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# Contents

**Federal Register**

Vol. 78, No. 84

Wednesday, May 1, 2013

**Agency for Healthcare Research and Quality**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25450–25454

**Agency for International Development**
NOTICES
Privacy Act; Systems of Records, 25414–25415

**Agricultural Marketing Service**
NOTICES
Standards for Grades of Okra, 25416

**Agriculture Department**
*See* Agricultural Marketing Service
*See* Commodity Credit Corporation
*See* Farm Service Agency
*See* National Institute of Food and Agriculture
NOTICES
Waivers under the Refined Sugar Re-Export Program, 25415–25416

**Bureau of Consumer Financial Protection**
NOTICES
Privacy Act; Systems of Records, 25426–25430

**Centers for Disease Control and Prevention**
NOTICES
Final Guidance Publications, 25454

**Children and Families Administration**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25454–25455
Grants to Support Shelter Care for Unaccompanied Alien Children, 25455–25456

**Coast Guard**
PROPOSED RULES
Safety Zones:
National Cherry Festival Air Show and Fireworks Display, West Grand Traverse Bay, Traverse City, MI, 25407–25410
War of 1812 Bicentennial Commemoration, Great Lakes, 25410–25413

**Commerce Department**
*See* International Trade Administration
*See* National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25418

**Commodity Credit Corporation**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Web-Based Supply Chain Management Commodity Offer Forms, 25416–25417

**Defense Department**
*See* Navy Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25430
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections, 25444–25445
Federal Acquisition Regulation; Indirect Cost Rates, 25443–25444
Federal Acquisition Regulation; Quality Assurance Requirements, 25445–25446
Meetings:
National Defense University Board of Visitors, 25431

**Employment and Training Administration**
NOTICES
Eligibility to Apply for Worker Adjustment Assistance; Determinations, 25479–25481
Eligibility to Apply for Worker Adjustment Assistance; Investigations, 25481–25482
Revised Determinations on Reconsideration:
Sunoco, Inc., R and M Refining Division, et al., 25482–25483

**Energy Department**
*See* Federal Energy Regulatory Commission

**Environmental Protection Agency**
RULES
Greenhouse Gas Reporting Rule:
Best Available Monitoring Method Request Submission Deadline for Petroleum and Natural Gas Systems Source Category, 25392–25396
Pesticide Tolerances:
Glyphosate, 25396–25401
Significant New Use Rules:
Ethoxylated, Propoxylated Diamine Diaryl Substituted Phenylmethane Ester with Alkenylsuccinate, Dialkylethanolamine Salt, 25388–25392
NOTICES
Draft National Pollutant Discharge Elimination System General Permits:
Municipal Separate Storm Sewer Systems in the Middle Rio Grande Watershed, New Mexico, 25435–25436
Meetings:
SFIREG Environmental Quality Issues Committee, 25436
Pesticide Experimental Use Permits; Applications, 25436–25438
Product Cancellation Orders for Certain Pesticide Registrations, 25438–25440
Request for Information and Citations on Methods for Cumulative Risk Assessment, 25440–25442

**Executive Office of the President**
*See* Presidential Documents

**Farm Service Agency**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Web-Based Supply Chain Management Commodity Offer Forms, 25416–25417

**Federal Aviation Administration**
RULES
Airworthiness Directives:
Diamond Aircraft Industries Airplanes, 25363–25365
Eurocopter Deutschland GmbH Helicopters, 25361–25363
Eurocopter France Helicopters, 25365–25369, 25380–25382
The Boeing Company Airplanes, 25369–25380
Class E Airspace; Amendments:
Griffin, GA, 25382–25383
West Palm Beach, FL, 25383
Class E Airspace; Establishment:
Immokalee, FL, 25384
Standard Instrument Approach Procedures; Takeoff Minimums and Obstacle Departure Procedures, 25384–25388
PROPOSED RULES
Class D Airspace; Amendments:
Sparta, WI, 25402–25403
Class E Airspace; Amendments, Revocations and Establishment:
Dayton, TN, Cleveland, TN, and Bradley Memorial Hospital, Cleveland, TN, 25403–25404
Class E Airspace; Establishments:
Grand Canyon, AZ, 25404–25406
Class E Airspace; Modifications:
Twin Falls, ID, 25406–25407
NOTICES
Data and Information Distribution Policy, 25521–25523
Noise Exposure Maps:
Oakland County International Airport, Pontiac, MI, 25523
Requests to Release Airport Properties, 25524

**Federal Deposit Insurance Corporation**
NOTICES
Meetings:
Advisory Committee on Economic Inclusion, 25442–25443

**Federal Emergency Management Agency**
NOTICES
Major Disasters and Related Determinations:
Oklahoma, 25462–25463

**Federal Energy Regulatory Commission**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25431–25432
Environmental Assessments; Availability, etc.:
Sabine Pass LNG, LP and Sabine Pass Liquefaction, LLC; Sabine Pass Liquefaction Project Modification, 25432–25433
Filings:
Minnesota Municipal Power Agency, 25434
Western Area Power Administration, 25433–25434
Transfers of Exemptions:
Henwood Associates, Inc., to Salmon Creek Hydroelectric Co., 25434–25435

**Federal Highway Administration**
NOTICES
Final Federal Agency Actions on Proposed Highway in California, 25524–25525

**Federal Maritime Commission**
NOTICES
Agreements Filed, 25443

**Federal Motor Carrier Safety Administration**
NOTICES
Pilot Program on NAFTA Trucking Provisions, 25525–25529

**Fish and Wildlife Service**
NOTICES
Meetings:
Wildlife and Hunting Heritage Conservation Council, 25463–25464

**Food and Drug Administration**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Guidance; Emergency Use Authorization of Medical Products, 25456
Medical Devices; Inspection by Accredited Persons Program, 25456
Debarment Orders:
Ashley Brandon Foyle, 25456–25457

**Foreign Assets Control Office**
NOTICES
Blocking or Unblocking of Persons and Property:
Designation of 1 Individuals and 6 Entities Who Proliferate Weapons of Mass Destruction and Their Supporters, 25532–25533

**General Services Administration**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections, 25444–25445
Federal Acquisition Regulation; Indirect Cost Rates, 25443–25444
Federal Acquisition Regulation; Quality Assurance Requirements, 25445–25446
Environmental Impact Statements; Availability, etc.:
San Ysidro Land Port of Entry Modernization and Expansion Project, 25446–25447

**Health and Human Services Department**
*See* Agency for Healthcare Research and Quality
*See* Centers for Disease Control and Prevention
*See* Children and Families Administration
*See* Food and Drug Administration
*See* Health Resources and Services Administration
*See* National Institutes of Health
*See* Substance Abuse and Mental Health Services Administration
NOTICES
Meetings:
Discretionary Advisory Committee on Heritable Disorders in Newborns and Children, 25447–25448
Requirements and Registration for Crowds Care for Cancer – Supporting Survivors Challenge, 25448–25450

**Health Resources and Services Administration**
NOTICES
Awards Issued under the Health Center Program, 25457–25458
Ryan White HIV/AIDS Program Early Intervention Services Grants, 25458

**Healthcare Research and Quality Agency**
*See* Agency for Healthcare Research and Quality

**Homeland Security Department**
*See* Coast Guard
*See* Federal Emergency Management Agency

**Interior Department**
*See* Fish and Wildlife Service
*See* Land Management Bureau
*See* National Park Service
*See* Ocean Energy Management Bureau

**International Trade Administration**
NOTICES
Antidumping and Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc., 25418–25422
Antidumping or Countervailing Duty Orders:
Opportunity to Request Administrative Review, 25423–25425
Sunset Reviews, 25422–25423
Request for Stakeholder Comments:
Doing Business in Africa Campaign, 25425

**International Trade Commission**
NOTICES
Investigations:
Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof, 25475–25476

**Justice Department**
*See* Justice Programs Office
*See* Parole Commission

**Justice Programs Office**
NOTICES
Meetings:
Public Safety Officer Medal of Valor Review Board, 25476

**Labor Department**
*See* Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Benzene Standard, 25476–25477
Trade Act Participant Report, 25477–25478
Walking–Working Surfaces Standard, 25478–25479

**Land Management Bureau**
NOTICES
Environmental Impact Statements; Availability, etc.:
Buckskin Mine Hay Creek II Coal Lease Application, WY, 25464
Plats of Survey:
South Dakota, 25464–25465
Public Land Orders; Proposed Withdrawals:
Alaska, 25465
Realty Actions:
Modified Competitive Auction of Public Lands in Lincoln County, NV, 25465–25468

**Legal Services Corporation**
NOTICES
Legal Services Corporation Grant Assurances; Calendar Year 2014 Funding Proposed Revisions, 25483–25484

**Maritime Administration**
NOTICES
Requests for Administrative Waivers of the Coastwise Trade Laws:
Vessel ALCHEMY, 25529–25530
Vessel BLUE DOLPHIN, 25530
Vessel HOWLIN AT THE MOON, 25530–25531
Vessel NIRVANA, 25531–25532
Vessel OCEAN JEDI, 25532
Vessel TEMPEST, 25531

**National Aeronautics and Space Administration**
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Federal Acquisition Regulation; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections, 25444–25445
Federal Acquisition Regulation; Indirect Cost Rates, 25443–25444
Federal Acquisition Regulation; Quality Assurance Requirements, 25445–25446

**National Institute of Food and Agriculture**
NOTICES
Requests for Applications:
Veterinary Medicine Loan Repayment Program, 25417–25418

**National Institutes of Health**
NOTICES
Meetings:
Center for Scientific Review, 25460
Diabetes Mellitus Interagency Coordinating Committee, 25459–25460
National Cancer Institute, 25459
National Eye Institute, 25458
National Institute on Drug Abuse, 25460–25461

**National Oceanic and Atmospheric Administration**
NOTICES
Permits:
Marine Mammals; File No. 16388, 25425–25426
Public Workshops:
Western Alaska Community Development Quota Program, 25426

**National Park Service**
NOTICES
Inventory Completions:
Native American Human Remains and Associated Funerary Objects in the Possession of the Department of the Interior, National Park Service, Natchez Trace Parkway, Tupelo, MS; Correction, 25470–25471
Native American Human Remains and Funerary Objects in the Possession of Big Cypress National Preserve, National Park Service, Ochopee, FL; Correction, 25468
University of South Alabama Center for Archaeological Studies, Mobile, AL, 25469–25470
University of Washington, Department of Anthropology, Seattle, WA, 25471–25472

**National Science Foundation**
NOTICES
Meetings:
Advisory Committee for Engineering; Correction, 25484
Public Access to Federally Supported Research and Development Data and Publications, 25484

**Navy Department**
**PROPOSED RULES**
Professional Conduct of Attorneys Practicing under the Judge Advocate General, 25538–25559

**Nuclear Regulatory Commission**
**NOTICES**
Environmental Assessments; Availability, etc.:
Anadarko Petroleum Corp. License Amendment, Bear Creek Facility, Converse County, WY, 25484–25486
Luminant Generation Co., LLC Combined License Application for Comanche Peak Nuclear Power Plant, Units 3 and 4, 25486–25487
License Renewal Interim Staff Guidances:
Wall Thinning Due to Erosion Mechanisms, 25487–25488
Qualification Tests for Safety-Related Actuators in Nuclear Power Plants, 25488–25489

**Ocean Energy Management Bureau**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Northern Alaska Native Community Surveys, 25473–25475
Oil Spill Financial Responsibility for Offshore Facilities, 25472–25473

**Parole Commission**
**NOTICES**
Meetings; Sunshine Act, 25476

**Peace Corps**
**NOTICES**
Privacy Act; Systems of Records, 25489–25490

**Postal Service**
**NOTICES**
Meetings; Sunshine Act, 25490

**Presidential Documents**
**PROCLAMATIONS**
Special Observances:
Workers Memorial Day (Proc. 8964), 25561–25564

**Public Debt Bureau**
**NOTICES**
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 25533–25535

**Securities and Exchange Commission**
**NOTICES**
Applications:
Corporate Capital Trust, Inc., et al., 25490–25495
Meetings; Sunshine Act, 25495–25496
Self-Regulatory Organizations; Filing of Advance Notice to Institute Supplemental Liquidity Deposits:
National Securities Clearing Corp., 25496–25500
Self-Regulatory Organizations; Proposed Amendment to Revise Usage-based Vendor Fees:
Options Price Reporting Authority, 25500–25501
Self-Regulatory Organizations; Proposed Rule Changes:
C2 Options Exchange, Inc., 25505–25506
Miami International Securities Exchange LLC, 25502–25504
NASDAQ OMX BX, Inc., 25510–25512
NASDAQ OMX PHLX LLC, 25512–25514
NASDAQ Stock Market LLC, 25506–25508
NYSE Arca, Inc., 25508–25510
The NASDAQ Stock Market LLC, 25501–25502
Transaction Fee Rates; Fiscal Year 2013 Annual Adjustments, 25515–25521

**Social Security Administration**
**NOTICES**
Revised Medical Criteria for Evaluating Visual Disorders; Correction, 25521

**State Department**
**NOTICES**
Meetings:
Overseas Security Advisory Council, 25521
Presidential Permits:
Authorization for Bridge Linking Detroit, MI, and Windsor, Ontario, Canada; Correction, 25521

**Substance Abuse and Mental Health Services Administration**
**NOTICES**
Laboratories and Facilities that Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies, 25461–25462

**Transportation Department**
*See* Federal Aviation Administration
*See* Federal Highway Administration
*See* Federal Motor Carrier Safety Administration
*See* Maritime Administration

**Treasury Department**
*See* Foreign Assets Control Office
*See* Public Debt Bureau

---

**Separate Parts In This Issue**

**Part II**
Defense Department, Navy Department, 25538–25559

**Part III**
Presidential Documents, 25561–25564

---

**Reader Aids**

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.


**3 CFR**

**Proclamations:**

8964 ..... 25563

**14 CFR**

39 (9 documents) ..... 25361, 25363, 25365, 25367, 25369, 25372, 25374, 25377, 25380

71 (3 documents) ..... 25382, 25383, 25384

97 (2 documents) ..... 25384, 25386

**Proposed Rules:**

71 (4 documents) ..... 25402, 25403, 25404, 25406

**32 CFR**

**Proposed Rules:**

776 ..... 25538

**33 CFR**

**Proposed Rules:**

165 (2 documents) ..... 25407, 25410

**40 CFR**

9 ..... 25388

98 ..... 25392

180 ..... 25396

721 ..... 25388

# Rules and Regulations

Federal Register

Vol. 78, No. 84

Wednesday, May 1, 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.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2012–0773; Directorate Identifier 2009–SW–71–AD; Amendment 39–17352; AD 2013–03–18]**

**RIN 2120–AA64**

## Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Eurocopter Deutschland GmbH (Eurocopter) Model MBB–BK 117 C–2 helicopters. This AD requires inspecting the long tail rotor drive shaft assembly for blind rivets, and if any blind rivets are installed, replacing that shaft assembly. This AD was prompted by the discovery that some helicopters have blind rivets installed in the place of solid rivets in the long tail rotor drive shaft. The actions of this AD are intended to detect blind rivets installed in the long tail rotor drive shaft, which could lead to failure of the tail rotor drive shaft and subsequent loss of control of the helicopter.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of June 5, 2013.

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

**Examining the AD Docket**

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

**FOR FURTHER INFORMATION CONTACT:** Jim Grigg, Manager, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *jim.grigg@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On July 26, 2012, at 77 FR 43736, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter Model MBB–BK 117 C–2 helicopters. That NPRM proposed to require, within 100 hours time-in-service (TIS), inspecting the long tail rotor drive shaft assembly for blind rivets. If there are no blind rivets installed on the shaft assembly, no further action would be required by the AD. If there are one or more blind rivets installed on the shaft assembly, the NPRM proposed to require replacing the shaft assembly of the long tail rotor drive with an airworthy shaft assembly before further flight. The proposed requirements were intended to prevent failure of the tail rotor drive shaft and subsequent loss of control of the helicopter.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, issued EASA AD No. 2009–0119, dated June 4, 2009, to correct an unsafe condition for the Eurocopter Model MBB–BK 117 C–2 helicopters. EASA advises that an error was discovered in the Eurocopter aircraft maintenance manual (AMM), which erroneously specifies replacing the solid rivets on the long tail rotor drive shaft with blind rivets. All delivered helicopters had the long tail rotor drive shafts installed during production fitted with the correct solid rivets. The long tail rotor drive shafts repaired in-service in accordance with the AMM may have blind rivets installed. This condition, if not corrected, could lead to a significant reduction of the life of the long tail rotor drive shaft, failure of the long tail rotor drive shaft, and subsequent loss of control of the helicopter.

**Comments**

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (77 FR 43736, July 26, 2012).

**FAA's Determination**

This helicopter has been approved by the aviation authority of Germany and is approved for operation in the United States. Pursuant to our bilateral agreement with Germany, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of the same type design and that air safety and the public interest require adopting the AD requirements as proposed except we are incorporating a figure by reference instead of including it in our AD to meet current publication requirements. This change is consistent with the intent of the proposals in the NPRM (77 FR 43736, July 26, 2012) and will not increase the economic burden on any operator nor increase the scope of the AD.

**Differences Between This AD and the EASA AD**

This AD uses the term ''TIS'' instead of ''flight hours.''

**Related Service Information**

Eurocopter has issued Alert Service Bulletin No. MBB BK117 C–2–65A–003, dated May 4, 2009 (ASB), which specifies inspecting long tail rotor drive shafts to determine what type of rivets are installed. If one or more blind rivets are installed, the ASB specifies replacing the long tail rotor drive shaft assembly with a serviceable long tail

rotor drive shaft assembly. EASA classified this ASB as mandatory and issued EASA AD No. 2009–0119, dated June 4, 2009, to ensure the continued airworthiness of these helicopters.

### Costs of Compliance

We estimate that this AD will affect 88 helicopters of U.S. registry. We estimate that operators may incur the following costs in order to comply with this AD:

- It will take about 2 work hours to inspect and replace the long tail rotor drive shaft at an average labor rate of $85 per work hour.
- Required parts to replace each long tail rotor drive shaft assembly cost about $4,600 each.

Based upon these figures, the total cost per helicopter would be $4,770. The total cost for the entire U.S. fleet would be $419,760, assuming that the long tail rotor drive shaft assembly is required to be replaced on the entire fleet.

### Authority for This Rulemaking

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

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

### Regulatory Findings

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

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

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

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

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

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2013–03–18 Eurocopter Deutschland GmbH (Eurocopter):** Amendment 39–17352; Docket No. FAA–2012–0773; Directorate Identifier 2009–SW–71–AD.

**(a) Applicability**

This AD applies to Model MBB–BK 117 C–2 helicopters, with long tail rotor drive shaft assembly part number B651M1002101 or B651M1002102 installed, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as the installation of blind rivets instead of solid rivets in the long tail rotor drive shaft. This condition could result in failure of the long tail rotor drive shaft and subsequent loss of control of the helicopter.

**(c) Effective Date**

This AD becomes effective June 5, 2013.

**(d) Compliance**

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

**(e) Required Actions**

Within 100 hours time-in-service, inspect the long tail rotor drive shaft assembly for blind rivets as indicated in sections A–A and B–B of Figure 1 of Eurocopter Alert Service Bulletin No. MBB BK117 C–2–65A–003, dated May 4, 2009 (ASB).

(1) If there are no blind rivets installed on the shaft assembly, no further action is required by this AD.

(2) If there is one or more blind rivets installed on the shaft assembly in the areas depicted in Figure 1 of the ASB, before further flight, replace the shaft assembly of the long tail rotor drive shaft with an airworthy shaft assembly that does not have blind rivets installed.

(3) After the effective date of this AD, do not install a tail rotor drive shaft assembly that has blind rivets installed.

**(f) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Jim Grigg, Manager, Safety Management Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *jim.grigg@faa.gov.*

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

**(g) Additional Information**

The subject of this AD is addressed in European Aviation Safety Agency AD No. 2009–0119, dated June 4, 2009.

**(h) Subject**

Joint Aircraft System/Component (JASC) Code: 6510, Tail Rotor Drive Shaft.

**(i) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Eurocopter Alert Service Bulletin No. MBB BK117 C–2–65A–003, dated May 4, 2009.

(ii) Reserved.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, Texas 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on April 12, 2013.

**Lance T. Gant,**

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09433 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2013–0348; Directorate Identifier 2013–CE–005–AD; Amendment 39–17439; AD 2013–08–21]**

**RIN 2120–AA64**

## Airworthiness Directives; Diamond Aircraft Industries Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Diamond Aircraft Industries Model DA 40 NG airplanes. This AD results from mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as chafing between the charge air tubing and the engine firewall that may cause a hole in the charge air tubing, which could result in loss of charged air pressure with consequent loss of engine power and loss of control. We are issuing this AD to require actions to address the unsafe condition on these products.

**DATES:** This AD is effective May 21, 2013.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of May 21, 2013.

We must receive comments on this AD by June 17, 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 Diamond Aircraft Industries GmbH, N.A. Otto-Str.5, A–2700 Wiener Neustadt, Austria; telephone: +43 2622 26700; fax: +43 2622 26780; email: *office@diamond-air.at;* Internet: *http://www.diamondaircraft.com/contact/technical.php.* 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 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:** Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2013–0018, dated January 21, 2013 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> An occurrence of loss of engine charge air pressure was reported, which prompted an in-flight Engine Control Unit warning. The investigation results identified that chafing caused a hole in the charge air tubing where it touched the engine firewall. Further investigation results identified other DA 40 NG aeroplanes with chafing marks in this area.
>
> To prevent chafing between the charged air tube and engine firewall, DAI issued Recommended SB 40NG–011 to replace the charged air elbow hose between the turbocharger and intercooler with an aluminium tube to improve the durability of the charged air system.
>
> After issuance of SB 40NG–011, an additional occurrence of a hole in a charge air tube was reported, apparently caused by chafing. The results of the subsequent investigation revealed that the improved design cannot assure the necessary clearance between the charged air tubing and surrounding parts.
>
> This condition, if not corrected, could lead to loss of charged air pressure, possibly resulting in loss of engine power and reduced control of the aeroplane.
>
> To address this unsafe condition, DAI issued Mandatory SB 40NG–18, providing instructions to inspect the charged air tubing from the turbocharger to the intercooler and replacement of affected parts with an improved design.
>
> For the reasons described above, this AD requires repetitive inspections of charged air tubing for the presence of the chafing marks and, depending on findings, replacement of damaged tubing, or installation of improved design tubing.

You may obtain further information by examining the MCAI in the AD docket.

### Relevant Service Information

Diamond Aircraft Industries GmbH has issued Mandatory Service Bulletin 40NG–018/1, dated November 20, 2012. 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 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 issuing this AD because we evaluated all information provided by the State of Design Authority and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

### FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because there is only one airplane on the U.S. registry affected by this unsafe condition, and the required modification has been completed on the specific airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are unnecessary and that good cause exists for making this amendment effective in fewer than 30 days.

**Comments Invited**

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0348; Directorate Identifier 2013–CE–005–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**

We estimate that this AD will affect 1 product of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts would cost about $1,381 per product.

Based on these figures, we estimate the cost of the AD on U.S. operators to be $1,551, or $1,551 per product.

**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 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 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.

