GNSS MEA		
*WACCO, MO FIX	*QUALM, MO FIX	**3700
*3700—MRA		
**3000—MOCA		
QUALM, MO FIX	*MIRTH, MO FIX	3000
*3700—MRA		
*MIRTH, MO FIX	SPRINGFIELD, MO VORTAC	3000
*3700—MRA		
§ 95.6094 VOR Federal Airways V94 Is Amended To Read in Part		
BYPAS, TX FIX	*HYMAN, TX FIX	**6000
*5000—MRA		
**4400—MOCA		
*HYMAN, TX FIX	TUSCOLA, TX VOR/DME	**7500
*5000—MRA		
**4200—MOCA		
§ 95.6104 VOR Federal Airways V104 Is Amended To Read in Part		
MALAE, NY FIX	*PLATTSBURGH, NY VORTAC	**7000
*4600—MCA PLATTSBURGH, NY VORTAC, NW BND		
**6100—MOCA		
**6100—GNSS MEA		
PLATTSBURGH, NY VORTAC	*BURLINGTON, VT VOR/DME	2600
*5000—MCA BURLINGTON, VT VOR/DME, SE BND		
BURLINGTON, VT VOR/DME	MONTPELIER, VT VOR/DME	6300
MONTPELIER, VT VOR/DME	AYZOO, NH FIX	5400
AYZOO, NH FIX	BERLIN, NH VOR/DME	*7000
*6400—MOCA		
§ 95.6124 VOR Federal Airways V124 Is Amended To Read in Part		
HOT SPRINGS, AR VOR/DME	LITTLE ROCK, AR VORTAC	3000
§ 95.6168 VOR Federal Airways V168 Is Amended To Read in Part		
MILER, AL FIX	WIREGRASS, AL VORTAC	*6000
*2400—MOCA		
*3000—GNSS MEA		
§ 95.6170 VOR Federal Airways V170 Is Amended To Read in Part		
MODENA, PA VORTAC	DUPONT, DE VORTAC	*3000
*1800—MOCA		
*2000—GNSS MEA		
§ 95.6184 VOR Federal Airways V184 Is Amended To Read in Part		
HARRISBURG, PA VORTAC	*DELRO, PA FIX	3000
*10000—MRA		

REVISIONS TO IFR ALTITUDES § CHANGEOVER POINTS—Continued

[Amendment 506 effective date May 02, 2013]

From	To	MEA
§ 95.6190 VOR Federal Airways V190 Is Amended To Read in Part		
MITBEE, OK VORTAC	CARON, OK FIX	
	SW BND	*5000
	NE BND	*8000
*3700—MOCA		
CARON, OK FIX	FIRET, OK FIX	*8000
*2800—MOCA		
FIRET, OK FIX	PIONEER, OK VORTAC	
	E BND	3000
	W BND	8000
BARTLESVILLE, OK VOR/DME	OSWEGO, KS VORTAC	2700
OSWEGO, KS VORTAC	*WACCO, MO FIX	3100
*3700—MRA		
WACCO, MO FIX	*QUALM, MO FIX	**3700
*3700—MRA		
**3000—MOCA		
QUALM, MO FIX	*MIRTH, MO FIX	3000
*3700—MRA		
MIRTH, MO FIX	SPRINGFIELD, MO VORTAC	3000
§ 95.6216 VOR Federal Airways V216 Is Amended To Read in Part		
SAGINAW, MI VOR/DME	PECK, MI VORTAC	3000
PECK, MI VORTAC	U.S. CANADIAN BORDER	*5000
*2200—MOCA		
§ 95.6234 VOR Federal Airways V234 Is Amended To Read in Part		
FLACK, KS FIX	KRIER, KS FIX	*5000
*4000—MOCA		
KRIER, KS FIX	BYWAY, KS FIX	*7100
*4000—MOCA		
BYWAY, KS FIX	GABIE, KS FIX	*4300
*3600—MOCA		
GABIE, KS FIX	HUTCHINSON, KS VOR/DME	3800
§ 95.6241 VOR Federal Airways V241 Is Amended To Read in Part		
WIREGRASS, AL VORTAC	EUFAULA, AL VORTAC	*3000
*2000—MOCA		
*WIREGRASS R-019 UNSABLE BELOW 6000 USE		
EUFAULA R-199		
§ 95.6267 VOR Federal Airways V267 Is Amended To Read in Part		
PAHOKEE, FL VORTAC	DIDDY, FL FIX	*2000
*1500—MOCA		
DIDDY, FL FIX	ORLANDO, FL VORTAC	2700
§ 95.6269 VOR Federal Airways V269 Is Amended To Read in Part		
WELLS, NV VOR	*TWIN FALLS, ID VORTAC	**13000
*7700—MCA TWIN FALLS, ID VORTAC, S BND		
**11000—MOCA		
**11000—GNSS MEA		
§ 95.6276 VOR Federal Airways V276 Is Amended To Read in Part		
*HIKES, PA FIX	YARDLEY, PA VOR/DME	**4000
*4000—MRA		
**2400—MOCA		
§ 95.6295 VOR Federal Airways V295 Is Amended To Read in Part		
TREASURE, FL VORTAC	BAIRN, FL FIX	2600
BAIRN, FL FIX	ORLANDO, FL VORTAC	2700
§ 95.6298 VOR Federal Airways V298 Is Amended To Read in Part		
*SEATTLE, WA VORTAC	VAMPS, WA FIX	
	W BND	**4000