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

■ 2. The FAA amends § 39.13 by adding the following new AD:

**2013–08–21 Diamond Aircraft Industries:** Amendment 39–17439; Docket No. FAA–2013–0348; Directorate Identifier 2013–CE–005–AD.

**(a) Effective Date**

This airworthiness directive (AD) becomes effective May 21, 2013.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the following Diamond Aircraft Industries GmbH airplanes, certificated in any category:

(1) Model DA 40 NG airplanes serial numbers 40.N001 through 40.N084; and

(2) Model DA 40 NG airplanes, all serial numbers, that have been converted from the Model DA 40 D.

**(d) Subject**

Air Transport Association of America (ATA) Code 81: Turbocharging.

**(e) Reason**

This AD was prompted by mandatory continuing airworthiness information (MCAI) issued by the aviation authority of another country to identify and correct an unsafe condition on an aviation product. We are issuing this AD to detect and correct chafing between the charge air tubing and the engine firewall that may cause a hole in the charge air tubing and could result in loss of charged air pressure with consequent loss of engine power and loss of control.

**(f) Actions and Compliance**

Unless already done, do the actions specified in paragraphs (f)(1) through (f)(6).

(1) Initially within the next 50 hours time-in-service (TIS) after May 21, 2013 (the effective date of this AD) or within the next 60 days after May 21, 2013 (the effective date of this AD), whichever occurs first, and repetitively thereafter at intervals not to exceed 50 hours TIS inspect, the charged air tubing from the turbocharger to the intercooler for chafing marks following the Accomplishments/Instructions section of Diamond Aircraft Industries GmbH Mandatory Service Bulletin 40NG–018/1, dated November 26, 2012.

(2) If chafing marks are found on the charged air tubing during any inspection required in paragraph (f)(1) of this AD, before further flight, replace the charged air tubing with an airworthy part or modify the airplane with the improved design parts as specified in paragraph (f)(3) of this AD. Follow the Instructions section of Diamond Aircraft Industries GmbH Work Instruction WI–MSB–40NG–018, Revision 1, dated November 26, 2012, as specified in the Accomplishments/Instructions section of Diamond Aircraft Industries GmbH Mandatory Service Bulletin 40NG–018/1, dated November 26, 2012. If you choose to replace with an airworthy part instead of modifying the airplane as specified in paragraph (f)(3) of this AD, you must continue the repetitive inspections required in paragraph (f)(1) of this AD until the modification required in paragraph (f)(3) of this AD.

(3) Within the next 200 hours TIS after May 21, 2013 (the effective date of this AD) or within the next 12 months after May 21, 2013 (the effective date of this AD), whichever occurs first, unless already done as the corrective action specified in paragraph (f)(2) of this AD, modify the airplane with the improved design parts. Follow the Instructions sections Diamond Aircraft Industries GmbH Work Instruction WI–MSB–40NG–018, Revision 1, dated November 26, 2012, as specified in the Accomplishments/Instructions section Diamond Aircraft Industries GmbH Mandatory Service Bulletin 40NG–018/1, dated November 26, 2012.

(4) Modification of the airplane with improved design parts as specified in paragraph (f)(3) of this AD terminates the repetitive inspection requirements in paragraph (f)(1) of this AD.

(5) After the modification specified in paragraph (f)(3) of this AD, do not install charge air elbow hose part number (P/N) SNS5X–O–60_72–90°, charge air tube P/N D44–8126–00–05, or charge air hose P/N D44–8122–00–10 on any airplane.

(6) After May 21, 2013 (the effective date of this AD), Diamond Aircraft Industries

GmbH Recommended Service Bulletin 40NG–011, dated February 28, 2012, is no longer valid, and any actions following Diamond Aircraft Industries GmbH Recommended Service Bulletin 40NG–011, dated February 28, 2012, are prohibited.

**(g) Credit for Actions Accomplished in Accordance With Previous Service Information**

If, before May 21, 2013 (the effective date of this AD), you performed the actions in the Accomplishments/Instructions section of Diamond Aircraft Industries GmbH Mandatory Service Bulletin 40NG–018, dated November 22, 2012, you met the requirements of paragraphs (f)(1), (f)(2), and (f)(3) of this AD.

**(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: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane 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 European Aviation Safety Agency (EASA) AD 2013–0018, dated January 21, 2013; and Diamond Aircraft Industries GmbH Mandatory Service Bulletin 40NG–018, dated November 22, 2012, for related information.

**(j) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Diamond Aircraft Industries GmbH Mandatory Service Bulletin 40NG–018/1, dated November 26, 2012.

(ii) Diamond Aircraft Industries GmbH Work Instruction WI–MSB–40NG–018, Revision 1, dated November 26, 2012.

(3) For Diamond Aircraft Industries GmbH service information identified in this AD, contact Diamond Aircraft Industries GmbH, N.A. Otto-Str.5, A–2700 Wiener Neustadt, Austria; telephone: +43 2622 26700; fax: +43 2622 26780; email: *office@diamond-air.at;* Internet: *http://www.diamondaircraft.com/contact/technical.php.*

(4) You may view this service information at 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.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri on April 15, 2013.

**Earl Lawrence,**

*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09431 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2009–0951; Directorate Identifier 2007–SW–52–AD; Amendment 39–17437; AD 2013–08–19]**

**RIN 2120–AA64**

## Airworthiness Directives; Eurocopter France Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters. This AD requires visual and dye penetrant inspections for cracks in the rear roller support shaft (shaft) and rear fitting (fitting) of the sliding door, and replacing the shaft or fitting if there is a crack. This AD's actions are prompted by reports of cracks in the shaft and the fitting and are intended to prevent the loss of the sliding door, which could come into contact with the rotor system, leading to damage to the helicopter and loss of helicopter control.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of June 5, 2013.

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

**Examining the AD Docket**

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

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

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On October 22, 2009, at 74 FR 54501, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N helicopters, with sliding door pre-modification (MOD) 073298 or pre-MOD 073308, installed. The NPRM proposed to require visual and dye

penetrant inspections of the shaft and fitting. If a crack exists in the shaft or fitting, the NPRM proposed replacing the cracked parts with airworthy parts. The proposed requirements were intended to prevent the loss of the sliding door, which could come into contact with the rotor system and lead to damage to the helicopter and loss of helicopter control.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2007–0236, dated August 31, 2007, to correct an unsafe condition for specified Eurocopter model helicopters. EASA issued AD 2006–0251 and its revisions following a case of total failure and a case of a crack discovered on the support shaft of the sliding door rear roller.

Metallurgical and metallographic analyses revealed a nonconformity concerning the heat treatment of the material. Since then, other cases of cracks and failures of the roller support shaft rear attach fitting had been reported. EASA AD No. 2007–0236 supersedes EASA AD No. 2006–0251R2 but retains the requirements for repetitive inspections until replacement of current parts with improved parts. EASA AD No. 2007–0236 also prohibits installation of another roller support fitting part number (P/N) 350A25–1270–22 on any AS350 or AS355 helicopter.

**Comments**

After our NPRM (74 FR 54501, October 22, 2009) was published, we received comments from one commenter.

**Request**

One commenter requested that our AD apply to only pre-modified aircraft as stated in the applicability paragraph. We agree.

The commenter also requested a paragraph on terminating action once an aircraft is ''modified to a post-mod status'' to avoid confusing an owner/operator. We disagree with this request. If an aircraft becomes modified according to modifications 073298 and 073308, the AD is clear that the applicability paragraph no longer applies.

**FAA's Determination**

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed, except we have revised the estimated costs of complying with this AD to reflect labor costs of $85 per hour instead of $80 per hour.

**Differences Between This AD and the EASA AD**

This AD differs from EASA AD No. 2007–0236 as follows:

- We use the word ''inspect'' to describe the actions required by a mechanic. EASA uses the word ''check,'' which is how we describe the actions we allow a pilot to complete.
- We do not require an operator to tell the manufacturer if a crack is found in the shaft.
- We are not including the Model AS 350 BB, because that model is not type certificated in the U.S. We are including Models AS350C and AS350D1 helicopters.

**Related Service Information**

On July 18, 2006, Eurocopter issued Alert Service Bulletin (ASB) No. 52.00.30 for modifying the AS350 series helicopters and ASB No. 52.00.23 for modifying the AS355 series helicopters. These ASBs contained modifications 073298 and 073308. The following day, Eurocopter issued ASB No. 05.00.45 for the AS355 model helicopters and ASB No. 05.00.47 for the AS350 helicopters. On June 29, 2007, Eurocopter issued Revision 1 to ASB No. 52.00.30 for the AS350 model helicopters and ASB No. 52.00.23 for the AS355 model helicopters to modify the sliding door medium roller pin and the fitting.

**Costs of Compliance**

We estimate that this AD will affect 725 helicopters of U.S. Registry and that labor costs average $85 a work-hour. Based on these estimates, we expect the following costs:

Inspecting and modifying the sliding doors will require about 4 work-hours for a labor cost of $340. Parts will cost about $7,000 for a total cost of $7,340 per helicopter, and $5,321,500 for the U.S. fleet.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2013–08–19 Eurocopter France Helicopters:** Amendment 39–17437; Docket No. FAA–2009–0951; Directorate Identifier 2007–SW–52–AD.

**(a) Applicability**

This AD applies to Eurocopter France (Eurocopter) Model AS350B, BA, B1, B2, B3, C, D, D1, AS355E, F, F1, F2, and N helicopters, with sliding door pre-modification (MOD) 073298 or pre-MOD 073308, installed, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as a crack in the rear roller support shaft (shaft) or the rear fitting (fitting) of the sliding door. This condition could result in loss of the sliding door, which could come into contact with the rotor system, leading to damage to the helicopter and loss of helicopter control.

**(c) Effective Date**

This AD becomes effective June 5, 2013.

**(d) Compliance**

You are responsible for performing each action required by this AD within the specified compliance time unless accomplished previously.

**(e) Required Actions**

(1) For a sliding door with less than 90 hours time-in-service (TIS), on or before accumulating a total of 110 hours TIS, conduct the visual and dye penetrant inspections of the shaft and the fitting of the sliding door for a crack by reference to Figure 1 and by following the Operational Procedure, paragraph 2.B.1 and 2.B.2, of Eurocopter Alert Service Bulletin (ASB) No. 05.00.47 dated July 19, 2006, for the Model AS350 helicopters (ASB 05.00.47) or ASB No. 05.00.45 dated July 19, 2006, for the Model AS355 helicopters (ASB 05.00.45), except you are not required to contact the manufacturer.

(i) If no crack is found in the shaft or fitting, reinstall the shaft on the fitting, fit the spring pins, and plug the pin holes by following the Operational Procedure, paragraph 2.B.2. of ASB 05.00.47 or 05.00.45, whichever is appropriate for your model helicopter.

(ii) If you find a crack in the fitting, replace the fitting with an airworthy fitting before further flight.

(iii) If you find a crack in the shaft, replace the shaft with an airworthy shaft before further flight by reference to Figure 1 and by following paragraph 2.B.3. of ASB 05.00.47 or 05.00.45, whichever is appropriate for your model helicopter.

(2) For a sliding door with 90 or more hours TIS, within the next 20 hours TIS, and thereafter at intervals not to exceed 110 hours TIS, conduct the visual and dye penetrant inspections of the shaft and the fitting of the sliding door for a crack by reference to Figure 1 and by following the Operational Procedure, paragraph 2.B.1 and 2.B.2, of ASB 05.00.47 or ASB 05.00.45, whichever is appropriate for your model helicopter, except you are not required to contact the manufacturer.

(i) If no crack is found in the shaft and fitting, reinstall the shaft or fitting, fit the spring pins, and plug the pin holes by following the Operational Procedure, paragraph 2.B.2. of ASB 05.00.47 or 05.00.45, whichever is appropriate for your model helicopter.

(ii) If you find a crack in the fitting, replace the fitting with an airworthy fitting before further flight.

(iii) If you find a crack in the shaft, replace the shaft with an airworthy shaft before further flight by reference to Figure 1 and by following paragraph 2.B.3. of ASB 05.00.47 or 05.45, whichever is appropriate for your model helicopter.

(3) After the effective date of this AD, do not install any of the following parts on any helicopter:

(i) Left-hand sliding door, part number (P/N) 350A25–0030–00XX, 350A25–0120–00XX, and 350AMR–0227–0052;

(ii) Right-hand sliding door, P/N 350A25–0030–01XX, 350A25–0120–01XX, 350A25–0120–03XX, and 350AMR–0227–0051;

(iii) Rail roller pin, P/N 350A25–1275–20; and

(iv) Cast roller support fittings, P/N 350A25–1270–20 and P/N 350A25–1270–22.

**(f) Alternative Methods of Compliance (AMOCs)**

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

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

**(g) Additional Information**

The subject of this AD is addressed in European Aviation Safety Agency AD No. 2007–0236, dated August 31, 2007.

**(h) Subject**

Joint Aircraft Service Component (JASC) Code: 5344, Fuselage Door Hinges.

**(i) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise:

(i) Eurocopter France Alert Service Bulletin No. 05.00.47, Revision 0, dated July 19, 2006.

(ii) Eurocopter France Alert Service Bulletin No. 05.00.45, Revision 0, dated July 19, 2006.

(3) For Eurocopter France service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on April 12, 2013.

**Lance T. Gant,**

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09436 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2012–0631; Directorate Identifier 2011–SW–021–AD; Amendment 39–17282; AD 2012–25–01]**

**RIN 2120–AA64**

## Airworthiness Directives; Eurocopter France Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with certain Aerazur emergency flotation gear attachment brackets (brackets) installed. This AD requires an initial and recurring inspection of the brackets for a crack, and if there is a crack, replacing the cracked bracket with an airworthy bracket. This AD was prompted by reports of cracks on the brackets. The actions of this AD are intended to prevent failure of the emergency flotation system and loss of float stability in the event of a water landing.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of June 5, 2013.

**ADDRESSES:** For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum

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

**Examining the AD Docket**

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

**FOR FURTHER INFORMATION CONTACT:** Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On June 18, 2012, at 77 FR 36216, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with a bracket, part number (P/N) 158172, 158173, 158288, or 158289, installed. That NPRM proposed to require an initial and recurring inspection of the brackets for a crack, and if there was a crack, replacing the cracked bracket with an airworthy bracket. The proposed requirements were intended to prevent failure of the emergency flotation system and loss of float stability in the event of a water landing.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, issued EASA AD No. 2011–0072, dated April 20, 2011 (AD 2011–0072), to correct an unsafe condition for the Eurocopter AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with Aerazur emergency flotation gear attachments installed. EASA stated it received several reports of cracks being found on the brackets which appear to be caused by stress corrosion. This condition, if not corrected, could result in ''rupture of the emergency flotation gear attachment brackets'' during a water landing. The helicopter's float stability could no longer be ensured, possibly resulting in damage to the helicopter and injury to the occupants. EASA's AD requires an initial inspection of the brackets, replacement of any brackets found with cracks, and re-inspection of the brackets every 13 months.

**Comments**

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM (77 FR 36216, June 18, 2012).

**FAA's Determination**

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed except we are incorporating a figure by reference instead of including it in our AD to meet current publication requirements. This change is consistent with the intent of the proposals in the NPRM (77 FR 36216, June 18, 2012) and will not increase the economic burden on any operator nor increase the scope of the AD.

**Interim Action**

We consider this AD interim action. Eurocopter is developing a modification that will address the unsafe condition identified in this AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

**Differences Between This AD and the EASA AD**

Differences between this AD and the EASA AD include:

- The EASA AD applies to Eurocopter Model AS 350 BB helicopters. This AD does not as this model is not type certificated by the FAA. Additionally, the EASA AD excludes Eurocopter Models AS350C and AS350D1, whereas this AD includes them.
- The EASA AD mandates different compliance times depending on the manufacture date of the helicopter. We mandate inspecting all helicopters within 110 hours TIS or 3 months, whichever occurs first, regardless of date of manufacture.
- This AD does not require returning cracked brackets to the manufacturer.

**Related Service Information**

Eurocopter issued Alert Service Bulletin (ASB) No. AS350–05.00.63, Revision 1, dated April 18, 2011, and ASB No. AS355–05.00.58, Revision 1, dated April 18, 2011. These ASBs specify procedures to inspect the front and rear brackets at regular intervals. EASA classified these ASBs as mandatory and issued EASA AD 2011–0072 to ensure the continued airworthiness of these helicopters.

**Costs of Compliance**

We estimate that this AD will affect 733 helicopters of U.S. Registry and that labor rates will average $85 an hour. Inspecting the brackets will take about 4 work-hours per inspection cycle for a labor cost of $340 per helicopter and $249,220 for the U.S. fleet. Replacing the bracket, if needed, will require about 1 work-hour and about $1,130 for the parts. Thus, the total cost to replace one bracket will be about $1,215.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2012–25–01 Eurocopter France:** Amendment 39–17282; Docket No. FAA–2012–0631; Directorate Identifier 2011–SW–021–AD.

**(a) Applicability**

This AD applies to Eurocopter France Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with an Aerazur emergency flotation gear attachment bracket, part number 158172, 158173, 158288, or 158289, installed, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as a crack in an attachment bracket of the emergency flotation gear. This condition could result in failure of the emergency flotation system and loss of float stability in the event of a water landing.

**(c) Effective Date**

This AD becomes effective June 5, 2013.

**(d) Compliance**

You are responsible for performing each action required by this AD within the specified compliance time unless accomplished previously.

**(e) Required Actions**

Within 110 hours time-in-service or 3 months, whichever occurs first, and thereafter at intervals not to exceed 13 months:

(1) Using a 5X or higher power magnifying glass, visually inspect the front emergency floatation gear attachment bracket, section B–B, item (e) in Areas F, G, and H of Figure 1 of Eurocopter Alert Service Bulletin No. AS350–05.00.63 or No. AS355–05.00.58, both Revision 1, and both dated April 18, 2011, as applicable to your model helicopter (ASB); and the rear emergency flotation gear attachment bracket, section A–A, item (a) in Areas D and E of Figure 1 of the ASB, for a crack.

(2) If there is a crack, replace the cracked emergency floatation gear attachment bracket with an airworthy emergency floatation gear attachment bracket prior to reinstallation of the emergency flotation equipment.

**(f) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov.*

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

**(g) Additional Information**

The subject of this AD is addressed in European Aviation Safety Agency AD No. 2011–0072, dated April 20, 2011.

**(h) Subject**

Joint Aircraft Service Component (JASC) Code: 2560, Emergency Equipment.

**(i) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Eurocopter Alert Service Bulletin (ASB) No. AS350–05.00.63, Revision 1, dated April 18, 2011.

(ii) Eurocopter ASB No. AS355–05.00.58, Revision 1, dated April 18, 2011.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, Texas 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on April 12, 2013.

**Lance T. Gant,**

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09437 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2012–0936; Directorate Identifier 2011–NM–269–AD; Amendment 39–17433; AD 2013–08–16]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–700 and –700C series airplanes. This AD was prompted by reports of early fatigue cracks at chem-mill areas on the crown skin panels. This AD requires repetitive inspections for cracking of the fuselage skin at certain locations at chem-mill areas, and repair if necessary. We are issuing this AD to detect and correct fatigue cracking of the skin panel at the specified chem-mill step locations, which could result in rapid decompression of the airplane.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 5, 2013.

**ADDRESSES:** 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, Washington. 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6447; fax: (425) 917–6590; email: *Wayne.Lockett@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM published in the **Federal Register** on September 18, 2012 (77 FR 57536). That NPRM proposed to require repetitive inspections for cracking of the fuselage skin at certain locations at chem-mill areas, and repair if necessary.

**Comments**

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (77 FR 57536, September 18, 2012) and the FAA's response to each comment.

**Request To Revise Federal Aviation Regulations Citations**

Boeing stated that references to section 129.109(c)(2) of the Federal Aviation Regulations (14 CFR 129.109(c)(2)) are incorrect, since that paragraph does not exist in the current revision of the Federal Aviation Regulations, and that the correct paragraph reference is section 129.109(b)(2). Boeing noted that this error occurred in the second paragraph of the ''Differences Between the Proposed AD and the Service Information'' section, and in Note 1 to paragraph (k) of the proposed AD (77 FR 57536, September 18, 2012).

We agree that the specified references are incorrect. We agree that the citation in the proposed AD (77 FR 57536, September 18, 2012) is inaccurate, but since that section of the preamble does not reappear in this AD, no corresponding change to this AD is necessary. We have corrected the citation in Note 1 to paragraph (k) of this AD.

**Winglet Supplemental Type Certificate (STC) Comment**

Aviation Partners Boeing stated that the installation of winglets per STC ST00830SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/408E012E008616A7862578880060456C?OpenDocument&Highlight=st00830se*) does not affect the actions specified in the NPRM (77 FR 57536, September 18, 2012).

We concur. We have added paragraph (c)(2) to this AD to state that installation of STC ST00830SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/408E012E008616A7862578880060456C?Open Document&Highlight=st00830se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

**Conclusion**

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 57536, September 18, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 57536, September 18, 2012).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

**Costs of Compliance**

We estimate that this AD affects 545 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection of chem-mill step locations. | 37 work-hours × $85 per hour = $3,145, per inspection cycle. | None ..... | $3,145, per inspection cycle .... | $1,714,025, 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 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**

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national

government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

(3) Will not affect intrastate aviation in Alaska, 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 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2013–08–16 The Boeing Company:** Amendment 39–17433; Docket No. FAA–2012–0936; Directorate Identifier 2011–NM–269–AD.

**(a) Effective Date**

This AD is effective June 5, 2013.

**(b) Affected ADs**

None.

**(c) Applicability**

(1) This AD applies to The Boeing Company Model 737–700 and –700C series airplanes, certificated in any category, as identified in Boeing Service Bulletin 737–53–1310, dated October 20, 2011.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/408E012E008616A7862578880060456C?OpenDocument&Highlight=st00830se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by reports of early fatigue cracks at chem-mill areas on the crown skin panels. We are issuing this AD to detect and correct fatigue cracking of the skin panel at the specified chem-mill step locations, which could result in rapid decompression of the airplane.

**(f) Compliance**

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

**(g) Inspections**

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1310, dated October 20, 2011, except as required by paragraph (j) of this AD: Do an external detailed inspection and an external nondestructive inspection (a medium frequency eddy current (MFEC), magneto optic imager (MOI), C-scan, or ultrasonic phased array (UTPA) inspection) for cracking in the fuselage skin along the chem-mill steps at certain locations specified in, and in accordance with, the Accomplishment Instructions of Boeing Service Bulletin 737–53–1310, dated October 20, 2011. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1310, dated October 20, 2011.

**(h) Repair**

If any cracking is found during any inspection required by paragraph (g) of this AD, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Accomplishing the repair approved in accordance with the procedures specified in paragraph (l) of this AD terminates the repetitive inspection requirement for that area under the repair only.

**(i) Optional Terminating Modification**

Modification of an inspection area, including an external detailed inspection and an external nondestructive inspection (MFEC, MOI, C-scan, or UTPA) for cracking of the area to be modified, and a high frequency eddy current inspection of all existing holes for cracking as applicable, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–53–1310, dated October 20, 2011, terminates the repetitive inspections required by paragraph (g) of this AD for that modified area only. If any cracking is found during any inspection described by this paragraph, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (l) of this AD.

**(j) Service Bulletin Exception**

Boeing Service Bulletin 737–53–1310, dated October 20, 2011, specifies compliance times ''after the original issue date of this service bulletin.'' However, this AD requires compliance within the specified compliance times ''after the effective date of this AD.''

**(k) Post-Modification Inspections**

The post-modification inspections specified in Tables 2 through 7 of paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1310, dated October 20, 2011, are not required by this AD.

**Note 1 to paragraph (k) of this AD:** The damage tolerance inspections specified in Tables 2 through 7 of paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1310, dated October 20, 2011, may be used in support of compliance with section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). The actions specified in Part 5 of the Accomplishment Instructions and corresponding figures of Boeing Service Bulletin 737–53–1310, dated October 20, 2011, are not required by this AD.

**(l) 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.

**(m) Related Information**

For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6447; fax: (425) 917–6590; email: *Wayne.Lockett@faa.gov.*

**(n) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Service Bulletin 737–53–1310, dated October 20, 2011.

(ii) Reserved.

(3) 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.*

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on April 4, 2013.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09114 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2012–0937; Directorate Identifier 2011–NM–270–AD; Amendment 39–17432; AD 2013–08–15]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–800 series airplanes. This AD was prompted by reports of early fatigue cracks at chem-mill areas on the crown skin panels. This AD requires repetitive inspections for cracking of the fuselage skin along chem-mill steps at certain crown skin and shear wrinkle areas, and repair if necessary. We are issuing this AD to detect and correct fatigue cracking of the skin panel at the specified chem-mill step locations, which could result in rapid decompression of the airplane.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 5, 2013.

**ADDRESSES:** 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, Washington. 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6447; fax: (425) 917–6590; email: *Wayne.Lockett@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

### Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM published in the **Federal Register** on September 18, 2012 (77 FR 57529). That NPRM proposed to require repetitive inspections for cracking of the fuselage skin along chem-mill steps at certain crown skin and shear wrinkle areas, and repair if necessary.

### Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (77 FR 57529, September 18, 2012) and the FAA's response to each comment.

### Request To Revise Federal Aviation Regulations Citations

Boeing stated that references to section 129.109(c)(2) of the Federal Aviation Regulations (14 CFR 129.109(c)(2)) are incorrect, since that paragraph does not exist in the current revision of the Federal Aviation Regulations, and that the correct paragraph reference is section 129.109(b)(2). Boeing noted that this error occurred in the second paragraph of the ''Differences Between the Proposed AD and the Service Information'' section, and in Note 1 to paragraph (l) of the proposed AD (77 FR 57529, September 18, 2012).

We agree that the specified references are incorrect. We agree that the citation in the proposed AD (77 FR 57529, September 18, 2012) is inaccurate, but since that section of the preamble does not reappear in this AD, no corresponding change to this AD is necessary. We have corrected the citations in Note 1 to paragraph (l) of this AD.

### Winglet Supplemental Type Certificate (STC) Comment

Aviation Partners Boeing stated that the installation of winglets per STC ST00830SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/408E012E008616A7862578880060456C?OpenDocument&Highlight=st00830se*) does not affect the actions specified in the NPRM (77 FR 57529, September 18, 2012).

We concur. We have added paragraph (c)(2) to this AD to state that installation of STC ST00830SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

### Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously, and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 57529, September 18, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 57529, September 18, 2012).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

### Costs of Compliance

We estimate that this AD affects 441 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Inspection of chem-mill step locations. | 30 work-hours × $85 per hour = $2,550, per inspection cycle. | None ..... | $2,550, per inspection cycle. | $1,124,550, 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 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**

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, 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 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2013–08–15 The Boeing Company:** Amendment 39–17432; Docket No. FAA–2012–0937; Directorate Identifier 2011–NM–270–AD.

**(a) Effective Date**

This AD is effective June 5, 2013.

**(b) Affected ADs**

None.

**(c) Applicability**

(1) This AD applies to The Boeing Company Model 737–800 series airplanes, certificated in any category, as identified in Boeing Service Bulletin 737–53–1311, dated October 21, 2011.

(2) Installation of Supplemental Type Certificate (STC) ST00830SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/408E012E008616A7862578880060456C?OpenDocument&Highlight=st00830se*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST00830SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by reports of early fatigue cracks at chem-mill areas on the crown skin panels. We are issuing this AD to detect and correct fatigue cracking of the skin panel at the specified chem-mill step locations, which could result in rapid decompression of the airplane.

**(f) Compliance**

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

**(g) Inspections of Crown Skin Areas**

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1311, dated October 21, 2011, except as required by paragraph (k) of this AD: Do an external detailed inspection and an external nondestructive inspection (a medium frequency eddy current (MFEC), magneto optic imager (MOI), C-scan, or ultrasonic phased array (UTPA) inspection) for cracking in the fuselage skin along the chem-mill steps at certain locations specified in, and in accordance with, the Accomplishment Instructions of Boeing Service Bulletin 737–53–1311, dated October 21, 2011. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1311, dated October 21, 2011.

**(h) Inspections of Shear Wrinkle Areas**

For Groups 2, 5, and 6 airplanes as identified in Boeing Service Bulletin 737–53–1311, dated October 21, 2011: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1311, dated October 21, 2011, except as required by paragraph (k) of this AD, do an external detailed inspection and an external nondestructive inspection (MFEC, MOI, C-scan, or UTPA) for cracking in the fuselage skin along the chem-mill steps at certain shear wrinkle locations specified in, and in accordance with, the Accomplishment Instructions of Boeing Service Bulletin 737–53–1311, dated October 21, 2011. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1311, dated October 21, 2011.

**(i) Repairs**

If any cracking is found during any inspection required by paragraphs (g) and (h) of this AD, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (m) of this AD. Accomplishing the repair approved in accordance with the procedures specified in paragraph (m) of this AD terminates the repetitive inspection requirement for that area under the repair only.

**(j) Optional Terminating Modification**

Modification of an inspection area specified in paragraph (g) of this AD, including doing an external detailed inspection and an external nondestructive inspection (MFEC, MOI, C-scan, or UTPA) for cracking of the area to be modified, and a high frequency eddy current inspection of all

existing holes for cracking as applicable, in accordance with the Accomplishment Instructions of Boeing Service Bulletin 737–53–1311, dated October 21, 2011, terminates the repetitive inspections required by paragraph (g) of this AD for that modified area only. If any cracking is found during any inspection described by this paragraph, before further flight, repair the cracking using a method approved in accordance with the procedures specified in paragraph (m) of this AD.

**(k) Service Bulletin Exception**

Boeing Service Bulletin 737–53–1311, dated October 21, 2011, specifies compliance times ''after the original issue date of this service bulletin.'' However, this AD requires compliance within the specified compliance times ''after the effective date of this AD.''

**(l) Post-Modification Inspections**

The post-modification inspections specified in Tables 3 and 4 of paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1311, dated October 21, 2011, are not required by this AD.

**Note 1 to paragraph (l) of this AD:** The damage tolerance inspections specified in Tables 3 and 4 of paragraph 1.E., ''Compliance,'' of Boeing Service Bulletin 737–53–1311, dated October 21, 2011, may be used in support of compliance with section 121.1109(c)(2) or 129.109(b)(2) of the Federal Aviation Regulations (14 CFR 121.1109(c)(2) or 14 CFR 129.109(b)(2)). The actions specified in Part 5 of the Accomplishment Instructions and corresponding figures of Boeing Service Bulletin 737–53–1311, dated October 21, 2011, are not required by this AD.

**(m) 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.

**(n) Related Information**

For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: (425) 917–6447; fax: (425) 917–6590; email: *Wayne.Lockett@faa.gov.*

**(o) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Service Bulletin 737–53–1311, dated October 21, 2011.

(ii) Reserved.

(3) 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.*

(4) You may view this service information at FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on April 4, 2013.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09116 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2012–1073; Directorate Identifier 2012–NM–078–AD; Amendment 39–17430; AD 2013–08–13]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 767–300 series airplanes. This AD was prompted by a report that certain airplanes might not have reinforcement straps installed on the center overhead stowage bins in the passenger compartment, and some installed reinforcement straps might not have been bonded. For certain airplanes, this AD requires performing an inspection of reinforcement straps to ensure they are correctly bonded to the center overhead stowage bins, and bonding the reinforcement straps to the center overhead stowage bins if necessary. For certain airplanes, this AD requires installing reinforcement straps on the center overhead stowage bins. We are issuing this AD to prevent missing or incorrectly bonded reinforcement straps, which could result in the center overhead stowage bins breaking loose at forward load levels less than 9g during an emergency landing, causing injury to passengers and delaying emergency evacuation.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 5, 2013.

**ADDRESSES:** 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, Washington. 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Sarah Piccola, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6483; fax: 425–917–6590; email: *sarah.piccola@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM published in the **Federal Register** on October 16, 2012 (77 FR 63266). That NPRM proposed to require, for certain airplanes, performing an inspection of reinforcement straps to ensure they are correctly bonded to the center overhead stowage bins, and bonding the reinforcement straps to the center overhead stowage bins if necessary. For certain airplanes, that NPRM also proposed installing reinforcement straps on the center overhead stowage bins.

**Comments**

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the proposal (77 FR 63266, October 16, 2012) and the FAA's response to each comment.

Aviation Partners Boeing stated that the installation of winglets per supplemental type certificate (STC) ST01920SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/59027f43b9a7486e86257b1d006591ee/$FILE/ST01920SE.pdf*) does not affect the accomplishment of the manufacturer's service instructions.

**Request To Remove Reference to ''In-flight Turbulence''**

Boeing requested that the potential injury statement that appears in the Summary paragraph, Discussion paragraph, and paragraph (e), ''Unsafe Condition,'' of the NPRM (77 FR 63266, October 16, 2012) be revised to remove the reference to in-flight turbulence. Boeing suggested that the potential injury statement should specify the requirements associated with section 25.561(b)(3)(ii) (''9.0g Forward loads'') of the Federal Aviation Regulations (14 CFR 25.561). Boeing stated that Boeing Special Attention Service Bulletin 767–25–0520, dated February 8, 2012, and associated certification data, refer only to 9.0g forward loads and not in-flight loads.

Based on the reasons provided by the commenter, we agree to revise the potential injury statement by deleting the reference to ''in-flight turbulence'' and including a reference to 9g forward loads. The potential injury statement in this AD states ''We are issuing this AD to prevent missing or incorrectly bonded reinforcement straps, which could result in the center overhead stowage bins breaking loose at forward load levels less than 9g during an emergency landing, causing injury to passengers and delaying emergency evacuation.''

The revised potential injury statement appears in the Summary paragraph and paragraph (e) of this AD. The potential injury statement is not restated in the Discussion paragraph of this AD, so no change is needed to that paragraph.

**Request To Clarify Precipatory Event**

Boeing requested that paragraph (e), ''Unsafe Condition,'' in the NPRM (77 FR 63266, October 16, 2012) be revised so the first sentence states that ''certain airplanes (1) may not have reinforcement straps installed and (2) may not have been bonded at some center overhead stowage bin locations.'' The suggested text is from Boeing Special Attention Service Bulletin 767–25–0520, dated February 8, 2012. Boeing noted that the NPRM does not address condition (1) and is not consistent with condition (2).

We agree with Boeing's request to revise the wording that describes what prompted this AD. Boeing's suggested changes clarify the conditions that operators may encounter when complying with the actions required by this AD. The revised statement appears in the Summary paragraph and paragraph (e) of this AD.

**Request To Revise the ''Relevant Service Information'' Paragraph**

Boeing requested that the text in the ''Relevant Service Information'' paragraph of the NPRM (77 FR 63266, October 16, 2012) be changed so the language within the NPRM and the language between the NPRM and Boeing Special Attention Service Bulletin 767–25–0520, dated February 8, 2012, is consistent. Boeing suggested that in the second sentence of that paragraph, beginning with ''For certain airplanes, this service bulletin describes procedures for general visual and detailed inspection of the existing reinforcement straps installed on the center overhead storage bins . . ..'' ''storage'' be changed to ''stowage.'' Boeing also suggested that the third sentence of that paragraph, beginning with ''For airplanes on which the straps are incorrectly bonded . . . .'' be revised to delete ''are incorrectly bonded'' and insert ''may not be bonded or were inadvertently missed.''

Boeing also requested that the last sentence in the ''Relevant Service Information'' paragraph be removed and the sentence prior to that one, beginning with ''For airplanes on which the straps are incorrectly bonded, this service bulletin describes procedures for bonding the reinforcement straps . . . .'' be revised to read, ''. . . bonding and installation of the reinforcement straps . . . .'' Boeing stated that these changes would provide clarity to the operators.

We agree that the suggestions made by the commenter provide a more accurate description of the information in Boeing Special Attention Service Bulletin 767–25–0520, dated February 8, 2012; however, the ''Relevant Service Information'' paragraph is not restated in this AD, so no change has been made to this AD in this regard.

**Explanation of Change Made to This AD**

We have added a new paragraph (h)(3) to this final rule to allow delegation of repairs to the Boeing Commercial Airplanes Organization Designation Authorization (ODA).

**Conclusion**

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously– and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 63266, October 16, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (77 FR 63266, October 16, 2012).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

**Costs of Compliance**

We estimate that this AD affects 4 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Group 1 and Group 2 Airplanes: General Visual Inspection for Correct Bonding. | 2 work-hours × $85 per hour = $170 .. | $0 ..... | $170 ..... | $340 (2 airplanes). |
| Group 1 and Group 3 Airplanes: Install Reinforcement Straps. | 7 work-hours × $85 per hour = $595 .. | $1,277 or $1,746 .. | $1,872 or $2,341 .. | Up to $4,682 (2 airplanes). |

We estimate the following costs to do any necessary repairs that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need this repair:

ON-CONDITION COSTS

| Action | Labor cost | Parts cost | Cost per product |
|---|---|---|---|
| Group 1 and Group 2 Airplanes: Bonding Existing Reinforcement Straps to the Center Overhead Stowage Bins. | Between 7 and 12 work-hours × $85 per hour = $595 to $1,020. | $0 | Between $595 and $1,020. |

According to the manufacturer, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

## Authority for This Rulemaking

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

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

(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.

## Adoption of the Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2013–08–13 The Boeing Company:** Amendment 39–17430; Docket No. FAA–2012–1073; Directorate Identifier 2012–NM–078–AD.

**(a) Effective Date**

This AD is effective June 5, 2013.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to The Boeing Company Model 767–300 series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 767–25–0520, dated February 8, 2012.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 2520, Passenger Compartment Equipment.

**(e) Unsafe Condition**

This AD was prompted by a report that certain airplanes might not have reinforcement straps installed on the center overhead stowage bins in the passenger compartment, and some installed reinforcement straps might not have been bonded. We are issuing this AD to prevent missing or incorrectly bonded reinforcement straps, which could result in the center overhead stowage bins breaking loose at forward load levels less than 9g during an emergency landing, causing injury to passengers and delaying emergency evacuation.

**(f) Compliance**

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

**(g) Inspection, Bonding, and Installation of Reinforcement Straps**

Within 36 months after the effective date of this AD, do a general visual or detailed inspection to determine the condition of the reinforcement straps for the center overhead stowage bins, and bond the reinforcement straps to the stowage bins as applicable; and install reinforcement straps as applicable; in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–25–0520, dated February 8, 2012.

**(h) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Seattle Aircraft Certification Office (ACO), ANM–150S, 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 Airplane 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.

**(i) Related Information**

For more information about this AD, contact Sarah Piccola, Aerospace Engineer, Cabin Safety and Environmental Systems Branch, ANM–150S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: (425) 917–6483; fax: (425) 917–6590; email: *sarah.piccola@faa.gov.*

**(j) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Special Attention Service Bulletin 767–25–0520, dated February 8, 2012.

(ii) Reserved.

(3) For Boeing 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, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

(4) You may view this service information at FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on April 10, 2013.

**Jeffrey E. Duven,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09202 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2009–0288; Directorate Identifier 2008–NM–214–AD; Amendment 39–17435; AD 2013–08–18]**

**RIN 2120–AA64**

## Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER series airplanes. This AD was prompted by a report of leaking fuel from the wing leading edge area at the inboard end of the number 5 leading edge slat. This AD requires modifying the fluid drain path in the wing leading edge area, forward of the wing front spar, and doing all applicable related investigative and corrective actions; and installing new seal disks on the latches in the fuel shutoff valve access door. We are issuing this AD to prevent flammable fluids from accumulating in the wing leading edge, and draining inboard and onto the engine exhaust nozzle, which could result in a fire.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 5, 2013.

**ADDRESSES:** For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 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, Washington. 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Ansel James, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6497; fax: 425–917–6590; email: *ansel.james@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to include an airworthiness directive (AD) that would apply to the specified products. That SNPRM published in the **Federal Register** on March 16, 2012 (77 FR 15638). The original NPRM (74 FR 15683, April 7, 2009) proposed to require modifying the fluid drain path in the wing leading edge area, forward of the wing front spar and doing all applicable related investigative and corrective actions. The SNPRM proposed to revise that NPRM by including installing new seal disks on the latches in the fuel shutoff valve access door as part of the modification and by specifying that certain inspections are detailed inspections. The SNPRM also proposed to revise the applicability to include additional airplanes.

**Revised Service Bulletin**

Boeing has issued Special Attention Service Bulletin 737–57–1293, Revision 3, dated December 14, 2012. This revision includes clarification for the re-identification of parts and assemblies. We have revised paragraphs (c) and (g) of this AD to refer to Boeing Special Attention Service Bulletin 737–57–1293, Revision 3, dated December 14, 2012.

**Comments**

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the supplemental NPRM (77 FR 15638, March 16, 2012) and the FAA's response to each comment.

**Concurrence**

Boeing concurred with the content of the SNPRM (77 FR 15638, March 16, 2012).

**Request for Compliance Time Extension**

United Airlines, Tracinda Flight Department, and American Airlines requested an extension to the 24-month compliance time specified in the SNPRM (77 FR 15638, March 16, 2012). Tracinda Flight Department requested a compliance time of 36 months to coincide with a heavy maintenance check. American Airlines requested a compliance time of 60 to 72 months to coincide with its scheduled heavy maintenance check. American Airlines stated that the actions accomplished in accordance with AD 2011–06–05, Amendment 39–16629 (76 FR 15808, March 22, 2011), address the safety issue identified in the SNPRM. United Airlines recommended a compliance time of 60 months for airplanes on which actions have been done in accordance with AD 2011–06–05, as well as airplanes having line numbers 2700 and subsequent on which the actions have been incorporated for the wing slat down stop hardware modification and inspections.

We disagree with the commenters' requests to extend the compliance time. We have determined that the compliance time, as proposed, represents the maximum interval of time allowable for the affected airplanes to continue to safely operate before the modification is done. Since maintenance schedules vary among operators, there would be no assurance that the airplanes would be modified during that maximum interval. However, under the provisions of paragraph (i) of the final rule, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that a new compliance time would provide an acceptable level of safety. Additionally, the issue addressed in this AD is different from the issue addressed in AD 2011–06–05, Amendment 39–16629 (76 FR 15808, March 22, 2011); therefore, changing the compliance time based on the actions done in accordance with AD 2011–06–05 is not acceptable. We have not changed the AD in this regard.

**Request for Change to Airplane Groups**

Southwest Airlines requested a change to the airplanes in Group 2, as specified in Boeing Special Attention Service Bulletin 737–57–1293, Revision 2, dated September 28, 2011. The commenter stated that Group 2 airplanes include line numbers 2131 through 2837—instead of 2131 through 2437, as specified in Boeing Special Attention Service Bulletin 737–57–1293, Revision 2, dated September 28, 2011. The commenter stated that Figures 4 and 16 of that service bulletin specify a modification of the hinge assembly having part number (P/N) 116A5522–1, which is installed on airplanes having line numbers 1 through 2837.

We disagree to change the airplanes in Group 2. The purpose of the Group 2 division is to address a parting agent issue and not hinge trimming. Although the hinge assembly part number does change at airplane line number 2837, it is unrelated to the Group 2 division. No change has been made to the AD in this regard.

**Request for Parts Specifications**

American Airlines requested that we provide material specifications and part dimensions to allow for manufacturing of alternatives for a seal disk having P/N 116A8505–2. The commenter stated that the parts are unavailable from Boeing and having an alternate part is necessary to ensure a sufficient supply for operators.

We cannot include proprietary information such as part dimensions and materials in ADs; however, we are aware that seal disks having P/N 116A8505–2 are now available from the manufacturer. No change has been made to the AD in this regard.

**Request for Credit for Actions Done Previously**

Tracinda Flight Department requested that we revise the supplemental NPRM (77 FR 15638, March 16, 2012) to provide credit for doing the actions specified in Boeing Special Attention Service Bulletin 737–57–1293, Revision 2, dated September 28, 2011.

We agree to allow credit for actions done in accordance with Boeing Special Attention Service Bulletin 737–57–1293, Revision 2, dated September 28, 2011. We have added new paragraph (h) to this AD accordingly.

American Airlines requested that we revise the supplemental NPRM (77 FR 15638, March 16, 2012) to allow credit for actions done using Boeing Special Attention Service Bulletin 737–57–1293, Revision 1, dated January 11, 2010. The commenter stated that the updates in Boeing Special Attention Service Bulletin 737–57–1293, Revision 2, dated September 28, 2011, do not address the safety issue with the exception of the addition of the rubber seal disk.

We disagree with the commenter's request. Boeing Special Attention Service Bulletin 737–57–1293, Revision 2, dated September 28, 2011, changed the inspection type for the bonding jumper countersink diameter and clarified certain instructions specified in Boeing Special Attention Service Bulletin 737–57–1293, Revision 1, dated January 11, 2010. However, operators may request approval of an alternative method of compliance (AMOC), as specified in paragraph (i) of this AD. No change has been made to the AD in this regard.

**Conclusion**

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting the AD with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the SNPRM (77 FR 15638, March 16, 2012) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the SNPRM (77 FR 15638, March 16, 2012).

We also determined that these changes will not increase the economic burden on any operator or increase the scope of the AD.

**Costs of Compliance**

We estimate that this AD affects 1,072 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Modification, Group 1 (734 airplanes) ..... | 50 work-hours × $85 per hour = $4,250 ..... | $1,262 | $5,512 | $4,045,808 |

ESTIMATED COSTS—Continued

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Modification, Group 2 (58 airplanes) | 27 work-hours × $85 per hour = $2,295 | 1,262 | 3,557 | 206,306 |
| Modification, Group 3 (280 airplanes) | 3 work-hours × $85 per hour = $255 | 94 | 349 | 97,720 |

## Authority for This Rulemaking

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

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

## Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, 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 14 CFR part 39 as follows:

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2013–08–18 The Boeing Company:** Amendment 39–17435; Docket No. FAA–2009–0288; Directorate Identifier 2008–NM–214–AD.

**(a) Effective Date**

This AD is effective June 5, 2013.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to The Boeing Company Model 737–600, –700, –700C, –800, –900 and –900ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 737–57–1293, Revision 3, dated December 14, 2012.

**(d) Subject**

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57, Wings.