REVISIONS TO IFR ALTITUDES § CHANGEOVER POINTS—Continued

[Amendment 506 effective date May 02, 2013]

From	To	MEA
*4300—MCA SEATTLE, WA VORTAC, E BND **3100—MOCA **5300—GNSS MEA VAMPS, WA FIX	E BND	**8400
*7700—GNSS MEA BANDR, WA FIX	BANDR, WA FIX	
*9000—MRA	E BND	*8400
	W BND	*7700
	*BEEZR, WA FIX	8400

§ 95.6392 VOR Federal Airways V392 Is Amended To Read in Part

SACRAMENTO, CA VORTAC	ROZZY, CA FIX	*3500
*2300—MOCA		

§ 95.6474 VOR Federal Airways V474 Is Amended To Read in Part

NOENO, PA FIX	*DELRO, PA FIX	**5000
*10000—MRA		
**3400—MOCA		
**3400—GNSS MEA		

§ 95.6479 VOR Federal Airways V479 Is Amended To Read in Part

DUPONT, DE VORTAC	WILJR, NJ FIX	2100
WILJR, NJ FIX	MENGE, NJ FIX	*4000
*1600—MOCA		
*2000—GNSS MEA		
MENGE, NJ FIX	YARDLEY, PA VOR/DME	2000

§ 95.6494 VOR Federal Airways V494 Is Amended To Read in Part

SANTA ROSA, CA VOR/DME	*RAGGS, CA FIX	5100
*8500—MRA		
*RAGGS, CA FIX	SACRAMENTO, CA VORTAC	5100
*8500—MRA		
SACRAMENTO, CA VORTAC	ROZZY, CA FIX	*3500
*2300—MOCA		

§ 95.6531 VOR Federal Airways V531 Is Amended To Read in Part

*SHEDS, FL FIX	**BAIRN, FL FIX	***6000
*3000—MRA		
**6000—MCA BAIRN, FL FIX, SE BND		
**2000—MOCA		
BAIRN, FL FIX	ORLANDO, FL VORTAC	2700

§ 95.6537 VOR Federal Airways V537 Is Amended To Read in Part

CERMO, FL FIX	OCALA, FL VORTAC	
	NW BND	2000
	SE BND	8000

§ 95.6573 VOR Federal Airways V573 Is Amended To Read in Part

HOT SPRINGS, AR VOR/DME	LITTLE ROCK, AR VORTAC	3000
-------------------------------	------------------------------	------

§ 95.7001 Jet Routes

§ 95.7037 Jet Route J37 Is Amended To Read in Part

SPARTANBURG, SC VORTAC	LYNCHBURG, VA VORTAC	#
------------------------------	----------------------------	---

Airway segment		Changeover points	
From	To	Distance	From

§ 95.8003 VOR Federal Airways Changeover Points V124 Is Amended To Add Changeover Point

HOT SPRINGS, AR VOR/DME	LITTLE ROCK, AR VORTAC	14	HOT SPRINGS
-------------------------------	------------------------------	----	-------------

Airway segment		Changeover points	
From	To	Distance	From
V187 Is Amended To Modify Changeover Point			
MISSOULA, MT VOR/DME	NEZ PERCE, ID VOR/DME	30	MISSOULA
V2 Is Amended To Add Changeover Point			
ELLENSBURG, WA VORTAC	MOSES LAKE, WA VOR/DME	28	ELLENSBURG
V290 Is Amended To Delete Changeover Point			
TAR RIVER, NC VORTAC	PAMLICO/DCMSND, NC NDB/DME	44	TAR RIVER
V494 Is Amended To Add Changeover Point			
SANTA ROSA, CA VOR/DME	SACRAMENTO, CA VORTAC	25	SANTA ROSA
ALASKA V317 Is Amended To Modify Changeover Point			
ANNETTE ISLAND, AK VOR/DME ISLAND	LEVEL ISLAND, AK VOR/DME	64	ANNETTE ISLAND
LEVEL ISLAND, AK VOR/DME	SISTERS ISLAND, AK VORTAC	74	LEVEL ISLAND

UNUSABLE.