**(e) Unsafe Condition**

This AD was prompted by a report of leaking fuel from the wing leading edge area at the inboard end of the number 5 leading edge slat. We are issuing this AD to prevent flammable fluids from accumulating in the wing leading edge, and draining inboard and onto the engine exhaust nozzle, which could result in a fire.

**(f) Compliance**

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

**(g) Modification**

Within 24 months after the effective date of this AD, modify the fluid drain path in the wing leading edge area, forward of the wing front spar, and do all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–57–1293, Revision 3, dated December 14, 2012. Do all applicable related investigative and corrective actions before further flight.

**(h) Credit for Previous Actions**

This paragraph provides credit for the corresponding actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 737–57–1293, Revision 2, dated September 28, 2011, which is not incorporated by reference in this AD.

**(i) 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: *9ANM-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.

**(j) Related Information**

For more information about this AD, contact Ansel James, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6497; fax: 425–917–6590; email: *ansel.james@faa.gov.*

**(k) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Boeing Special Attention Service Bulletin 737–57–1293, Revision 3, dated December 14, 2012.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, Washington 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.*

(4) You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

(5) You may view this service information that is incorporated by reference at the National Archives and Records

Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Renton, Washington, on April 5, 2013.

**Ali Bahrami,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09205 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2010–1303; Directorate Identifier 2010–SW–049–AD; Amendment 39–17434; AD 2013–08–17]**

**RIN 2120–AA64**

## Airworthiness Directives; Eurocopter France Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. This AD requires an initial and recurring inspection of the 9-degree frame for a crack, and repair of the frame if there is a crack. This AD was prompted by the discovery of a crack in the 9-degree frame of a Eurocopter Model AS–365N2 helicopter, and these cracks could develop on the other specified model helicopters because they contain the same 9-degree frame. The actions specified by this AD are intended to detect a crack in the 9-degree frame to prevent loss of structural integrity and subsequent loss of control of the helicopter.

**DATES:** This AD is effective June 5, 2013.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of June 5, 2013.

**ADDRESSES:** For service information identified in this AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005; telephone (800) 232–0323; fax (972) 641–3710; or at *http://www.eurocopter.com.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**Examining the AD Docket**

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

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

**SUPPLEMENTARY INFORMATION:**

**Discussion**

On January 18, 2011 at 76 FR 2842, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to include an AD that would apply to Eurocopter Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters. That NPRM proposed to require an initial and recurring inspections of the inner angles and flanges of the 9-degree frame on the right-hand (RH) and left-hand (LH) sides for a crack. If a crack was found, the NPRM proposed to require, before further flight, repairing the frame. The proposed requirements were intended to detect a crack in the 9-degree frame to prevent loss of structural integrity and subsequent loss of control of the helicopter.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, issued EASA Emergency AD No. 2010–0064–E, dated April 1, 2010, which supersedes EASA Emergency AD No. 2009–0125–E, dated June 12, 2009 (with a correction dated June 15, 2009), to correct an unsafe condition for the specified model helicopters. EASA advises that during a major inspection a crack was found in the 9-degree frame of an AS 365 N2 helicopter, which had logged a total of 10,786 flight hours. The crack was located 230 millimeters above the cabin floor and had grown over a large section of the 9-degree frame on the RH side. EASA states that analysis shows that the time required for initiation of a crack in this area varies according to the weight and balance data of the different aircraft versions.

**Comments**

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (76 FR 2842, January 18, 2011).

**FAA's Determination**

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by the EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed, except we are incorporating figures by reference instead of including them in our AD to meet current publication requirements. This change is consistent with the intent of the proposals in the NPRM (76 FR 2842, January 18, 2011) and will not increase the economic burden on any operator nor increase the scope of the AD.

**Related Service Information**

Eurocopter has issued Emergency Alert Service Bulletin (EASB), Revision 1, dated March 31, 2010, containing the following three numbers: No. 05.00.57 for FAA type-certificated Model SA–365N and N1, and AS–365N2 and N3 helicopters and for military, not FAA type-certificated, Model AS365F, Fs, Fi, and K helicopters; No. 05.00.25 for military, not FAA type-certificated, Model AS565AA, MA, MB, SA, SB, and UB helicopters; and No. 05.39 for FAA type-certificated Model SA–366G1 helicopters and for military, not FAA type-certificated, Model SA366GA helicopters. This EASB specifies checking at regular intervals for a crack in the areas of the inner angles and flanges of the 9° frame on the RH and LH sides, near the splice. This EASB also states that Eurocopter is currently studying an improvement (reinforcement) of the frame, which will cancel the checks specified by the EASB. EASA classified this EASB as mandatory and issued AD No. 2010–0064–E, dated April 1, 2010, to ensure the continued airworthiness of these helicopters.

**Differences Between This AD and the EASA AD**

We refer to ''flight hours'' as ''hours time-in-service.'' We do not refer to the EASB for accomplishment instructions. We do not require contacting the manufacturer for approved repair instructions. We do not allow flight with a known crack. Therefore, we do not revise our required action based on the length and specific location of the crack on the 9-degree frame. We refer to the 9-degree frame rather than the No. 9 frame.

**Costs of Compliance**

We estimate that this AD will affect 19 helicopters of U.S. Registry. We also estimate that it will take about 3 work hours for about 12 inspections a year per helicopter. It will take about 24 hours to repair a helicopter frame. The average labor rate is $85 per work-hour. Required parts will cost about $3,350. Based on these figures, we estimate the total cost impact of this AD on U.S. operators to be $68,920 for the fleet, assuming 2 helicopters require repair each year.

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

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

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

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

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

**2013–08–17 Eurocopter France:** Amendment 39–17434; Docket No. FAA–2010–1303; Directorate Identifier 2010–SW–049–AD.

**(a) Applicability**

This AD applies to Eurocopter France (Eurocopter) Model SA–365N, SA–365N1, AS–365N2, AS 365 N3, and SA–366G1 helicopters, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as a crack in the 9-degree frame, which could result in loss of structural integrity and subsequent loss of control of the helicopter.

**(c) Effective Date**

This AD becomes effective June 5, 2013.

**(d) Compliance**

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

**(e) Required Actions**

(1) On or before the affected model helicopters reach the hours time-in-service (TIS) listed in Table 1 to Paragraph (e)(1) of this AD or within 10 hours TIS, whichever occurs later, and thereafter at intervals not to exceed 110 hours TIS, using a 10X or higher magnifying glass, inspect the inner angles and flanges of the 9-degree fuselage frame on the right-hand and left-hand sides for a crack in the area depicted in Figure 1 and Figure 2 of Eurocopter Emergency Alert Service Bulletin (EASB) No. 05.00.57, Revision 1, dated March 31, 2010, or Eurocopter EASB No. 05.39, Revision 1, dated March 31, 2010, as applicable to your model helicopter.

TABLE 1 TO PARAGRAPH (e)(1)

| Helicopter model | Hours TIS |
|---|---|
| SA–365N | 8,990 |
| SA–365N1 | 9,990 |
| AS–365N2 | 3,190 |
| AS 365 N3 | 2,090 |
| SA–366G1 | 9,990 |

(2) If there is a crack, before further flight, repair the frame. Repairing a frame does not constitute terminating action for the repetitive inspection requirements of this AD.

**(f) Alternative Methods of Compliance (AMOCs)**

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

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

**(g) Additional Information**

The subject of this AD is addressed in European Aviation Safety Agency Emergency AD No. 2010–0064–E, dated April 1, 2010.

**(h) Subject**

Joint Aircraft Service Component (JASC) Code: 5311, Fuselage Main, Frame.

**(i) Material Incorporated by Reference**

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Eurocopter Emergency Alert Service Bulletin No. 05.00.57, Revision 1, dated March 31, 2010.

(ii) Eurocopter Emergency Alert Service Bulletin No. 05.39, Revision 1, dated March 31, 2010.

**Note 1 to paragraph (i)(2):** Eurocopter Emergency Alert Service Bulletin (EASB) Nos. 05.00.57 and 05.39, both Revision 1, and both dated March 31, 2010, are co-published as one document along with Eurocopter EASB No. 05.00.25, Revision 1, dated March 31, 2010, which is not incorporated by reference in this AD.

(3) For Eurocopter service information identified in this AD, contact American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005; telephone (800) 232–0323; fax (972) 641–3710; or at *http://www.eurocopter.com.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on April 12, 2013.

**Lance T. Gant,**

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013–09412 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2012–1219; Airspace Docket No. 12–ASO–43]**

## Amendment of Class E Airspace; Griffin, GA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E Airspace at Griffin, GA, as the Griffin Non-Directional Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures (SIAPs) have been developed at Griffin-Spalding County Airport. Airspace reconfiguration is necessary for the continued safety and management of instrument flight rules (IFR) operations at the airport.

**DATES:** Effective 0901 UTC, June 27, 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.

**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:**

### History

On January 30, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace at Griffin-Spalding County Airport, Griffin, GA (78 FR 6261). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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 designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Griffin-Spalding County Airport, Griffin, GA, with a small segment extending from the 6.3-mile radius to 10.3 miles southeast and northwest of the airport. Airspace reconfiguration is necessary due to the decommissioning of the Griffin NDB and cancellation of the NDB approach, and for continued safety and management of IFR operations at the airport.

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

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

### Environmental Review

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

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### Adoption of the Amendment:

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, 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 GA E5 Griffin, GA [Amended]**

Griffin-Spalding County Airport, Griffin, GA
(Lat. 33°13′37″ N., long. 84°16′30″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Griffin-Spalding County Airport, and within 2 miles either side of a 137° bearing from the airport, extending from the 6.3-mile radius to 10.3 miles southeast of the airport, and within 2 miles either side of a 317° bearing from the airport, extending from the 6.3-mile radius to 10.3 miles northwest of the airport.

Issued in College Park, Georgia, on April 22, 2013.

**Barry A. Knight,**

*Manager, Operations Support Group, Eastern Support Group, Air Traffic Organization.*

[FR Doc. 2013–10209 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2012–0922; Airspace Docket No. 12–ASO–38]**

## Amendment of Class E Airspace; West Palm Beach, FL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends Class E Airspace in the West Palm Beach, FL area, as new Standard Instrument Approach Procedures (SIAPs) have been developed at Palm Beach County Park Airport. Airspace reconfiguration is necessary for the continued safety and management of instrument flight rules (IFR) operations within the West Palm Beach, FL airspace area. This action also updates the geographic coordinates of the airport.

**DATES:** Effective 0901 UTC, June 27, 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.

**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:**

### History

On January 30, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class E airspace at Palm Beach County Park Airport, West Palm Beach, FL (78 FR 6258). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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 designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E airspace extending upward from 700 feet above the surface within a 6.7-mile radius at Palm Beach County Park Airport, West Palm Beach, FL. New Standard Instrument Approach Procedures have been developed for the airport. Airspace reconfiguration is necessary for the continued safety and management of IFR operations within the West Palm Beach, FL, airspace area. The geographic coordinates for Palm Beach County Park Airport also are adjusted to coincide with the FAAs aeronautical database.

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends controlled airspace in the West Palm Beach, FL, area.

### Environmental Review

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

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, 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 West Palm Beach, FL [Amended]**

West Palm Beach, Palm Beach International Airport, FL
(Lat. 26°40′59″ N., long. 80°5′44″ W.)
Palm Beach County Park Airport
(Lat. 26°35′35″ N., long. 80°5′6″ W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Palm Beach International Airport, and within a 6.7-mile radius of Palm Beach County Park Airport.

Issued in College Park, Georgia, on April 22, 2013 .

**Barry A. Knight,**

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

[FR Doc. 2013–10212 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2012–1051; Airspace Docket No. 12–ASO–39]**

## Establishment of Class E Airspace; Immokalee, FL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E Airspace at Immokalee, FL, to accommodate the Area Navigation (RNAV) Global Positioning System (GPS) Standard Instrument Approach Procedures at Big Cypress Airfield. This action enhances the safety and airspace management of Instrument Flight Rules (IFR) operations within the National Airspace System.

**DATES:** Effective 0901 UTC, June 27, 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.

**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:**

### History

On January 30, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish Class E airspace at Immokalee, FL (78 FR 6262) Docket No. FAA–2012–1051. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. 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 designations listed in this document will be published subsequently in the Order.

### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the airport at Immokalee, FL, providing the controlled airspace required to accommodate the new RNAV (GPS) Standard Instrument Approach Procedures developed for Big Cypress Airfield. This action is necessary for the safety and management of IFR operations at the airport.

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, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace at Big Cypress Airfield, Immokalee, FL.

### Environmental Review

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

### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

### Adoption of the Amendment

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

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

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

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

### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, 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 Immokalee, FL [New]**

Big Cypress Airfield, FL
(Lat. 26°19′34″ N., long. 80°59′17″ W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Big Cypress Airfield.

Issued in College Park, Georgia, on April 22, 2013.

**Barry A. Knight,**

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

[FR Doc. 2013–10214 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 97

**[Docket No. 30896; Amdt. No. 3531]**

## Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new

or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective May 1, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 1, 2013.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination*—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located;
3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,
4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

*Availability*—All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit *http://www.nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Dunham III, Flight Procedure Standards Branch (AFS–420), Flight Technologies and Programs Divisions, 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 rule amends Title 14 of the Code of Federal Regulations, Part 97 (14 CFR part 97), by establishing, amending, suspending, or revoking SIAPS, Takeoff Minimums and/or ODPS. The complete regulators description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The applicable FAA Forms are FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, and 8260–15B when required by an entry on 8260–15A.

The large number of SIAPs, Takeoff Minimums and ODPs, in addition to their complex nature and the need for a special format make publication in the **Federal Register** expensive and impractical. Furthermore, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their depiction on charts printed by publishers of aeronautical materials. The advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA forms is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAPs and the effective dates of the, associated Takeoff Minimums and ODPs. This amendment also identifies the airport and its location, the procedure, and the amendment number.

## The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as contained in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPS and Takeoff Minimums and ODPS, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPS contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPS and Takeoff Minimums and ODPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedures before adopting these SIAPS, Takeoff Minimums and ODPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs 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 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air).

Issued in Washington, DC on April 12, 2013.

**John M. Allen,**

*Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures and/or Takeoff Minimums and/or Obstacle Departure Procedures effective at 0902 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

**Effective 30 MAY 2013**

Miami, FL, Miami Intl, RNAV (GPS) Z RWY 8R, Amdt 1A

Atlanta, GA, DeKalb-Peachtree, ILS OR LOC RWY 21L, Amdt 8A
Atlanta, GA, DeKalb-Peachtree, VOR/DME RWY 21L, Amdt 2A
Burley, ID, Burly Muni, Takeoff Minimums and Obstacle DP, Amdt 5A
Mount Pleasant, SC, Mt Pleasant Rgnl-Faison Field, RNAV (GPS) RWY 17, Orig-A
Mount Pleasant, SC, Mt Pleasant Rgnl-Faison Field, RNAV (GPS) RWY 35, Orig-A

**Effective 27 JUNE 2013**

Kake, AK, Kake, KAKE THREE, Graphic DP
Valdez, AK, Valdez Pioneer Field, LDA/DME–H, Amdt 2A
Ozark, AL, Blackwell Field, GPS RWY 30, Orig, CANCELED
Ozark, AL, Blackwell Field, RNAV (GPS) RWY 13, Orig
Ozark, AL, Blackwell Field, RNAV (GPS) RWY 31, Orig
Ozark, AL, Blackwell Field, Takeoff Minimums and Obstacle DP, Amdt 2
Ozark, AL, Blackwell Field, VOR RWY 31, Amdt 7
Talladega, AL, Talladega Muni, ILS OR LOC/DME RWY 4, Orig-A
Talladega, AL, Talladega Muni, RNAV (GPS) RWY 4, Amdt 1B
Talladega, AL, Talladega Muni, RNAV (GPS) RWY 22, Amdt 1A
Talladega, AL, Talladega Muni, Takeoff Minimums and Obstacle DP, Amdt 3
Talladega, AL, Talladega Muni, VOR/DME RWY 4, Amdt 6
San Francisco, CA, San Francisco Intl, ILS PRM RWY 28L (SIMULTANEOUS CLOSE PARALLEL), Amdt 2A
San Francisco, CA, San Francisco Intl, LDA PRM RWY 28R (SIMULTANEOUS CLOSE PARALLEL), Amdt 1B
Aspen, CO, Aspen-Pitkin CO/Sardy Field, SARDD THREE, Graphic DP
Tompkinsville, KY, Tomkinsville-Monroe County, RNAV (GPS) RWY 4, Amdt 1
Mansfield, MA, Mansfield Muni, Takeoff Minimums and Obstacle DP, Amdt 2A
Provincetown, MA, Provincetown Muni, ILS OR LOC RWY 7, Amdt 8B
Provincetown, MA, Provincetown Muni, NDB RWY 25, Amdt 2B
Provincetown, MA, Provincetown Muni, RNAV (GPS) RWY 7, Orig-D
Provincetown, MA, Provincetown Muni, RNAV (GPS) RWY 25, Orig-B
Cape Girardeau, MO, Cape Girardeau Rgnl, ILS OR LOC RWY 10, Amdt 12
Cape Girardeau, MO, Cape Girardeau Rgnl, LOC/DME BC RWY 28, Amdt 8
Cape Girardeau, MO, Cape Girardeau Rgnl, Takeoff Minimums and Obstacle DP, Amdt 9
Cape Girardeau, MO, Cape Girardeau Rgnl, VOR RWY 2, Amdt 11
Cape Girardeau, MO, Cape Girardeau Rgnl, VOR RWY 10, Amdt 3
Charleston, MO, Mississippi County, NDB RWY 36, Amdt 4
Sikeston, MO, Sikeston Memorial Muni, VOR RWY 20, Amdt 4
Teterboro, NJ, Teterboro, RNAV (GPS) Y RWY 6, Amdt 2A
Teterboro, NJ, Teterboro, RNAV (RNP) RWY 19, Orig-C
Teterboro, NJ, Teterboro, RNAV (RNP) Z RWY 6, Orig-C
London, OH, Madison County, NDB RWY 9, Amdt 9, CANCELED
Miller, SD, Miller Muni, RNAV (GPS) RWY 15, Amdt 1
Miller, SD, Miller Muni, RNAV (GPS) RWY 33, Amdt 1
Livingston, TN, Livingston Muni, RNAV (GPS) RWY 3, Amdt 1
Livingston, TN, Livingston Muni, RNAV (GPS) RWY 21, Amdt 1
Burnet, TX, Burnet Muni/Kate Craddock Field, NDB RWY 1, Amdt 6, CANCELED
Salt Lake City, UT, Salt Lake City Intl, ILS OR LOC/DME RWY 35, Amdt 3A, CANCELED
Salt Lake City, UT, Salt Lake City Intl, LDA/DME RWY 35, Orig
Farmville, VA, Farmville Rgnl, NDB RWY 3, Amdt 6A
Farmville, VA, Farmville Rgnl, RNAV (GPS) RWY 3, Orig-A
Farmville, VA, Farmville Rgnl, RNAV (GPS) RWY 21, Orig-A
New Richmond, WI, New Richmond Regional, NDB RWY 14, Amdt 3, CANCELED

**RESCINDED: On March 28, 2013 (78 FR 18806), the FAA published an Amendment in Docket No. 30891, Amdt No. 3526 to Part 97 of the Federal Aviation Regulations under section 97.33. The following entry for Dallas, TX, effective 30 May 2013 is hereby rescinded in its entirety:**

Dallas, TX, Dallas Love Field, ILS OR LOC RWY 31R, Amdt 5B

[FR Doc. 2013–09950 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 97

**[Docket No. 30897; Amdt. No. 3532]**

## Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This rule establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective May 1, 2013. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 1, 2013.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination*—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

*Availability*—All SIAPs are available online free of charge. Visit *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Dunham III, Flight Procedure Standards Branch (AFS–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 rule amends Title 14, Code of Federal Regulations, Part 97 (14 CFR part 97) by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (FDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference in the

amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of Title 14 of the Code of Federal Regulations.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the types of SIAP and the corresponding effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

## The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP as modified by FDC/P–NOTAMs.

The SIAPs, as modified by FDC P–NOTAM, and contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs 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 97:**

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC, on April 12, 2013.

**John M. Allen,**

*Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal regulations, Part 97, 14 CFR part 97, is amended by amending Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

### §§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

| AIRAC Date | State | City | Airport | FDC No. | FDC Date | Subject |
|---|---|---|---|---|---|---|
| 5/30/13 | WY | Douglas | Converse County | 3/1619 | 4/1/13 | TAKEOFF MINIMUMS AND (OBSTACLE) DP, Amdt 1 |
| 5/30/13 | OR | Eugene | Mahlon Sweet Field | 3/1623 | 4/1/13 | VOR/DME or TACAN Rwy 16R, Amdt 5 |
| 5/30/13 | CA | San Francisco | San Francisco Intl | 3/2324 | 4/1/13 | ILS or LOC Rwy 28L, Amdt 23 |
| 5/30/13 | CA | San Francisco | San Francisco Intl | 3/2391 | 4/1/13 | ILS or LOC Rwy 28R, ILS Rwy 28R (CAT II), ILS Rwy 28R (CAT III), Amdt 11 |
| 5/30/13 | OR | North Bend | Southwest Oregon Rgnl | 3/2535 | 4/1/13 | COPTER ILS or LOC Rwy 4, Orig |
| 5/30/13 | CA | Van Nuys | Van Nuys | 3/3384 | 4/1/13 | ILS Rwy 16R, Amdt 5G |
| 5/30/13 | CA | Bishop | Eastern Sierra Rgnl | 3/3396 | 4/1/13 | RNAV (GPS) Y Rwy 12, Orig |
| 5/30/13 | CA | Bishop | Eastern Sierra Rgnl | 3/3397 | 4/1/13 | LDA/DME Rwy 16, Orig |
| 5/30/13 | CA | Bishop | Eastern Sierra Rgnl | 3/3398 | 4/1/13 | VOR/DME or GPS B, Amdt 4A |
| 5/30/13 | CA | Bishop | Eastern Sierra Rgnl | 3/3399 | 4/1/13 | RNAV (GPS) Z Rwy 12, Orig |
| 5/30/13 | CA | Bishop | Eastern Sierra Rgnl | 3/3400 | 4/1/13 | RNAV (RNP) Rwy 30, Orig-A |
| 5/30/13 | CA | Bishop | Eastern Sierra Rgnl | 3/3401 | 4/1/13 | VOR or GPS A, Amdt 6 |
| 5/30/13 | UT | Bryce Canyon | Bryce Canyon | 3/5050 | 4/1/13 | RNAV (GPS) Rwy 3, Orig-A |
| 5/30/13 | UT | Bryce Canyon | Bryce Canyon | 3/5051 | 4/1/13 | RNAV (GPS) Rwy 21, Amdt 1 |
| 5/30/13 | AL | Cullman | Folsom Field | 3/5790 | 4/1/13 | RNAV (GPS) Rwy 2, Orig-A |
| 5/30/13 | PA | Lancaster | Lancaster | 3/5792 | 4/1/13 | RNAV (GPS) Rwy 8, Amdt 3 |
| 5/30/13 | TN | Murfreesboro | Murfreesboro Muni | 3/5793 | 4/1/13 | NDB Rwy 18, Amdt 1 |
| 5/30/13 | TN | Murfreesboro | Murfreesboro Muni | 3/5794 | 4/1/13 | RNAV (GPS) Rwy 18, Amdt 1 |
| 5/30/13 | ME | Pittsfield | Pittsfield Muni | 3/5806 | 4/1/13 | NDB Rwy 36, Amdt 4A |
| 5/30/13 | ME | Pittsfield | Pittsfield Muni | 3/5807 | 4/1/13 | RNAV (GPS) Rwy 36, Orig |
| 5/30/13 | ME | Pittsfield | Pittsfield Muni | 3/5808 | 4/1/13 | RNAV (GPS) Rwy 18, Orig |

| AIRAC Date | State | City | Airport | FDC No. | FDC Date | Subject |
|---|---|---|---|---|---|---|
| 5/30/13 | NY | White Plains | Westchester County | 3/6110 | 4/1/13 | RNAV (GPS) Y Rwy 34, Amdt 3A |
| 5/30/13 | AR | Pine Bluff | Grider Field | 3/6662 | 4/1/13 | ILS or LOC Rwy 18, Amdt 3A |
| 5/30/13 | TN | Gallatin | Sumner County Rgnl | 3/6888 | 4/1/13 | TAKEOFF MINIMUMS AND (OBSTACLE) DP, Amdt 3 |
| 5/30/13 | FL | Brooksville | Hernando County | 3/6889 | 4/1/13 | ILS or LOC Rwy 9, Amdt 2C |
| 5/30/13 | IL | Pinckneyville | Pinckneyville-Du Quoin | 3/6903 | 4/1/13 | RNAV (GPS) Rwy 36, Orig |
| 5/30/13 | NY | Oneonta | Oneonta Muni | 3/6913 | 4/1/13 | LOC Rwy 24, Amdt 2 |
| 5/30/13 | AL | Prattville | Prattville—Grouby Field | 3/6914 | 4/1/13 | RNAV (GPS) Rwy 9, Amdt 2 |
| 5/30/13 | FL | Brooksville | Hernando County | 3/6953 | 4/1/13 | RNAV (GPS) Rwy 3, Amdt 1A |
| 5/30/13 | FL | Brooksville | Hernando County | 3/6955 | 4/1/13 | RNAV (GPS) Rwy 9, Amdt 1A |
| 5/30/13 | FL | Brooksville | Hernando County | 3/6956 | 4/1/13 | RNAV (GPS) Rwy 27, Amdt 1A |
| 5/30/13 | FL | Brooksville | Hernando County | 3/6959 | 4/1/13 | RNAV (GPS) Rwy 21, Amdt 1A |
| 5/30/13 | FL | Tampa | Tampa Intl | 3/6985 | 4/1/13 | RNAV (GPS) Rwy 10, Amdt 1 |
| 5/30/13 | MD | Baltimore | Martin State | 3/7201 | 4/1/13 | LDA Rwy 33, Orig |
| 5/30/13 | MD | Baltimore | Martin State | 3/7202 | 4/1/13 | RNAV (GPS) Rwy 33, Amdt 1 |
| 5/30/13 | TN | Rockwood | Rockwood Muni | 3/7236 | 4/1/13 | VOR/DME Rwy 22, Amdt 6 |
| 5/30/13 | CO | Grand Junction | Grand Junction Regional | 3/7490 | 4/4/13 | RNAV (RNP) Z Rwy 11, Orig |
| 5/30/13 | CO | Grand Junction | Grand Junction Regional | 3/7491 | 4/4/13 | RNAV (GPS) Y Rwy 11, Amdt 1A |
| 5/30/13 | CO | Grand Junction | Grand Junction Regional | 3/7492 | 4/4/13 | ILS or LOC Rwy 11, Amdt 16 |
| 5/30/13 | CO | Grand Junction | Grand Junction Regional | 3/7493 | 4/4/13 | LDA/DME Rwy 29, Orig-B |
| 5/30/13 | CO | Grand Junction | Grand Junction Regional | 3/7494 | 4/4/13 | RNAV (GPS) Rwy 29, Amdt 1A |
| 5/30/13 | MT | Helena | Helena Rgnl | 3/7964 | 4/4/13 | RNAV (GPS) Rwy 23, Orig |
| 5/30/13 | MT | Helena | Helena Rgnl | 3/7966 | 4/4/13 | RNAV (RNP) Y Rwy 27, Orig-B |
| 5/30/13 | MT | Helena | Helena Rgnl | 3/7968 | 4/4/13 | RNAV (GPS) X Rwy 27, Amdt 1A |
| 5/30/13 | MT | Helena | Helena Rgnl | 3/7970 | 4/4/13 | RNAV (RNP) Z Rwy 27, Orig-A |
| 5/30/13 | MT | Helena | Helena Rgnl | 3/7972 | 4/4/13 | ILS or LOC Y Rwy 27, Amdt 3 |
| 5/30/13 | MT | Helena | Helena Rgnl | 3/7974 | 4/4/13 | ILS or LOC Z Rwy 27, Amdt 1 |
| 5/30/13 | WV | Charleston | Yeager | 3/8266 | 4/4/13 | ILS or LOC Rwy 23, Amdt 30 |
| 5/30/13 | OR | Lexington | Lexington | 3/8528 | 4/4/13 | RNAV (GPS) A, Orig |
| 5/30/13 | OR | Lexington | Lexington | 3/8529 | 4/4/13 | RNAV (GPS) Rwy 8, Orig |
| 5/30/13 | ID | Pocatello | Pocatello Rgnl | 3/8530 | 4/4/13 | ILS or LOC Rwy 21, Amdt 26B |
| 5/30/13 | ID | Pocatello | Pocatello Rgnl | 3/8531 | 4/4/13 | RNAV (GPS) Rwy 21, Amdt 1 |
| 5/30/13 | IN | Marion | Marion Muni | 3/9055 | 4/4/13 | RNAV (GPS) Rwy 15, Orig |
| 5/30/13 | IN | Marion | Marion Muni | 3/9056 | 4/4/13 | VOR Rwy 4, Amdt 13A |
| 5/30/13 | IN | Marion | Marion Muni | 3/9057 | 4/4/13 | RNAV (GPS) Rwy 4, Orig |
| 5/30/13 | IN | Marion | Marion Muni | 3/9058 | 4/4/13 | ILS or LOC Rwy 4, Amdt 7A |
| 5/30/13 | IN | Marion | Marion Muni | 3/9059 | 4/4/13 | RNAV (GPS) Rwy 33, Orig-A |
| 5/30/13 | IN | Marion | Marion Muni | 3/9060 | 4/4/13 | VOR Rwy 15, Amdt 10B |
| 5/30/13 | NY | Hamilton | Hamilton Muni | 3/9285 | 4/4/13 | RNAV (GPS) Rwy 35, Orig |

[FR Doc. 2013–09952 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 721

**[EPA–HQ–OPPT–2011–0577; FRL–9385–1]**

**RIN 2070–AB27**

## Significant New Use Rule on Ethoxylated, Propoxylated Diamine Diaryl Substituted Phenylmethane Ester With Alkenylsuccinate, Dialkylethanolamine Salt

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing a significant new use rule (SNUR) under the Toxic Substances Control Act (TSCA) for the chemical substance identified generically as ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt, which was the subject of premanufacture notice (PMN) P–01–384. This action requires persons who intend to manufacture, import, or process this chemical substance for an activity that is designated as a significant new use by this final rule to notify EPA at least 90 days before commencing that activity. The required notification would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit the activity before it occurs.

**DATES:** This final rule is effective May 31, 2013.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2011–0577, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

**FOR FURTHER INFORMATION CONTACT:**

*For technical information contact:* Kenneth Moss, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–

1404; email address: *TSCA-Hotline@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Does this action apply to me?

You may be potentially affected by this action if you manufacture, import, process, or use the chemical substance generically identified as ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt. 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:

- Manufacturers, importers, or processors of one or more subject chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to a final SNUR must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. In addition, any persons who export or intend to export a chemical substance that is the subject of this final SNUR, are subject to the export notification provisions of TSCA section 12(b) (15 U.S.C. 2611(b)) (see § 721.20), and must comply with the export notification requirements in 40 CFR part 707, subpart D.

## II. Background

### *A. What action is the Agency taking?*

EPA is finalizing a significant new use rule (SNUR) under section 5(a)(2) of TSCA for the chemical substance identified generically as ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt, which was the subject of PMN P–01–384. This final SNUR designates as a significant new use the use of the substance other than as an ink colorant, as described in the amended PMN. This action requires persons who intend to manufacture, import, or process the chemical substance for an activity that is designated as a significant new use to notify EPA at least 90 days before commencing that activity.

In the **Federal Register** of April 27, 2012 (77 FR 25236) (FRL–9343–4), EPA issued a direct final SNUR on this chemical substance in accordance with the procedures at § 721.160(c)(3)(i). EPA received notice of intent to submit adverse comments on this SNUR. Therefore, as required by § 721.160(c)(3)(ii), EPA withdrew the direct final SNUR in the **Federal Register** of July 25, 2012 (77 FR 43520) (FRL–9356–1), and subsequently proposed a SNUR on the chemical substance using notice and comment procedures in the **Federal Register** of December 19, 2012 (77 FR 75085) (FRL–9370–1). The record for the direct final SNUR on this substance was established as docket EPA–HQ–OPPT–2011–0577. That record includes information considered by the Agency in developing the direct final rule and the proposed rule.

EPA did not receive comments on the proposed rule. However, during the public comment period, the PMN submitter relinquished the confidentiality claim in the original PMN on the use description of the PMN substance. Therefore, EPA is issuing the final rule on the chemical substance that identifies, under § 721.80(j) in the regulatory text, the specific use in the PMN as an ink colorant.

### *B. What is the Agency's authority for taking this action?*

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a ''significant new use.'' EPA must make this determination by rule after considering all relevant factors, including the four bulleted TSCA section 5(a)(2) factors listed in Unit III. Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a significant new use notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. Persons who must report are described in § 721.5.

### *C. Applicability of General Provisions*

General provisions for SNURs appear in 40 CFR part 721, subpart A. These provisions describe persons subject to the final rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. Provisions relating to user fees appear at 40 CFR part 700. According to § 721.1(c), persons subject to these SNURs must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under TSCA section 5(a)(1)(A). In particular, these requirements include the information submission requirements of TSCA sections 5(b) and 5(d)(1), the exemptions authorized by TSCA sections 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUN, EPA may take regulatory action under TSCA sections 5(e), 5(f), 6, or 7 to control the activities for which it has received the SNUN. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

## III. Significant New Use Determination

Section 5(a)(2) of TSCA states that EPA's determination that a use of a chemical substance is a significant new use must be made after consideration of all relevant factors, including:

- The projected volume of manufacturing and processing of a chemical substance.
- The extent to which a use changes the type or form of exposure of human beings or the environment to a chemical substance.
- The extent to which a use increases the magnitude and duration of exposure of human beings or the environment to a chemical substance.
- The reasonably anticipated manner and methods of manufacturing, processing, distribution in commerce, and disposal of a chemical substance.

In addition to these factors enumerated in TSCA section 5(a)(2), the statute authorized EPA to consider any other relevant factors.

To determine what would constitute a significant new use for the chemical substance that is the subject of this final SNUR, EPA considered relevant information about the toxicity of the chemical substance, likely human exposures and environmental releases associated with possible uses, and the four bulleted TSCA section 5(a)(2) factors listed in this unit.

## IV. Rationale and Objectives of the Final Rule

### *A. Rationale*

During review of the PMN submitted for the chemical substance generically identified as ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt, EPA determined that one or more of the criteria of concern established at

§ 721.170 were met, as discussed in Unit IV. of the proposed rule.

*B. Objectives*

EPA is issuing this final SNUR for the chemical substance generically identified as ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt, which has undergone premanufacture review, because the Agency wants to achieve the following objectives with regard to the significant new uses designated in this final rule:

- EPA will receive notice of any person's intent to manufacture, import, or process a listed chemical substance for the described significant new use before that activity begins.
- EPA will have an opportunity to review and evaluate data submitted in a SNUN before the notice submitter begins manufacturing, importing, or processing a listed chemical substance for the described significant new use.
- EPA will be able to regulate prospective manufacturers, importers, or processors of a listed chemical substance before the described significant new use of that chemical substance occurs, provided that regulation is warranted pursuant to TSCA sections 5(e), 5(f), 6.

Issuance of a SNUR for a chemical substance does not signify that the chemical substance is listed on the TSCA Chemical Substance Inventory (TSCA Inventory). Guidance on how to determine if a chemical substance is on the TSCA Inventory is available on the Internet at *http://www.epa.gov/opptintr/existingchemicals/pubs/tscainventory/index.html.*

## V. Applicability of the Significant New Use Designation

If uses begun after the proposed rule was published were considered ongoing rather than new, any person could defeat the SNUR by initiating the significant new use before the final rule was issued. Therefore, EPA has designated December 19, 2012 as the cutoff date for determining whether the new use is ongoing. Consult the **Federal Register** document of April 24, 1990 (55 FR 17376) for a more detailed discussion of the cutoff date for ongoing uses.

Any person who began commercial manufacture, import, or processing of the chemical substance identified generically as ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt (PMN P–01–384) for any of the significant new uses designated in the proposed SNUR after the date of publication of the proposed SNUR, must stop that activity before the effective date of the final rule. Persons who ceased those activities will have to first comply with all applicable SNUR notification requirements and wait until the notice review period, including any extensions, expires, before engaging in any activities designated as significant new uses. If a person were to meet the conditions of advance compliance under § 721.45(h), the person would be considered to have met the requirements of the final SNUR for those activities.

## VI. Test Data and Other Information

EPA recognizes that TSCA section 5 does not require developing any particular test data before submission of a SNUN. The two exceptions are:

1. Development of test data is required where the chemical substance subject to the SNUR is also subject to a test rule under TSCA section 4 (see TSCA section 5(b)(1)).
2. Development of test data may be necessary where the chemical substance has been listed under TSCA section 5(b)(4) (see TSCA section 5(b)(2)).

In the absence of a TSCA section 4 test rule or a TSCA section 5(b)(4) listing covering the chemical substance, persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them (see § 720.50). However, upon review of PMNs and SNUNs, the Agency has the authority to require appropriate testing. Recommended testing for this substance were described in Unit IV. of the proposed rule. Descriptions of tests are provided for informational purposes. EPA strongly encourages persons, before performing any testing, to consult with the Agency pertaining to protocol selection.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on the following:

- Human exposure and environmental release that may result from the significant new use of the chemical substance.
- Potential benefits of the chemical substance.
- Information on risks posed by the chemical substance compared to risks posed by potential substitutes.

## VII. SNUN Submissions

According to § 721.1(c), persons submitting a SNUN must comply with the same notification requirements and EPA regulatory procedures as persons submitting a PMN, including submission of test data on health and environmental effects as described in 40 CFR 720.50. SNUNs must be submitted on EPA Form No. 7710–25, generated using e-PMN software, and submitted to the Agency in accordance with the procedures set forth in § 720.40 and § 721.25. E–PMN software is available electronically at *http://www.epa.gov/opptintr/newchems.*

## VIII. Economic Analysis

EPA has evaluated the potential costs of establishing SNUN requirements for potential manufacturers, importers, and processors of the chemical substance during the development of the direct final rule. EPA's complete economic analysis is available in the docket under docket ID number EPA–HQ–OPPT–2011–0577.

## IX. Statutory and Executive Order Reviews

*A. Executive Order 12866*

This final rule establishes a SNUR for a chemical substance that was the subject of a PMN. 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).

*B. Paperwork Reduction Act (PRA)*

According to PRA (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR part 9, and included on the related collection instrument or form, if applicable. EPA is amending the table in 40 CFR part 9 to list the OMB approval number for the information collection requirements contained in this final rule. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the display requirements of PRA and OMB's implementing regulations at 5 CFR part 1320. This Information Collection Request (ICR) was previously subject to public notice and comment prior to OMB approval, and given the technical nature of the table, EPA finds that further notice and comment to amend it is unnecessary. As a result, EPA finds that there is ''good cause'' under section 553(b)(3)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to

amend this table without further notice and comment.

The information collection requirements related to this action have already been approved by OMB pursuant to PRA under OMB control number 2070–0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval. If an entity were to submit a SNUN to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review, and submit the required SNUN.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, Collection Strategies Division, Office of Environmental Information (2822T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to this address.

*C. Regulatory Flexibility Act (RFA)*

On February 18, 2012, EPA certified pursuant to RFA section 605(b) (5 U.S.C. 601 *et seq.*), that promulgation of a SNUR does not have a significant economic impact on a substantial number of small entities where the following are true:

1. A significant number of SNUNs would not be submitted by small entities in response to the SNUR.

2. The SNUR submitted by any small entity would not cost significantly more than $8,300.

A copy of that certification is available in the docket for this final rule.

This final rule is within the scope of the February 18, 2012 certification. Based on the Economic Analysis discussed in Unit VIII. and EPA's experience promulgating SNURs (discussed in the certification), EPA believes that the following are true:

- A significant number of SNUNs would not be submitted by small entities in response to the SNUR.
- Submission of the SNUN would not cost any small entity significantly more than $8,300.

Therefore, the promulgation of the SNUR would not have a significant economic impact on a substantial number of small entities.

*D. Unfunded Mandates Reform Act (UMRA)*

Based on EPA's experience with proposing and finalizing SNURs, State, local, and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or Tribal government will be impacted by this final rule. As such, EPA has determined that this final rule does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments subject to the requirements of UMRA sections 202, 203, 204, or 205 (2 U.S.C. 1501 *et seq.*).

*E. Executive Order 13132*

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).

*F. Executive Order 13175*

This final rule does not have Tribal implications because it is not expected to have substantial direct effects on Indian Tribes. This final rule does not significantly nor uniquely affect the communities of Indian Tribal governments, nor does it involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), do not apply to this final rule.

*G. Executive Order 13045*

This action is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined by Executive Order 12866, and this action does not address environmental health or safety risks disproportionately affecting children.

*H. Executive Order 13211*

This action 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), because this action is not expected to affect energy supply, distribution, or use and because this action is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act (NTTAA)*

In addition, since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note), does not apply to this action.

*J. Executive Order 12898*

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

**X. Congressional Review Act (CRA)**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this final 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**

*40 CFR Part 9*

Environmental protection, Reporting and recordkeeping requirements.

*40 CFR Part 721*

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: April 24, 2013.

**Maria J. Doa,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

Therefore, 40 CFR parts 9 and 721 are amended as follows:

## PART 9—[AMENDED]

■ 1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.,* 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.,* 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.,* 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

■ 2. In § 9.1, add the following section in numerical order under the undesignated center heading ''Significant New Uses of Chemical Substances'' to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

* * * * *

| 40 CFR Citation | OMB Control No. |
|---|---|
| * * * * * | |
| **Significant New Uses of Chemical Substances** | |
| * * * * * | |
| 721.10308 | 2070–0012 |
| * * * * * | |

* * * * *

## PART 721—[AMENDED]

■ 3. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

■ 4. Add § 721.10308 to subpart E to read as follows:

**§ 721.10308 Ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt (generic).**

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as ethoxylated, propoxylated diamine diaryl substituted phenylmethane ester with alkenylsuccinate, dialkylethanolamine salt (PMN P–01–384) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (ink colorant).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 2013–10306 Filed 4–30–13; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 98

**[EPA–HQ–OAR–2011–0417; FRL–9806–7]**

**RIN 2060–AR74**

## Greenhouse Gas Reporting Rule: Revision to Best Available Monitoring Method Request Submission Deadline for Petroleum and Natural Gas Systems Source Category

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The EPA is revising the deadline by which owners or operators of facilities subject to the petroleum and natural gas systems source category of the Greenhouse Gas Reporting Rule must submit requests for use of best available monitoring methods to the Administrator. This revision does not change any other requirements for owners or operators as outlined in the best available monitoring method rule provisions.

**DATES:** This final rule is effective on May 31, 2013.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2011–0417. All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and is publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Air Docket, EPA/DC, EPA West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Air Docket is (202) 566–1742.

**FOR FURTHER INFORMATION CONTACT:** Carole Cook, Climate Change Division, Office of Atmospheric Programs (MC–6207J), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9263; fax number: (202) 343–2342; email address: *GHGReportingRule@epa.gov.* For technical information and implementation materials, please go to the Greenhouse Gas Reporting Rule Program Web site at *http://www.epa.gov/ghgreporting/index.html.* To submit a question, select Help Center.

*Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of this final rule will also be available through the WWW. Following the Administrator's signature, a copy of this action will be posted on the EPA's Greenhouse Gas Reporting Program Web site at *http://www.epa.gov/ghgreporting/reporters/notices/index.html.*

**SUPPLEMENTARY INFORMATION:**

*Regulated Entities.* The Administrator determined that this action is subject to the provisions of Clean Air Act (CAA) section 307(d). See CAA section 307(d)(1)(V) (the provisions of section 307(d) apply to ''such other actions as the Administrator may determine''). This final rule affects owners or operators of petroleum and natural gas systems. Regulated categories and affected entities may include those listed in Table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

| Category | NAICS | Examples of affected facilities |
|---|---|---|
| Petroleum and Natural Gas Systems | 486210 | Pipeline transportation of natural gas. |
| | 221210 | Natural gas distribution facilities. |
| | 211 | Extractors of crude petroleum and natural gas. |
| | 211112 | Natural gas liquid extraction facilities. |

Table 1 of this preamble is not intended to be exhaustive, but rather lists the types of facilities that the EPA is now aware could be potentially affected by the reporting requirements. Other types of facilities not listed in the table could also be affected. To determine whether you are affected by this action, you should carefully

examine the applicability criteria found in 40 CFR part 98, subpart A or the relevant criteria in the sections related to direct emitters of GHGs. If you have questions regarding the applicability of this action to a particular facility, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

*Judicial Review.* Under section 307(b)(1) of the CAA, judicial review of this final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit (the Court) by July 1, 2013. Under CAA section 307(d)(7)(B), only an objection to this final rule that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Section 307(d)(7)(B) of the CAA also provides a mechanism for the EPA to convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, Environmental Protection Agency, Room 3000, Ariel Rios Building, 1200 Pennsylvania Ave. NW., Washington, DC 20460, with a copy to the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20004. Note, under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements.

*Acronyms and Abbreviations.* The following acronyms and abbreviations are used in this document.

CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
EPA U.S. Environmental Protection Agency
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
$CO_2e$ carbon dioxide equivalent
NAICS North American Industry Classification System
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
QA/QC quality assurance/quality control
RFA Regulatory Flexibility Act
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995
WWW World Wide Web

*Organization of This Preamble.* The following outline is provided to aid in locating information in this preamble.

I. Background
A. Organization of This Preamble
B. Background on the Final Rule
C. Legal Authority
II. Final Amendments and Responses to Public Comments
III. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use
I. National Technology Transfer and Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act

## I. Background

### *A. Organization of This Preamble*

This preamble consists of three sections. The first section provides background on 40 CFR part 98, subpart W and describes the purpose and legal authority for this action. The second section of this preamble summarizes the revision made to the specific requirement in the petroleum and natural gas systems (subpart W) source category of 40 CFR part 98 and comments received. The third section of this preamble discusses the various statutory and executive order requirements applicable to this rulemaking.