[FR Doc. 2013-08081 Filed 4-5-13; 8:45 am]

BILLING CODE 4910-13-P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 3 and 23

RIN 3038-AD66

Dual and Multiple Associations of Persons Associated With Swap Dealers, Major Swap Participants and Other Commission Registrants

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is adopting regulations to make clear that each swap dealer (SD), major swap participant (MSP), and other Commission registrant with whom an associated person (AP) is associated is required to supervise the AP and is jointly and severally responsible for the activities of the AP with respect to customers common to it and any other SD, MSP or other Commission registrant.

DATES: Effective June 7, 2013.

FOR FURTHER INFORMATION CONTACT: Israel J. Goodman, Special Counsel, or Barbara S. Gold, Associate Director, Division of Swap Dealer and Intermediary Oversight, 1155 21st Street NW., Washington, DC 20581. Telephone number: 202-418-6700 and electronic mail: igoodman@cftc.gov or bgold@cftc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

On July 21, 2010, President Obama signed the Dodd-Frank Act.¹ Section 731 of the Dodd-Frank Act amended the Commodity Exchange Act (CEA)² by adding Section 4s, which, among other things, prohibits any person from acting as a “swap dealer” or “major swap participant” unless the person is registered with the Commission.³ To effectuate the Congressional directive that an SD or MSP apply for registration in such form and manner as prescribed by the Commission,⁴ on November 23, 2010, the Commission proposed regulations to establish a registration process for SDs and MSPs (Proposed Registration Regulations),⁵ and on January 19, 2012, the Commission adopted regulations that establish a registration process for SDs and MSPs (Final Registration Regulations).⁶

¹ See Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376 (2010). The text of the Dodd-Frank Act may be accessed through the Commission’s Web site, <http://www.cftc.gov>.

² 7 U.S.C. 1 *et seq.* (2006). The Commission’s regulations are found at 17 CFR Part 1 *et seq.* (2012). Both the CEA and the Commission’s regulations also may be accessed through the Commission’s Web site.

³ CEA Section 4s(a).

⁴ CEA Section 4s(b).

⁵ 75 FR 71379.

⁶ 77 FR 2613. Concurrently, through a separate Notice and Order, the Commission delegated to the National Futures Association (NFA) the authority to perform the full range of registration functions with respect to SDs and MSPs. 77 FR 2708 (Jan. 19, 2012).

Subsequently, the Commission issued regulations that further define the terms “swap dealer” and “major swap participant.” 77 FR 30596 (May 23, 2012). In this regard, the Commission notes that

Although APs of other Commission registrants are generally required to register with the Commission,⁷ APs of SDs and MSPs⁸ are not required to register as such.⁹ However, an SD or MSP is prohibited from permitting any

pursuant to CEA Section 1a(49)(D), CFTC Regulation 1.3(ggg)(4) establishes a *de minimis* exception from the SD definition, thereby allowing a person who otherwise meets the criteria for being an SD to engage in a certain amount of swap dealing activity without being required to register as an SD. If a person exceeds the *de minimis* amount of swap dealing at the effective date of the swap definition, then CFTC Regulation 1.3(ggg)(4)(iii) provides that the person must register as an SD by no later than two months from the end of the month in which it exceeded the *de minimis* threshold, i.e., December 31, 2012. Similarly, the definition of MSP in CFTC Regulation 1.3(hhh)(3) generally requires a person that meets the MSP definition as a result of its swaps activity in a fiscal quarter to register as an MSP no later than two months after the end of that quarter, with the earliest possible date by which the person should be registered as an MSP being February 28, 2013 (i.e., two months from the quarter end on December 31, 2012).

⁷ See, e.g., CEA Section 4k and Commission Regulation 3.12(a). Regulation 3.12(c) provides that application is made through the filing of a Form 8-R, accompanied by a specified certification from the registrant who will be employing the AP—i.e., the AP’s sponsor.

⁸ As is the case for other categories of Commission registrants, the term “associated person,” when used with respect to an SD or MSP, means a natural person (as opposed to an entity, such as a partnership or corporation). See Regulation 1.3(aa)(6) for a definition of the term “associated person” of an SD or MSP to mean a natural person who is associated with an SD or MSP as a partner, officer, employee, agent (or any natural person occupying a similar status or performing similar functions), in any capacity that involves the solicitation or acceptance of swaps (other than in a clerical or ministerial capacity); or the supervision of any person or persons so engaged.

⁹ Section 731 did not direct the Commission to adopt regulations that provide for the registration of APs of SDs and MSPs, and, thus, the Commission has not done so. See 77 FR at 2613.