### *B. Background on the Final Rule*

On November 30, 2010 (75 FR 74459) the EPA finalized the Petroleum and Natural Gas Systems source category, subpart W, of the Greenhouse Gas Reporting Rule. As part of that rule, the EPA finalized detailed provisions in 40 CFR 98.234(f), allowing for owners or operators to use best available monitoring methods for specified parameters in 40 CFR 98.233 where additional time is needed to comply with the monitoring and quality assurance/quality control (QA/QC) requirements as outlined in the rule. In these cases, owners or operators are given the flexibility, upon approval, to estimate parameters for equations in 40 CFR 98.233 by using supplier data, engineering calculations, other company records or monitoring methods currently used by the facility that do not meet the specifications of subpart W.

On February 19, 2013, the EPA published a direct final rule (78 FR 11585) and a parallel proposal (78 FR 11619) to amend the deadline for submitting best available monitoring method requests to the Administrator from September 30 to June 30 of the year prior to the reporting year for which use of BAMM is sought. In those actions, the EPA stated that if an adverse comment were received, a timely withdrawal notice would be published in the **Federal Register** informing the public that the direct final rule would not take effect and that the EPA would address comments in any subsequent final rule based on the parallel proposal. On April 2, 2013, the direct final rule was withdrawn (78 FR 19605) due to potentially adverse comment received on the direct final rule. Based on the comments received, EPA is finalizing the amendment as proposed. Responses to comments received are addressed below and can be found in the document, ''Response to Comments: Greenhouse Gas Reporting Rule: Revision to Best Available Monitoring Method Request Submission Deadline for Petroleum and Natural Gas Systems Source Category'' (see EPA–HQ–OAR–2011–0417).

### *C. Legal Authority*

The EPA is promulgating this rule amendment under its existing CAA authority, specifically authorities provided in CAA section 114. As stated in the preamble to the 2009 final rule (74 FR 56260, October 30, 2009) and the Response to Comments on the April 10, 2009 initial proposed rule,[1] Volume 9, Legal Issues, CAA section 114 provides the EPA broad authority to require the information proposed to be gathered by this rule because such data would inform and are relevant to the EPA's carrying out a wide variety of CAA provisions. As discussed in the preamble to the initial proposed rule (74 FR 16448, April 10, 2009), CAA section 114(a)(1) authorizes the Administrator to require emissions sources, persons

[1] See *http://www.epa.gov/climatechange/emissions/responses.html.*

subject to the CAA, manufacturers of control or process equipment, or persons who the Administrator believes may have necessary information to monitor and report emissions and provide such other information the Administrator requests for the purposes of carrying out any provision of the CAA. For further information about the EPA's legal authority, see the preambles to the 2009 proposed and final rules and EPA's Response to Comments, Volume 9.

## II. Final Amendments and Responses to Public Comments

In this action, the EPA is finalizing the amendment to the deadline for submitting Subpart W best available monitoring method requests to the Administrator from September 30 to June 30 of the year prior to the reporting year for which use of BAMM is sought. Specifically, the EPA is revising the last sentence in 40 CFR 98.234(f)(8)(i) to replace the date ''September 30'' with the date ''June 30'' so that the sentence now reads ''For reporting years after 2012, a new request to use best available monitoring methods must be submitted by June 30th of the year prior to the reporting year for which use of best available monitoring methods is sought.'' The EPA is not finalizing any other amendments to provisions related to best available monitoring methods or other parts of subpart W in this action.

After evaluation of comments received, the EPA has determined that the amendment to the rule should become final as proposed. A brief summary of comments received and our responses are provided below. The EPA's responses to all comments can be found in the document ''Response to Comments: Greenhouse Gas Reporting Rule: Revision to Best Available Monitoring Method Request Submission Deadline for Petroleum and Natural Gas Systems Source Category'' (see EPA–HQ–OAR–2011–0417).

One commenter stated that the EPA should not implement the direct final action. This commenter did not explicitly state why the action should not be implemented, nor did the commenter state any specific concerns with the amendment. Without any further information why the amendment should not be implemented, the EPA is maintaining its position that the amendment to the rule as proposed should become final. The EPA continues to conclude that this amendment would have minimal adverse impact on owners or operators requesting to use best available monitoring methods in future years. As stated in the direct final rule and associated co-proposal, the EPA believes that this amendment will provide additional certainty to reporters prior to the upcoming reporting year for which the use of best available monitoring methods are sought. Additionally, finalizing this amendment results in a more appropriate time frame for comprehensively reviewing and processing submitted requests and allowing the EPA to notify all owners and operators of final determinations in a timely manner.

The EPA also received a comment that is beyond the scope of this rulemaking as explained in the Response to Comments document.

## III. Statutory and Executive Order Reviews

### *A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

### *B. Paperwork Reduction Act*

This action does not impose any new information collection burden. This amendment affects a provision in the rule related to the date of submission for best available monitoring method requests and does not affect what is submitted in those request or any associated burden with submitting those requests. However, the Office of Management and Budget (OMB) has previously approved the information collection requirements contained in the existing regulations, 40 CFR part 98 subpart W (75 FR 74458), under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and has assigned OMB control number 2060–0651. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

### *C. Regulatory Flexibility Act*

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of this final rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of these rule amendments on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analysis is to identify and address regulatory alternatives ''which minimize any significant economic impacts of the rule on small entities.'' 5 U.S.C. 603 and 604. Thus, an agency may certify that the rule will not have a significant economic impact on a substantial number of small entities if the rule relives regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. The EPA anticipates that this amendment would result in greater certainty to reporters choosing to submit best available monitoring method requests to the EPA for use in future years.

### *D. Unfunded Mandates Reform Act*

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, and tribal governments or the private sector. This action imposes no enforceable duty on any State, local or tribal governments or the private sector. Thus, the amendments in this action are not subject to the requirements of section 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

### *E. Executive Order 13132: Federalism*

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various

levels of government, as specified in Executive Order 13132.

This action applies to an optional provision in the final rule for subpart W, which in turn applies to petroleum and natural gas facilities that emit greenhouse gases. Few, if any, State or local government facilities would be affected. This action also does not limit the power of States or localities to collect GHG data and/or regulate GHG emissions. Thus, Executive Order 13132 does not apply to this action.

*F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). Further, this action would not result in any changes to the current requirements of 40 CFR part 98 subpart W and only applies to optional provisions in 40 CFR part 98 subpart W. Thus, Executive Order 13175 does not apply to this action.

Although Executive Order 13175 does not apply to this action, the EPA sought opportunities to provide information to Tribal governments and representatives during the development of the rule for subpart W promulgated on November 30, 2010. A summary of the EPA's consultations with Tribal officials is provided in Sections VIII.E and VIII.F of the preamble to the 2009 final rule and Section IV.F of the preamble to the 2010 final rule for subpart W (75 FR 74485).

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

*H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

*J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

The EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment because it is a rule addressing information collection and reporting procedures.

*K. Congressional Review Act*

The Congressional Review At, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 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. The EPA will submit a report containing this rule and the required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the U.S. 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). This rule is effective on May 31, 2013.

**List of Subjects in 40 CFR Part 98**

Environmental protection, Administrative practice and procedures, Air pollution control, Greenhouse gases, Monitoring, Reporting and recordkeeping requirements.

Dated: April 24, 2013.

**Bob Perciasepe,**

*Acting Administrator.*

For the reasons discussed in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

## PART 98—[AMENDED]

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

**Authority:** 42 U.S.C. 7401–7671q.

## Subpart—W [Amended]

■ 2. Section 98.234 is amended by revising paragraph (f)(8)(i) to read as follows:

### § 98.234 Monitoring and QA/QC Requirements

* * * * *

(f) * * *

(8) * * *

(i) *Timing of request.* EPA does not anticipate a need for best available monitoring methods beyond 2011, but for all reporting years after 2011, best available monitoring methods will be considered for unique or unusual circumstances which include data collection methods that do not meet safety regulations, technical infeasibility, or counter to other local, State, or Federal regulations. For use of best available monitoring methods in 2012, an initial notice of intent to request best available monitoring methods must be submitted by December 31, 2011. Any notice of intent submitted prior to the effective date of this rule cannot be used to meet this December 31, 2011 deadline; a new notice of intent must be signed and submitted by the designated representative. In addition to the initial notification of intent, owners or operators must also submit an extension request containing the information specified in 98.234(f)(8)(ii) by March 30, 2012. Any best available monitoring methods request submitted prior to the effective date of this rule cannot be used to meet the March 30, 2012 deadline; a new best available monitoring methods request must be signed and submitted by the designated representative. Owners or operators that submit both a

timely notice of intent and extension request consistent with 98.234(f)(8)(ii) can automatically use best available monitoring method through June 30, 2012, for the specific parameters identified in their notification of intent and best available monitoring methods request regardless of whether the best available monitoring methods request is ultimately approved. Owners or operators that submit a notice of intent but do not follow up with a best available monitoring methods request by March 30, 2012 cannot use best available monitoring methods in 2012. For 2012, when an owner or operator has submitted a notice of intent and a subsequent best available monitoring method extension request, use of best available monitoring methods will be valid, upon approval by the Administrator, until the date indicated in the approval or until December 31, 2012, whichever is earlier. For reporting years after 2012, a new request to use best available monitoring methods must be submitted by June 30th of the year prior to the reporting year for which use of best available monitoring methods is sought.

* * * * *

[FR Doc. 2013–10184 Filed 4–30–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

**[EPA–HQ–OPP–2012–0132; FRL–9384–3]**

## Glyphosate; Pesticide Tolerances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

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

**DATES:** This regulation is effective May 1, 2013. Objections and requests for hearings must be received on or before July 1, 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–2012–0132, 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:** Andrew Ertman, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–9367; email address: *ertman.andrew@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://www.ecfr.gov/cgi-bin/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–2012–0132 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 July 1, 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–2012–0132, 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.html.*

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 May 2, 2012 (77 FR 25954) (FRL–9346–1), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E7979) by IR–4, 500 College Rd. East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR 180.364 be amended by establishing tolerances for residues of the herbicide glyphosate *N*-(phosphonomethyl) glycine in or on the raw agricultural commodity teff, forage and teff, hay at 100 parts per million (ppm) and oilseed crops, group 20 at 40 ppm. The petition also requested amendments to the tolerances in 40 CFR 180.364 as follows: Vegetable, root and tuber, group 1, except sugar beet, from 0.2 ppm to 6.0 ppm; vegetable, bulb, group 3 at 0.2 ppm to

vegetable, bulb, group 3–07 at 0.2 ppm; okra at 0.5 ppm; vegetable, fruiting, group 8 at 0.1 ppm to vegetable, fruiting, group 8–10 at 0.1 ppm; fruit, citrus, group 10 at 0.5 ppm to fruit, citrus, group 10–10 at 0.5 ppm; fruit, pome, group 11 at 0.2 ppm to fruit, pome, group 11–10 at 0.2 ppm; cranberry, grape, juneberry, kiwifruit, lingonberry, salal, strawberry, and berry group 13 at 0.2 ppm to berry and small fruit, group 13–07 at 0.2 ppm. That document referenced a summary of the petition prepared by Monsanto, the registrant, which is available in the docket at *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the levels at which tolerances are being established for some commodities as well as the crops for which tolerances are being established. The reason for these changes is explained in Unit IV.C.

## 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 glyphosate including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with glyphosate 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.

A chronic feeding/carcinogenicity study in rats found no systemic effects in any of the parameters examined (body weight, food consumption, clinical signs, mortality, clinical pathology, organ weights, and histopathology). A second chronic feeding/carcinogenicity study in rats tested at higher dietary levels, and a lowest-observed-adverse-effect level (LOAEL) was identified at 20,000 ppm (approximately 940 milligram/kilogram/day (mg/kg/day)) based on decreased body-weight gains in females and increased incidence of cataracts and lens abnormalities, decreased urinary pH, increased absolute liver weight, and increased relative liver weight/brain weight in males. No evidence of carcinogenicity was found in mice or rats. In a chronic toxicity study in dogs, no systemic effects were found in all examined parameters.

There is no quantitative or qualitative evidence of increased susceptibility of rat or rabbit fetuses to *in utero* exposure in developmental studies. A focal tubular dilation of the kidneys was observed in an older 3-generation reproductive study on rats at the 30-mg/kg/day level (highest dose tested (HDT)); however, a 2-generation reproductive study on rats did not observe the same effect at the 1,500 mg/kg/day level (HDT), nor were any adverse reproductive effects observed at any dose level. A clear NOAEL was established and the chronic reference dose (cRfD) was set at a level well below this effect. Neurotoxicity has not been observed in any of the acute, subchronic, chronic, developmental, or reproductive studies performed with glyphosate.

Neurotoxicity screening battery tests and an immunotoxicity study have been submitted to the Agency. Given the timing of the submission of these studies, the Agency has conducted preliminary reviews of these studies. The preliminary reviews show no effects up to the HDT for both the acute and subchronic durations for the neurotoxicity studies and no effects up to the HDT in the immunotoxicity study. EPA does not believe that further review will result in different conclusions concerning the neurotoxic or immunotoxic potential of glyphosate.

Specific information on the studies received and the nature of the adverse effects caused by glyphosate as well as the NOAEL and the LOAEL from the toxicity studies can be found at *http://www.regulations.gov* in the document entitled ''Glyphosate. Section 3 Registration Concerning the Application of Glyphosate to Carrots, Sweet Potato, Teff, and Oilseeds (Crop Group (CG) 20) and to Update the CG Definitions for Bulb Vegetable (CG 3–07), Fruiting Vegetable (CG 8–10), Citrus Fruit (CG 10–10), Pome Fruit (CG 11–10), and Berry (CG 13–07). Human-Health Risk Assessment'' on pp. 26–28 in docket ID number EPA–HQ–OPP–2012–0132.

### *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 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 glyphosate used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of April 8, 2011 (76 FR 19701) (FRL–8866–8).

### *C. Exposure Assessment*

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to glyphosate, EPA considered exposure under the petitioned-for tolerances as well as all existing

glyphosate tolerances in 40 CFR 180.364. EPA assessed dietary exposures from glyphosate 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.

No such effects were identified in the toxicological studies for glyphosate; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). This dietary survey was conducted from 2003 to 2008. As to residue levels in food, EPA assumed tolerance level residues and 100 percent crop treated (PCT) for both proposed and existing commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that glyphosate 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 percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for glyphosate. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used both a screening level water exposure model (surface water) as well as monitoring data (ground water) in the dietary exposure analysis and risk assessment for glyphosate in drinking water. The simulation model takes into account data on the physical, chemical, and fate/transport characteristics of glyphosate. 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 Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) and monitoring data from the National Water-Quality Assessment Program (NAWQA), the estimated drinking water concentrations (EDWCs) of glyphosate for chronic exposures are estimated to be 8.11 parts per billion (ppb) for surface water and 2.03 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration of value 8.11 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).

Glyphosate is currently registered for the following uses that could result in residential exposures: Turf (including golf courses and residential lawns) and for aquatic application. EPA assessed residential exposure using the following assumptions:

Based on the registered residential use patterns, there is a potential for short-term dermal and inhalation exposures to homeowners who mix and apply products containing glyphosate (residential handlers). However, since short- and intermediate-term dermal or inhalation endpoints were not selected, a quantitative exposure risk assessment was not completed.

Based on the registered use patterns, children 1–2 years old may have short-term post-application incidental oral exposures from hand-to-mouth behavior on treated lawns and swimmers (adults and children 3–6 years old) may have short-term post-application incidental oral exposures from aquatic uses. Based on the soil half-life for glyphosate, intermediate-term soil ingestion was also considered for children 1<2 years old. The incidental oral scenarios for the turf assessment (i.e., hand-to-mouth, object-to-mouth, and soil ingestion) should be considered inter-related and it is likely that they occur interspersed amongst each other across time. Combining these scenarios would be overly conservative because of the conservative nature of each individual assessment. Therefore, none of the incidental oral scenarios were combined.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticides/trac/science/trac6a05.pdf.*

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 glyphosate to share a common mechanism of toxicity with any other substances, and glyphosate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that glyphosate 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 Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no quantitative or qualitative evidence of increased susceptibility of rat or rabbit fetuses to *in utero* exposure in developmental studies. A focal tubular dilation of the kidneys was observed in an older 3-generation reproductive study on rats at the 30-mg/kg/day level (HDT); however, a 2-generation reproductive study on rats did not observe the same effect at the 1,500 mg/kg/day level (HDT), nor were any adverse reproductive effects observed at any dose level. A clear NOAEL was established and the cRfD was set at a level well below this effect. Therefore, the endpoints selected for risk assessment are protective of the effects seen in the 3-generation rat reproduction 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 glyphosate is complete.

ii. There is no indication that glyphosate is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional uncertainty factors (UFs) to account for neurotoxicity.

iii. As discussed in Unit III.D.2., there is no evidence that glyphosate results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the surface water modeling used to assess exposure to glyphosate in drinking water. EPA used similarly conservative assumptions to assess post-application incidental oral exposure of children. These assessments will not underestimate the exposure and risks posed by glyphosate.

*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 acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, 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.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, glypyhosate is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to glyphosate from food and water will utilize 13% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of glyphosate is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Glyphosate is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to glyphosate.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 2,000 for the general U.S. population and 450 for children 1–2 years old. Because EPA's level of concern for glyphosate is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Glyphosate is currently registered for uses that could result in intermediate-term residential exposure to children 1–2 years old, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with intermediate-term residential exposures to glyphosate.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that the combined intermediate-term food, water, and residential exposures result in an aggregate MOE of 770 for children 1–2 years old, the population subgroup of concern. Because EPA's level of concern for glyphosate is a MOE of 100 or below, these MOEs are not of concern.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, glyphosate is not expected to pose a cancer risk to humans.

6. *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 glyphosate residues.

## IV. Other Considerations

*A. Analytical Enforcement Methodology*

Adequate enforcement methodology (high-performance liquid chromatography (HPLC)) is available to enforce the tolerance expression.

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.

The Codex has established MRLs for glyphosate in or on cotton seed at 40 ppm, sunflower seed at 7 ppm, and rape seed at 20 ppm. The MRL for cotton seed is the same as the oilseed crop group tolerance and the MRL for rape seed is the same as the canola seed tolerance being established by this document. Based on the oilseed residue data, harmonization with the Codex sunflower seed tolerance is not possible.

*C. Revisions to Petitioned-For Tolerances*

The Agency has revised the petitioned-for tolerances as follows:

The proposed increase in tolerance for vegetables, root and tuber, group 1, except sugar beet from 0.2 ppm to 6 ppm cannot be done at this time due to inadequate residue data. Instead, the Agency is establishing individual tolerances for carrot at 5.0 ppm and sweet potato at 3.0 ppm and modifying the existing tolerance on vegetables, root and tuber, group 1, except sugar beet at 0.20 ppm to read as ''vegetables, root and tuber, group 1, except sugar beet, carrot, and sweet potato.''

The petition requested a tolerance at 40 ppm on the oilseed group 20. In order to maintain harmonization with both Canada and Codex the Agency is establishing a tolerance on the oilseed crop group 20, except canola at 40 ppm and is maintaining the existing canola seed tolerance at 20 ppm.

The petition requested that the current tolerance for vegetable, fruiting, group 8 be updated to the new vegetable, fruiting, group 8–10. Okra is part of the new crop group, however,

and the currently established tolerance in or on crop group 8 is 0.1 ppm, whereas the okra tolerance is 0.5 ppm. Due to this difference, the Agency is updating crop group 8 to read ''vegetable, fruiting, group 8–10, except okra'' and maintaining the existing okra tolerance at 0.5 ppm.

Lastly, several of the tolerance values on the crop group conversions are being revised to reflect Agency policy concerning significant figures.

## V. Conclusion

Therefore, tolerances are established for residues of glyphosate *N*-(phosphonomethyl) glycine in or on the raw agricultural commodity teff, forage at 100 ppm; teff, hay at 100 ppm; oilseeds, group 20, except canola at 40 ppm; vegetable, root and tuber, group 1, except carrot, sweet potato, and sugar beet at 0.20 ppm; carrot at 5.0 ppm; sweet potato at 3.0 ppm; vegetable, bulb, group 3–07 at 0.20 ppm; vegetable, fruiting, group 8–10 (except okra) at 0.10 ppm; fruit, citrus, group 10–10 at 0.50 ppm; fruit, pome, group 11–10 at 0.20 ppm; and berry and small fruit, group 13–07 at 0.20 ppm.

In addition, due to the establishment of the tolerances in this document, the following tolerances are being removed as unnecessary: Vegetables, root and tuber, crop group 1, except sugar beet; vegetable, bulb, group 3; vegetable, fruiting, group 8; fruit, citrus, group 10; fruit, pome, group 11; berry group 13; borage, seed; cotton, undelinted seed; crambe, seed; flax, meal; flax, seed; jojoba seed; lesquerella, seed; meadowfoam, seed; mustard seed; rapeseed, seed; safflower, seed; sesame, seed; sunflower, seed; cranberry; grape; juneberry; kiwifruit; lingonberry; salal; and strawberry.

## 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: April 19, 2013.

**Daniel J. Rosenblatt,**

*Acting Director, Registration Division, 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 § 180.364:

■ a. Add alphabetically to the table in paragraph (a)(1) the following commodities.

■ b. Remove from the table in paragraph (a)(1), the commodities berry group 13; borage, seed; cotton, undelinted seed; crambe, seed; cranberry; flax, meal; flax, seed; fruit, citrus, group 10; fruit, pome, group 11; grape; jojoba seed; juneberry; kiwifruit; lesquerella, seed; lingonberry; meadowfoam, seed; mustard seed; rapeseed, seed; safflower, seed; salal; sesame, seed; strawberry; sunflower, seed; vegetable, bulb, group 3; vegetable, fruiting, group 8; vegetable, root and tuber, group 1, except sugar beet.

The additions read as follows:

### § 180.364 Glyphosate; tolerances for residues.

(a) General. (1) * * *

| Commodity | Parts per million |
|---|---|
| * * * * * | |
| Berry and small fruit, group 13–07 | 0.20 |
| * * * * * | |
| Carrot | 5.0 |
| * * * * * | |
| Fruit, citrus, group 10–10 | 0.50 |
| Fruit, pome, group 11–10 | 0.20 |
| * * * * * | |
| Oilseeds, group 20, except canola | 40 |
| * * * * * | |
| Sweet potato | 3.0 |
| * * * * * | |
| Teff, forage | 100 |
| * * * * * | |
| Teff, hay | 100 |

| Commodity | Parts per million |
|---|---|
| * * * * * | |
| Vegetable, bulb, group 3–07 | 0.20 |
| * * * * * | |
| Vegetable, fruiting, group 8–10 (except okra) | 0.10 |
| * * * * * | |
| Vegetables, root and tuber, group 1, except carrot, sweet potato, and sugar beet | 0.20 |
| * * * * * | |

* * * * *

[FR Doc. 2013–10316 Filed 4–30–13; 8:45 am]

BILLING CODE 6560–50–P

# Proposed Rules

Federal Register
Vol. 78, No. 84
Wednesday, May 1, 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 TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2013–0165; Airspace Docket No. 13–AGL–6]**

## Proposed Amendment of Class D Airspace; Sparta, WI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class D airspace at Sparta/Fort McCoy Airport, Sparta, WI. Changes to the airspace description are necessary due to the need to exclude active military restricted airspace. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for standard instrument approach procedures at the airport.

**DATES:** Comments must be received on or before June 17, 2013.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2013–0165/Airspace Docket No. 13–AGL–6, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527), is on the ground floor of the building at the above address.

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

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2013–0165/Airspace Docket No. 13–AGL–6.'' The postcard will be date/time stamped and returned to the commenter.

### Availability of NPRMs

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

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

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

### The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by amending Class D airspace at Sparta/Fort McCoy Airport, Sparta, WI, to reflect the exclusion of that airspace within Restricted Areas R–6901A/B. Controlled airspace is needed for the safety and management of IFR operations at the airport.

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

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

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

**Environmental Review**

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

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (Air).

**The Proposed Amendment**

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

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

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

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

**§ 71.1 [Amended]**

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

*Paragraph 5000 Class D Airspace.*

* * * * *

**AGL WI D Sparta, WI [Amended]**

Sparta, Sparta/Fort McCoy Airport, WI
(Lat. 43°57′30″ N., long. 90°44′16″ W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4-mile radius of Sparta/Fort McCoy Airport, excluding that airspace within Restricted Area R–6901 A/B. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Fort Worth, TX, on April 11, 2013.

**David P. Medina,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. 2013–10160 Filed 4–30–13; 8:45 am]

BILLING CODE 4901–13–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 71

**[Docket No. FAA–2013–0073; Airspace Docket No. 13–ASO–2]**

## Proposed Amendment of Class E Airspace; Dayton, TN, Establishment of Class E Airspace; Cleveland, TN, and Revocation of Class E Airspace; Bradley Memorial Hospital, Cleveland, TN

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E Airspace at Dayton, TN, as the Hardwick Non-Directional Beacon (NDB) has been decommissioned and new Standard Instrument Approach Procedures (SIAPs) have been developed at Mark Anton Airport. Also, Hardwick Field Airport has closed; therefore, the controlled airspace area would be removed. This proposal also would establish Class E Airspace at Cleveland Regional Jetport, Cleveland, TN, to accommodate area navigation (RNAV) global positioning system (GPS) SIAPs at the airport. Information regarding Bradley Memorial Hospital would be added to the Cleveland, TN, airspace description and removed from both the Dayton, TN, regulatory text as well as its listing as Bradley Memorial Hospital, Cleveland, TN, to correct an erroneous reference. This proposal would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations in the Dayton, TN, and Cleveland, TN, airspace areas.

**DATES:** Comments must be received on or before June 17, 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–2013–0073; Airspace Docket No. 13–ASO–2, 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–2013–0073; Airspace Docket No. 13–ASO–2) 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–2013–0073; Airspace Docket No. 13–ASO–2.'' 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 between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays, 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 amend Class E airspace extending upward from 700 feet above the surface within a 9.8-mile radius of Mark Anton Airport, Cleveland, TN, to support new Standard Instrument Approach Procedures developed at Mark Anton Airport. Airspace reconfiguration is necessary due to the decommissioning of the Hardwick NDB and cancellation of the NDB approach. Also, controlled airspace is no longer needed and would be removed from Hardwick Field Airport as the airport has closed. This proposal also would 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. Bradley Memorial Hospital information would be added to the Cleveland, TN descriptor and regulatory text, and removed from both the Dayton, TN, regulatory text as well as its listing as Bradley Memorial Hospital, Cleveland, TN, to correct an erroneous reference. This proposal would enhance the safety and airspace management of Instrument Flight Rules (IFR) operations in the Dayton, TN, and Cleveland, TN, airspace areas.

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 amend Class E airspace in the Dayton, TN, and Cleveland, TN, areas.

This proposal would 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 TN E5 Dayton, TN [Amended]**

Mark Anton Airport, TN
(Lat. 35°29′10″ N., long. 84°55′52″ W.)
Bledsoe County Hospital, Pikeville, TN,
Point in Space Coordinates
(Lat. 35°37′34″ N., long. 85°10′38″ W.)

That airspace extending upward from 700 feet above the surface within a 9.8-mile radius of the Mark Anton Airport, and that airspace within a 6-mile radius of the Point in Space Coordinates (lat. 35°37′34″ N., long. 85°10′38″ W.) serving Bledsoe County Hospital, Pikeville, TN.

* * * * *

**ASO TN E5 Cleveland, TN [New]**

Cleveland Regional Jetport, TN
(Lat. 35°12′41″ N., long. 84°47′59″ W.)
Bradley Memorial Hospital, TN
Point in Space Coordinates
(Lat. 35°10′52″ N., long. 84°52′56″ 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, and within a 6-mile radius of the Point in Space Coordinates (lat. 35°10′52″ N., long. 84°52′56″ W.) serving Bradley Memorial Hospital.

* * * * *

**ASO TN E5 Bradley Memorial Hospital, Cleveland, TN [ Removed]**

Issued in College Park, Georgia, on April 22, 2013.

**Barry A. Knight,**

*Manager, Operations Support Group, Eastern Service Center, Operations Support Group.*

[FR Doc. 2013–10193 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–0163; Airspace Docket No. 13–AWP–2]**

## Proposed Establishment of Class E Airspace; Grand Canyon, AZ

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace at the Grand Canyon VHF Omni-Directional Radio Range/Distance Measuring Equipment (VOR/DME) navigation aid, Grand Canyon, AZ, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft

under control of Los Angeles Air Route Traffic Control Center (ARTCC). The FAA is proposing this action to enhance the safety and management of aircraft operations within the National Airspace System.

**DATES:** Comments must be received on or before June 17, 2013.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2013–0163; Airspace Docket No. 13–AWP–2, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

**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 (FAA Docket No. FAA 2013–0163 and Airspace Docket No. 13–AWP–2) 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.*

Commenters 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 FAA Docket No. FAA–2013–0163 and Airspace Docket No. 13–AWP–2''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. 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 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 the **ADDRESSES** section for the 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 Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

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

## The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface at the Grand Canyon VOR/DME, Grand Canyon, AZ. This action would contain aircraft while in IFR conditions under control of Los Angeles ARTCC by vectoring aircraft from en route airspace to terminal areas.

Class E airspace designations are published in paragraph 6006 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 this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation; (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 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 U.S. Code. Subtitle 1, Section 106, describes the authority for 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 the 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 the Grand Canyon VOR/DME, Grand Canyon, AZ.

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

Accordingly, pursuant to the authority delegated to me, 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 14 CFR 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 the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and

effective September 15, 2012 is amended as follows:

*Paragraph 6006 En Route Domestic Airspace Areas.*

* * * * *

**AWP AZ E6 Grand Canyon, AZ [New]**

Grand Canyon VOR/DME, AZ
(Lat. 35°57′37″ N., long. 112°08′46″ W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 37°32′00″ N., long. 113°08′00″ W.; to lat. 37°30′00″ N., long. 113°01′00″ W.; to lat. 37°30′00″ N., long. 112°04′00″ W.; to lat. 37°25′00″ N., long. 111°53′00″ W.; to lat. 36°25′00″ N., long. 111°31′00″ W.; to lat. 35°26′00″ N., long. 112°00′00″ W.; to lat. 35°23′00″ N., long. 112°40′00″ W.; to lat. 34°55′00″ N., long. 113°38′00″ W.; to lat. 35°01′00″ N., long. 114°13′00″ W.; to lat. 36°02′00″ N., long. 112°58′00″ W.; to lat. 36°02′00″ N., long. 113°44′00″ W.; to lat. 36°23′00″ N., long. 113°46′00″ W.; to lat. 36°42′00″ N., long. 112°56′00″ W.; to lat. 36°57′00″ N., long. 112°52′00″ W.; to lat. 37°15′00″ N., long. 113°12′00″ W.; to lat. 37°26′00″ N., long. 113°12′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on April 15, 2013.

**Clark Desing,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2013–10290 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Docket No. FAA–2013–0258; Airspace Docket No. 13–ANM–12]**

## Proposed Modification of Class E Airspace; Twin Falls, ID

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify Class E airspace at Twin Falls Joslin Field-Magic Valley Regional Airport, Twin Falls, ID. Controlled airspace is necessary to accommodate aircraft using the Area Navigation (RNAV) Global Positioning System (GPS) and the Instrument Landing System (ILS) or Localizer (LOC) standard instrument approach procedures at the airport. The geographic coordinates of the airport and navigation aid also would be adjusted in the respective Class E airspace areas, and the airport name corrected to Twin Falls Joslin Field-Magic Valley Regional Airport. The FAA is proposing this action to enhance the safety and management of aircraft operations at the airport.

**DATES:** Comments must be received on or before June 17, 2013.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2013–0258; Airspace Docket No. 13–ANM–12, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

**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 (FAA Docket No. FAA 2013–0258 and Airspace Docket No. 13–ANM–12) 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.*

Commenters 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 FAA Docket No. FAA–2013–0258 and Airspace Docket No. 13–ANM–12''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. 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 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 the **ADDRESSES** section for the 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 Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

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

### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by modifying Class E airspace extending upward from 700 feet above the surface and 1,200 feet above the surface at Twin Falls Joslin Field-Magic Valley Regional Airport, Twin Falls, ID, to accommodate aircraft using the RNAV (GPS) and the ILS or LOC standard instrument approach procedures at the airport. Also, the geographic coordinates of the airport Twin Falls VHF Omni-Directional Radio Range Tactical Air Navigational Aid (VORTAC) would be updated to coincide with the FAA's aeronautical database for the respective Class E airspace areas. This action would enhance the safety and management of aircraft operations at the airport. The airport formerly called Twin Falls-Sun Valley Regional Airport, Joslin Field or Joslin Field-Magic Valley Regional is renamed Twin Falls Joslin Field-Magic Valley Regional Airport.

Class D and Class E airspace designations are published in paragraphs 5000, 6002, 6004 and 6005, respectively, of FAA Order 7400.9W, dated August 8, 2012, and effective

September 15, 2012, which is incorporated by reference in 14 CFR part 71.1. The Class D and Class E airspace designation listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation (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 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 U.S. Code. Subtitle 1, Section 106, describes the authority for 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 the 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 modify controlled airspace at Twin Falls Joslin Field-Magic Valley Regional Airport, Twin Falls, ID.

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**

Accordingly, pursuant to the authority delegated to me, 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 14 CFR 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 Part 71.1 of the Federal Aviation Administration Order 7400.9W, Airspace Designations and Reporting Points, dated August 8, 2012, and effective September 15, 2012 is amended as follows:

*Paragraph 5000 Class D airspace.*

* * * * *

**ANM ID D Twin Falls, ID [Modified]**

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)

That airspace extending upward from the surface to and including 6,700 feet MSL within a 4.3-mile radius of Twin Falls Joslin Field-Magic Valley Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6002 Class E airspace designated as surface areas.*

* * * * *

**ANM ID E2 Twin Falls, ID [Modified]**

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)

Within a 4.3-mile radius of Twin Falls Joslin Field-Magic Valley Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

*Paragraph 6004 Class E airspace designated as an extension to Class D surface area.*

* * * * *

**ANM ID E4 Twin Falls, ID [Modified]**

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)
Twin Falls VORTAC
(Lat. 42°28′48″ N., long. 114°29′22″ W.)

That airspace extending upward from the surface 4.2 miles south and 4.4 miles north of the Twin Falls VORTAC 086° and 281° radials extending from the 4.3-mile radius of Twin Falls Joslin Field-Magic Valley Regional Airport to 9.2 miles east and 9.2 miles west of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

* * * * *

**ANM ID E5 Twin Falls, ID [Modified]**

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)

That airspace extending upward from 700 feet above the surface within 10.5 miles north and 6 miles south of the Twin Falls Joslin Field-Magic Valley Regional Airport 086° bearing extending 26.1 miles east, and within 4.3 miles each side of the airport 156° bearing extending 8.3 miles southeast and within 10.3 miles north and 7.3 miles south of the airport 281° bearing extending 20 miles west; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 43°22′00″ N., long. 115°08′00″ W.; to lat. 43°09′00″ N., long. 114°03′00″ W.; to lat. 42°33′00″ N., long. 114°03′00″ W.; to lat. 42°18′00″ N., long. 114°06′00″ W.; to lat. 41°48′00″ N., long. 115°00′00″ W.; to lat. 43°01′00″ N., long. 115°20′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on April 11, 2013.

**Clark Desing,**

*Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2013–10284 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket No. USCG–2013–0189]**

**RIN 1625–AA00**

## Safety Zones; National Cherry Festival Air Show and Fireworks Display; West Grand Traverse Bay, Traverse City, MI

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish safety zones in the Captain of the Port Sault Sainte Marie Zone. These proposed safety zones are intended to restrict vessels from certain portions of water areas within Sector Sault Sainte Marie Captain of the Port zone. These temporary safety zones are necessary to protect spectators and vessels from the hazards associated with fireworks displays and aircraft involved in an air show.

**DATES:** Comments and related materials must be received by the Coast Guard on or before May 31, 2013.

**ADDRESSES:** You may submit comments identified by docket number USCG–

2013–0189 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov*.

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email MST1 Thomas Link, Prevention Department, Coast Guard, Sector Sault Sainte Marie, MI, telephone (906) 253–2443, email *thomas.a.link@uscg.mil*. If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone 202–366–9826.

**SUPPLEMENTARY INFORMATION:**

## Table of Acronyms

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

## A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

### *1. Submitting Comments*

If you submit a comment, please include the docket number for this rulemaking (USCG–2013–0189), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number (USCG–2013–0189) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

### *2. Viewing Comments and Documents*

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*, type the docket number (USCG–2013–0189) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

### *3. Privacy Act*

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

### *4. Public Meeting*

We do not now plan to hold a public meeting, but you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

## B. Background and Purpose

From June 28 to June 30, 2013, the National Cherry Festival in Traverse City, MI will host an air show over the West Arm of Grand Traverse Bay. At the conclusion of the National Cherry Festival on July 6, 2013, fireworks will be launched in Grand Traverse Bay. The Captain of the Port, Sault Sainte Marie has determined that the air show and fireworks display pose various potential hazards to the public, including premature detonations, dangerous projectiles, and falling or burning debris.

With these potential hazards in mind, the Captain of the Port Sault Sainte Marie proposes to establish a temporary safety zone pursuant to the authority granted in the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.)

## C. Discussion of Proposed Rule

To safeguard against the dangers posed by the National Cherry Festival air show and fireworks display, the Captain of the Port, Sault Sainte Marie has determined that temporary safety zones are necessary. Thus, the Captain of the Port, Sault Sainte Marie proposes to establish two safety zones for the air show and fireworks display over the West Arm of Grand Traverse Bay.

The proposed safety zone for the air show will be established on June 28, 2013, until June 30, 2013, in a position over West Grand Traverse Bay bounded by a line drawn from 44°46′48″ N, 085°38′18″ W, then southeast to 44°46′30″ N, 085°35′30″ W, then southwest to 44°46′00″ N, 085°35′48″ W, then northwest to 44°46′18″ N, 085°38′18″ W, then back to the point of origin.

This proposed safety zone will be effective from 12 p.m. on June 28, 2013, until 3 p.m. on June 30, 2013. This proposed safety zone will be enforced daily from 12 p.m. until 3 p.m.

A proposed safety zone will be established on July 6, 2013, for the National Cherry Festival Fireworks display over West Grand Traverse Bay within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W.

This proposed safety zone will be effective and enforced from 10 p.m. to 11:30 p.m. on July 6, 2013.

Entry into, transiting, or anchoring within the proposed safety zones is prohibited unless authorized by the

Captain of the Port, Sault Sainte Marie, or his on-scene representative. All persons and vessels authorized to enter the proposed safety zones shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene representative. The Captain of the Port or his on-scene representative may be contacted via VHF Channel 16.

**D. Regulatory Analyses**

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

*1. Regulatory Planning and Review*

This proposed 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. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues.

The safety zones established by this proposed rule will be relatively small and enforced for a relatively short time. Also, the safety zones are designed to minimize their impacts on navigable waters in that vessels may still transit unrestricted portions of the waterways. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port, Sault Sainte Marie. On the whole, the Coast Guard expects insignificant adverse impact to mariners from the enforcement of this proposed rule.

*2. Impact on Small Entities*

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

This proposed rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit around West Grand Traverse Bay, Traverse City, Michigan, between 12:30 p.m. and 3 p.m. on June 28 to June 30, 2013, and from 10 p.m. to 11:30 p.m. on July 6, 2013.

These proposed safety zones will not have a significant economic impact on a substantial number of small entities for the reasons discussed in the *Regulatory Planning* and Review section above.

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

*3. Assistance for Small Entities*

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed 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 MST1 Thomas Link, Prevention Department, Coast Guard Sector Sault Sainte Marie, MI at (906) 253–2443. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

*4. Collection of Information*

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

*5. Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and determined that this rule 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 proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

*7. Taking of Private Property*

This proposed rule would not affect 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 proposed 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 From Environmental Health Risks*

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

*12. Technical Standards*

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

*13. Environment*

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and

have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule is categorically excluded, under figure 2–1, paragraph (34) (g), of the Commandant Instruction because it involves the establishment of a safety zone. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**.

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0189 to read as follows:

### § 165.T09–0189 Safety Zone; National Cherry Festival Air Show and Fireworks Display, West Grand Traverse Bay, Traverse City, MI.

(a) National Cherry Festival Fireworks Display; Traverse City, MI:

(1) *Location:* All U.S. navigable waters and adjacent shoreline of the West Arm of Grand Traverse Bay within the arc of a circle with a 1000-foot radius from the fireworks launch site located on a barge in position 44°46′12″ N, 085°37′06″ W [DATUM: NAD 83].

(2) *Effective and Enforcement Period:* This regulation will be enforced on July 6, 2013, from 10 p.m. until 11:30 p.m.

(b) National Cherry Festival Air Show; Traverse City, MI:

(1) *Location:* All U.S. navigable waters of the West Arm of Grand Traverse Bay bounded by a line drawn from 44°46′48″ N, 085°38′18″ W, then southeast to 44°46′30″ N, 085°35′30″ W, then southwest to 44°46′00″ N, 085°35′48″ W, then northwest to 44°46′30″ N, 085°38′30″ W, then back to the point of origin [DATUM: NAD 83].

(2) *Effective and Enforcement period.* This regulation will be enforced from 12 p.m. until 3 p.m. daily from June 28, to June 30, 2013.

(i) The Captain of the Port, Sault Sainte Marie may suspend enforcement of the safety zones established under this section.

(ii) the Captain of the Port, Sault Sainte Marie will notify the public of the enforcement and suspension of enforcement of the safety zones established by this section via any means listed in 33 CFR 165.7(a). The primary method of notification, however, will be through Broadcast Notice to Mariners and local Notice to Mariners.

(c) Definitions. The following definitions apply to this section:

(1) Designated representative means any Coast Guard commissioned, warrant, or petty officer designated by the Captain of the Port, Sault Sainte Marie to monitor these safety zones, permit entry into these safety zones, give legally enforceable orders to persons or vessels within these safety zones, or take other actions authorized by the Captain of the Port.

(2) Public vessel means a vessel owned, chartered, or operated by the United States or by a State or political subdivision thereof.

(d) *Regulations.*

(1) The general regulations in 33 CFR 165.23 apply.

(2) All persons and vessels must comply with the instructions of the Coast Guard Captain of the Port, Sault Sainte Marie or a designated representative. Upon being hailed by the U.S. Coast Guard by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(3) When the safety zones are established by this section and are being enforced, all vessels must obtain permission from the Captain of the Port, Sault Sainte Marie or his or her designated representative to enter, move within, or exit that safety zone. Vessels and persons granted permission to enter the safety zones shall obey all lawful orders or directions of the Captain of the Port or his or her designated representative. While within the safety zones, all vessels shall operate at the minimum speed necessary to maintain a safe course.

(e) Exemption. Public vessels, as defined in paragraph (c) of this section, are exempt from the requirements in this section.

Dated: April 4, 2013.

**J.C. McGuiness,**

*Captain, U.S. Coast Guard, Captain of the Port, Sault Sainte Marie.*

[FR Doc. 2013–09993 Filed 4–30–13; 8:45 am]

BILLING CODE 9110–04–P

## DEPARTMENT OF HOMELAND SECURITY

## Coast Guard

## 33 CFR Part 165

**[Docket No. USCG–2013–0192]**

**RIN 1625–AA00**

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

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

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

**DATES:** Comments and related materials must be received by the Coast Guard on or before May 31, 2013.

**ADDRESSES:** You may submit comments identified by docket number USCG–2013–0192 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

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

**SUPPLEMENTARY INFORMATION:**

**Table of Acronyms**

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

## A. Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

*1. Submitting Comments*

If you submit a comment, please include the docket number for this rulemaking (USCG–2013–0192), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *www.regulations.gov*, or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when the comment is successfully transmitted. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when the comment is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov*, type the docket number (USCG–2013–0192) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

*2. Viewing Comments and Documents*

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

*3. Privacy Act*

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008 issue of the **Federal Register** (73 FR 3316).

*4. Public Meeting*

We do not now plan to hold a public meeting. But you may submit a request for one the using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

## B. Basis and Purpose

To further commemorate the War of 1812, the U.S. Navy will hold a series of events along the Great Lakes during the summer of 2013. This War of 1812 Bicentennial Commemoration is expected to bring millions of spectators to port areas throughout the Great Lakes. Detailed information about this commemoration can be found at *http://www.visit1812.com*.

Also to commemorate the War of 1812 over the summer of 2013, twenty-one tall ships will traverse all five Great Lakes as part of the Tall Ships Challenge Great Lakes 2013. Between June 13 and September 17, 2013, the tall ships will appear in twenty-two Great Lakes ports and participate in five separate races. Of note, various tall ships will participate in the re-enactment of the Battle of Lake Erie in the vicinity of Put-in-Bay, OH on September 2, 2013. Millions of spectators are expected to attend tall ships events throughout the Great Lakes. Information about the Tall Ships Challenge can be found at: *http://www.sailtraining.org/tallships/2013greatlakes/*

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

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

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

## C. Discussion of Proposed Rule

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

These proposed safety zones will be in effect and enforced from 12:01 a.m. on June 13, 2013, until 11:59 p.m. on September 17, 2013. On September 2, 2013, each tall ship participating in the re-enactment of the Battle of Lake Erie will be surrounded by a safety zone 500 yards in radius. At all other times, between June 13, 2013, and September 17, each tall ship will be surrounded by a safety zone 100 yards in radius. These proposed safety zones will be in effect and enforced around each tall ship

regardless of whether the tall ship is underway, at anchor, or moored.

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

**D. Regulatory Analyses**

We developed this proposed 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 proposed 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. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS). We conclude that this proposed rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues.

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

*2. Impact on Small Entities*

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

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

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

*3. Assistance for Small Entities*

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

*4. Collection of Information*

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

*5. Federalism*

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and determined that this rule 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 proposed rule would not result in such an expenditure, we do discuss the effects of this temporary rule elsewhere in this preamble.

*7. Taking of Private Property*

This proposed temporary rule will not affect the 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 proposed temporary rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

*9. Protection of Children From Environmental Health Risks*

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

*10. Indian Tribal Governments*

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

*11. Energy Effects*

This proposed rule is not a ''significant energy action'' under Executive Order 13211, Actions

Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

*12. Technical Standards*

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

*13. Environment*

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

We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

**List of Subjects in 33 CFR Part 165**

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

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

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

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

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

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

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

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

(b) *Effective and Enforcement Period.* This rule is effective and will be enforced between 12:01 a.m. on June 13, 2013 until 11:59 p.m. on September 10, 2013.

(c) *Regulations.*

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

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

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

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

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

Dated: April 5, 2013.

**M.N. Parks,**

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

[FR Doc. 2013–10012 Filed 4–30–13; 8:45 am]

BILLING CODE 9110–04–P

# Notices

Federal Register

Vol. 78, No. 84

Wednesday, May 1, 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.

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Privacy Act of 1974, System of Records

**AGENCY:** United States Agency for International Development.

**ACTION:** Altered System of Records Notice.

**SUMMARY:** The United States Agency for International Development (USAID) is issuing public notice of its intent to alter its system of records maintained in accordance with the Privacy Act of 1974, (5 U.S.C. 552a), as amended, entitled ''AID–8 Personnel Security and Suitability Investigations Records.'' USAID is updating this system of record for a non-significant change, to reflect the address change for the location of the system and to change the Point of Contact.

**DATES:** The 30-day public comment period and 10-day additional OMB and Congress review period is not required for non-significant alterations.

**ADDRESSES:** You may submit comments:

**Paper Comments**

- *Fax:* (703) 666–1466.
- *Mail:* Chief Privacy Officer, United States Agency for International Development, 2733 Crystal Drive, 11th Floor, Arlington, VA 22202.

**Electronic Comments**

- *Federal eRulemaking Portal: http://www.regulations.gov.*
- *Email: privacy@usaid.gov.*

**FOR FURTHER INFORMATION CONTACT:** For general questions please contact, Lorrie Meehan, USAID: Personnel Security Division, (202) 712–0990. For privacy-related issues, please contact Meredith Snee, Deputy CPO (703) 666–1247.

**SUPPLEMENTARY INFORMATION:** USAID is undertaking a review of all its system of records notices to ensure that it maintains complete, accurate, timely, and relevant records. As a result of this effort, USAID is proposing to revise its ''Personnel Security and Suitability Investigations Records'' system of records notice.

The ''Personal Security and Suitability Investigations Records'' are maintained by the USAID Office of Security (SEC). SEC has been charged with providing security services to protect USAID personnel and facilities, safeguarding national security information, and promoting and preserving personal integrity. SEC receives investigative authority from the Director of National Intelligence and the Office of Personnel Management to conduct personnel security investigations for USAID and all other Federal Agencies/Departments permitted under the delegation. The revision updates points of contact and address information, and updates the system locations.

Dated: March 15, 2013.

**William Morgan,**

*Chief Information Security Officer—Chief Privacy Officer.*

### USAID–008

**SYSTEM NAME:**

Personnel Security and Suitability Investigations Records.

**SECURITY CLASSIFICATION:**

Secret.

**SYSTEM LOCATION:**

Records covered by this system are maintained at the following locations: (Paper) USAID Office of Security, 1300 Pennsylvania Avenue, Washington, DC 20523; (Electronic copies) Terremark NAP of the Americas, 2 S Biscayne Blvd., Miami FL 33131.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Categories of individuals maintained in this system are: current and former USAID employees; contractor personnel (Personal Service Contractors and Institutional Contractors); applicants for employment; persons and entities performing business with USAID to include consultants, volunteers, grantees and recipients; individuals employed from other Federal Agencies through a detail, Participating Agency Service Agreement, Resources Support Services Agreement, or the Interagency Personnel Act; individuals working at USAID through government agreements (second agreement); paid and unpaid interns; and visitors requiring access to USAID facilities; and the U.S. Citizen and/or non-U.S. Citizen spouse, intended spouse, family members, and/or cohabitants of the above listed individuals.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Categories of records maintained in this system are: name; address; date of birth; social security number (or other identifying number); citizenship status; information regarding an individual's character, conduct and behavior in the community where they presently live and/or previously lived; arrests and/or convictions; medical records; educational institutions attended; employment records; reports from interviews and other inquiries; electronic communication cables; facility access authorizations/restrictions; photographs, fingerprints; financial records including credit reports; previous clearances levels granted; resulting clearance levels; documentation of release of security files; request for special access; records of infractions; and records of facility accesses and credentials issued.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10450: Security requirements for Government Employment; Homeland Security Presidential Directive 12 (HSPD–12): Policy for a Common Identification Standard for Federal Employees and Contractors; Executive Order 12968: Access to Classified Information,; Executive Order 12333: United States Intelligence Activities; Executive Order 13381: Strengthening Processes Relating to Determining Eligibility for Access to Classified National Security Information; Executive Order 13467: Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; Executive Order 13488: Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust; and the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

**PURPOSE(S):**

The Office of Security gathers information in order to create investigative records, which are used for processing personal security background investigations to determine eligibility to be awarded a federal security clearance, suitability or fitness determination for federal employment, access to federally owned/controlled facilities and access to federally owned/controlled information systems.

**ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to USAID's Statement of General Routine Uses, the Office of Security may disclose information in this system as follows:

(1) To consumer reporting agencies in order to obtain consumer credit reports,

(2) To federal, international, state, and local law enforcement agencies, U.S. Government Agencies, courts, the Department of State, Foreign Governments, to the extent necessary to further the purposes of an investigation,

(3) Results of the investigation may be disclosed to the Department of State or other Federal Agencies for the purposes of granting physical and/or logical access to federally owned or controlled facilities and/or information systems in accordance with the requirements set forth in HSPD–12.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper copies of information are maintained in file folders and secured using locked cabinets and safes. Electronic copies of information are secured using password protection and role-based protocols.

**RETRIEVABILITY:**

Records are retrievable by last name, social security number, and/or USAID assigned case number or other unique identifier attributed to the individual.

**SAFEGUARDS:**

Records are kept within the Office of Security secured space. Access to this space is controlled by electronic card readers, office personnel to control access, visitor escorts policy and supplemented by an armed response force. Administrative safeguards of records are provided through the use of internal Standard Operating Procedures and routine appraisal reviews of the personnel security and suitability program by the Director of National Intelligence and the Office of Personnel Management.

**RETENTION AND DISPOSAL:**

Records are retained using the approved National Archives Records Administration, Schedule 18-Security and Protective Services Records.

**SYSTEM MANAGER AND ADDRESS:**

Director, USAID: Office of Security, RRB, Suite 2.06–A, 1300 Pennsylvania Ave. NW., Washington, DC 20523.

**NOTIFICATION PROCEDURES:**

Records in this system are exempt from notification access, and amendment procedures in accordance with subsection (k) (1) and (5) of the 5 U.S.C. 552a, and 22CFR 215.13 of 14. Individuals wishing to inquire whether this system of records contains information about themselves should submit their inquires in writing to the USAID Chief Privacy Officer, 2733 Crystal Drive, 11th Floor, Arlington, VA 22202.

The request must be in writing and include the requestor's full name, date of birth, social security number, and current address. In addition, requestors must also reasonably specify the record contents being sought.

**RECORD ACCESS PROCEDURES:**

See ''Notification Procedures.''

**CONTESTING RECORD PROCEDURES:**

An individual requesting amendment of a record maintained on himself or herself must identify the information to be changed and the corrective action sought. Requests must follow the ''Notification Procedures'' above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from the individual on whom it applies; independent sources such as other government agencies, state/local government; law enforcement agencies; credit bureaus; medical providers; educational institutions; private organizations; information provided by personal references; and through source interviews.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Under the specific authority provided by subsection (k) (1), (3), and (5) of 5 U.S.C. 552a, USAID has promulgated rules specified in 22 CFR 215.14, that exempts this system from notice, access, and amendment requirements of 5 U.S.C. 552a, subsections (c) (3), (d); (e) (1); (e) (4); (G); (H); (I); and (f). The reasons for these exemptions are to maintain confidentiality of sources, National Security, and to prevent frustration of the federal investigative process.

**Meredith Snee,**

*Privacy Analyst.*

[FR Doc. 2013–09105 Filed 4–30–13; 8:45 am]

BILLING CODE P

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### Waivers Under the Refined Sugar Re-Export Program

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notice.

**SUMMARY:** The Office of the Secretary of the Department of Agriculture (USDA) is waiving certain provisions in the Refined Sugar Re-Export Program, effective today. These actions are authorized under the waiver authority for the Refined Sugar Re-Export Program regulation at 7 CFR 1530.113. These waivers will facilitate a re-balancing of re-export program license amounts and provide greater flexibility to offset exports and transfers with raw sugar imports.

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

**FOR FURTHER INFORMATION CONTACT:** Ron Lord, Director, Import Policies and Export Reporting Division, Foreign Agricultural Service, Department of Agriculture, 1400 Independence Avenue SW., AgStop 1021, Washington, DC 20250–1021; by telephone (202) 720–6939; by fax (202) 720–0876; or by email *ronald.lord@fas.usda.gov*.

**SUPPLEMENTARY INFORMATION:** Under the Refined Sugar Re-Export Program, refiners may enter raw sugar unrestricted by the quantitative limit established for the raw sugar tariff-rate quota or the requirements of certificates of quota eligibility provided for in 15 CFR part 2011, as long as licensees export an equivalent quantity of refined sugar, either as refined sugar or as an ingredient in sugar-containing products, or use the refined sugar in the production of polyhydric alcohols. Because of current sugar market conditions, to operate the Sugar Program in accordance with the statutory mandate in section 156(f)(1) of the Federal Agriculture Improvement and Reform Act of 1996, as amended, at no cost to the Federal Government by avoiding the forfeiture of sugar to Commodity Credit Corporation, USDA is implementing the following two waivers under the waiver authority for the Refined Sugar Re-Export Program regulation at 7 CFR 1530.113. This will facilitate a re-balancing of re-export

program license amounts and provide greater flexibility to offset exports and transfers with raw sugar imports.

(1) USDA will temporarily permit licensed refiners to transfer program sugar from their license to another licensed refiner's license. This waiver shall be effective on the date of publication of this notice, and expire on September 30, 2013.

(2) USDA is temporarily increasing the license limit for raw cane sugar refiners from 50,000 metric tons raw value of credits to 100,000 metric tons raw value of credits. This waiver will expire on December 31, 2014. Beginning on January 1, 2015, the credit limit will again be 50,000 metric tons raw value. No change is being made to the 50,000 metric ton raw value limit for debits.

Dated: April 25, 2013.

**Michael T. Scuse,**

*Under Secretary, Farm and Foreign Agricultural Services.*

[FR Doc. 2013–10246 Filed 4–30–13; 8:45 am]

**BILLING CODE 3410–10–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**[Doc. Number AMS–FV–11–0054]**

### United States Standards for Grades of Okra

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS), of the United States Department of Agriculture (USDA), proposes to revise the voluntary United States Standards for Grades of Okra by removing the ''Unclassified'' section from the standards.

**DATES:** Comments must be received by May 31, 2013.

**ADDRESSES:** Interested persons are invited to submit written comments to the Standardization Branch, Specialty Crops Inspection Division, Fruit and Vegetable Program, AMS, USDA, National Training and Development Center, Riverside Business Park, 100 Riverside Parkway, Suite 101, Fredericksburg, VA 22406; Fax (540) 361–1199, or on the Web at: *www.regulations.gov.* Comments should make reference to the dates and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours. Comments can also be viewed as submitted, including any personal information you provide, on the *www.regulations.gov* Web site.

**FOR FURTHER INFORMATION CONTACT:** Dave Horner, Standardization Branch, Specialty Crops Inspection Division, (540) 361–1128 or 1150. The United States Standards for Grades of Okra are available through the Specialty Crops Inspection Division Web site at *http://www.ams.usda.gov/freshinspection.*

**SUPPLEMENTARY INFORMATION:** Section 203(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.'' AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities, and makes copies of official standards available upon request. The United States Standards for Grades of Fruits and Vegetables not connected with Federal Marketing Orders or U.S. Import Requirements, no longer appear in the Code of Federal Regulations, but are maintained by USDA, AMS, Fruit and Vegetable Program, and are available on the internet at *www.ams.usda.gov/freshinspection.*

AMS proposes to revise the voluntary United States Standards for Grades of Okra using the procedures that appear in Part 36, Title 7 of the Code of Federal Regulations (7 CFR part 36). These standards were last revised December 18, 1928.

#### Background and Response to Comments

On February 9, 2012, AMS published a notice in the **Federal Register** (77 FR 6772), soliciting comments regarding removing the unclassified section and any other possible revision to the United States Standards for Grades of Okra. The public comment period closed on April 9, 2012, with no responses.

Based on the information gathered, AMS proposes to remove and reserve Section ''51.3946 Unclassified.'' AMS believes the revision will bring the okra standards in line with current marketing practices and other commodity standards. This section is being removed in standards for all commodities as they are revised. It is no longer considered necessary, since it is not a grade and only serves to show that no grade has been applied to the lot.

This notice provides for a 30 day comment period for interested parties to comment on the proposed revision in the standards. This period is deemed appropriate in order to implement this change, if it is adopted, as soon as possible to reflect current marketing practices.

**Authority:** 7 U.S.C. 1621–1627.

Dated: April 25, 2013.

**David R. Shipman,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2013–10330 Filed 4–30–13; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

### Commodity Credit Corporation

### Information Collection Request: Web-Based Supply Chain Management Commodity Offer Forms

**AGENCY:** Farm Service Agency and Commodity Credit Corporation, USDA.

**ACTION:** Notice; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) and Commodity Credit Corporation (CCC) are seeking comments from all interested individuals and organizations on an extension, with a revision, of a currently approved information collection request. This information collection is necessary to support the procurement of agricultural commodities for domestic and export food donation programs. FSA and CCC issue invitations to purchase or sell commodities for food donation programs on monthly, multiple monthly, quarterly, and yearly bases. Special invitations, however, are issued throughout the month. Web-Based Supply Chain Management (WBSCM) allows respondents to submit information electronically.

**DATES:** Comments on this notice must be received on or before July 1, 2013.

**ADDRESSES:** We invite you to submit comments on this notice. In your comment, include the date and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Penny Carlson, Chief, Business Operations Support Division, Kansas City Commodity Office (KCCO), P.O. Box 419205, Kansas City, Missouri 64141–6205.

Comments also should be sent to the Desk Officer for Agriculture, Office of

Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be obtained from Penny Carlson at the above address.

**FOR FURTHER INFORMATION CONTACT:** Penny Carlson, Business Operations Support Division, phone (816) 926–2597.

**SUPPLEMENTARY INFORMATION:**

*Title:* WBSCM—Offer Forms.

*OMB Number:* 0560–0177.

*Expiration Date:* November 30, 2013.

*Type of Request:* Extension with a revision.

*Abstract:* The United States donates agricultural commodities domestically and overseas for famine or other relief requirements, to combat malnutrition, and sells or donates commodities to promote economic development. FSA and CCC issue invitations to purchase or sell agricultural commodities and services for use in domestic and export programs. Vendors respond by making offers using various FSA and CCC commodity offer forms.

This extension and revision of the information collection request is to allow for respondents to submit information electronically in WBSCM. The export offer information and the annual certification information will be entered and received electronically in WBSCM. Most of the domestic offer information will be entered and received electronically in WBSCM. Vendors will be able to access WBSCM to see the date and time the system shows for receipt of bid, bid modification, or bid cancellation information. At bid opening date and time, the bid information is evaluated through the system. Acceptances will be sent to the successful offerors electronically. Awarded contracts will be posted to the FSA Web site and also to the WBSCM portal and FedBizOpps (*https://www.fbo.gov/*). The reason for the change in burden hours is due to online system-WBSCM reducing data collection time; paper vs. WBSCM system.

*Estimate of Burden:* Public reporting burden for collecting information under this notice is estimated to average 15 to 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

*Respondents:* Business and other for-profit organizations.

*Estimated Number of Respondents:* 76.

*Estimated Average Number of Responses per Respondent:* 23.

*Estimated Total Annual Responses:* 858.

*Estimated Total Annual Burden on Respondents:* 237 hours.

We are requesting comments on all aspects of this information collection to help us to:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of FSA, including whether the information will have practical utility;

(2) Evaluate the accuracy of FSA's estimate of burden including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected;

(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.

All responses to this notice, including name and addresses when provided, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed on April 19, 2013.

**Juan M. Garcia,**

*Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 2013–10215 Filed 4–30–13; 8:45 am]

BILLING CODE 3410–05–P

## DEPARTMENT OF AGRICULTURE

### National Institute of Food and Agriculture

### Notice of Request for Applications for the Veterinary Medicine Loan Repayment Program

**AGENCY:** National Institute of Food and Agriculture, USDA.

**ACTION:** Notice.

**SUMMARY:** The National Institute of Food and Agriculture (NIFA) is announcing the release of the Veterinary Medicine Loan Repayment Program (VMLRP) Request for Applications (RFA) at *www.nifa.usda.gov/vmlrp.*

**DATES:** The fiscal year (FY) 2013 Veterinary Medicine Loan Repayment Program (VMLRP) application package is available at *www.nifa.usda.gov/vmlrp* and applications are due by Friday, May 31, 2013.

**FOR FURTHER INFORMATION CONTACT:** Gary Sherman; National Program Leader, Veterinary Science; National Institute of Food and Agriculture; U.S. Department of Agriculture; STOP 2240; 1400 Independence Avenue SW., Washington, DC 20250–2240; Voice: 202–401–4952; Fax: 202–401–6156; Email: *gsherman@nifa.usda.gov.*

**SUPPLEMENTARY INFORMATION:** On October 1, 2009, the Cooperative State Research, Education, and Extension Service (CSREES) became the National Institute of Food and Agriculture (NIFA) as mandated by section 7511(f) of the Food, Conservation, and Energy Act of 2008 (FCEA), Public Law 110–246. Accordingly, the authority to administer the VMLRP transferred from CSREES to NIFA.

**Background and Purpose**

In January 2003, the National Veterinary Medical Service Act (NVMSA) was passed into law adding section 1415A to the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (NARETPA). This law established a new Veterinary Medicine Loan Repayment Program (7 U.S.C. 3151a) authorizing the Secretary of Agriculture to carry out a program of entering into agreements with veterinarians under which they agree to provide veterinary services in veterinarian shortage situations. In November 2005, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006 (Pub. L. 109–97) appropriated $495,000 for CSREES to implement the VMLRP and represented the first time funds had been appropriated for this program.

On March 26, 2013, the President signed into law the Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113–6), which appropriated $4,430,000 for the VMLRP.

Section 7105 of FCEA amended section 1415A to revise the determination of veterinarian shortage situations to consider (1) geographical areas that the Secretary determines have a shortage of veterinarians; and (2) areas of veterinary practice that the Secretary determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety. This section also added that priority should be given to agreements with veterinarians for the practice of food animal medicine in veterinarian shortage situations.

NARETPA section 1415A requires the Secretary, when determining the amount of repayment for a year of service by a veterinarian to consider the ability of USDA to maximize the

number of agreements from the amounts appropriated and to provide an incentive to serve in veterinary service shortage areas with the greatest need. This section also provides that loan repayments may consist of payments of the principal and interest on government and commercial loans received by the individual for the attendance of the individual at an accredited college of veterinary medicine resulting in a degree of Doctor of Veterinary Medicine or the equivalent. This program is not authorized to provide repayments for any government or commercial loans incurred during the pursuit of another degree, such as an associate or bachelor degree. Loans eligible for repayment include educational loans made for one or more of the following: Loans for tuition expenses; other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the individual; and reasonable living expenses as determined by the Secretary. In addition, the Secretary is directed to make such additional payments to participants as the Secretary determines appropriate for the purpose of providing reimbursements to participants for individual tax liability resulting from participation in this program. Finally, this section requires USDA to promulgate regulations within 270 days of the enactment of FCEA (*i.e.,* June 18, 2008). The Secretary delegated the authority to carry out this program to NIFA.

The final rule was published in the **Federal Register** on April 19, 2010. 75 FR 20239–20248. Based on comments received during the 60-day comment period upon publication of the interim rule on July 9, 2009, 74 FR 32788–32798, NIFA reconsidered the policy regarding individuals who consolidated their veterinary school loans with other educational loans (e.g. undergraduate) and their eligibility to apply for the VMLRP. NIFA will allow these individuals to apply for and receive a VMLRP award; however, only the eligible portion of the consolidation will be repaid by the VMLRP. Furthermore, applicants with consolidated loans will be asked to provide a complete history of their student loans from the National Student Loan Database System (NSLDS), a central database for student aid operated by the U.S. Department of Education. The NSLDS Web site can be found at *www.nslds.ed.gov*. Individuals who consolidated their DVM loans with non-educational loans or loans belonging to an individual other than the applicant, such as a spouse or child, will continue to be ineligible for the VMLRP.

In FY 2010, VMLRP announced its first funding opportunity and received 260 applications from which NIFA issued 53 VMLRP awards totaling $5,186,000. In FY 2011, VMLRP announced its second funding opportunity and received 159 applications from which NIFA issued 78 VMLRP awards totaling $7,506,000. In FY 2012, VMLRP announced its third funding opportunity and received 139 applications from which NIFA issued 46 VMLRP awards totaling $4,519,212. Consequently, up to $4,000,000 is available to support this program in FY 2013. Funding for future years will be based on annual appropriations and balances, if any, remaining from prior years. The eligibility criteria for applicants and the application forms and associated instructions needed to apply for a VMLRP award can be viewed and downloaded from the VMLRP Web site at *http://www.nifa.usda.gov/vmlrp.*

Done in Washington, DC, this 24th day of April 2013.

**Meryl Broussard,**

*Deputy Director, National Institute of Food and Agriculture.*

[FR Doc. 2013–10213 Filed 4–30–13; 8:45 am]

**BILLING CODE 3410–22–P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* National Telecommunications and Information Administration.

*Title:* State Broadband Data and Development Grant Program.

*OMB Control Number:* 0660–0032.

*Form Number(s):* None.

*Type of Request:* Regular submission (revision/extension of a currently approved information collection).

*Number of Respondents:* 56 respondents; 2,000 sub-respondents.

*Average Hours per Response:* 3,123, respondents; 50 hours, sub-respondents.

*Burden Hours:* 549,776.

*Needs and Uses:* Despite the importance of broadband to the U.S. economy, information about broadband availability was not widely available until this dataset was developed. The data collected will continue to provide critical information for grant-making, regulatory and policy-making efforts, and to improve the quality of state-level broadband information. Numerous public and private stakeholders currently use the data to inform funding, policy and commercial decisions. Consumers and businesses also use the data to identify where broadband is available, the advertised speeds and other information.

NTIA proposes to revise the currently approved reporting requirements to include with each submission of data several ''best practices'' documents including a document describing each recipient's methodology for collecting and verifying data, a document that summarizes any major changes or corrections to data from the previous submission and a short text file (also known as a ''readme'' file) that summarizes basic, technical information for the dataset.

*Affected Public:* Businesses or other for-profit organizations.

*Frequency:* Semi-annually.

*Respondent's Obligation:* Mandatory.

*OMB Desk Officer:* Nicholas Fraser, (202) 395–5887.

Copies of the above information collection proposal can be obtained by calling or writing Jennifer Jessup, Departmental Paperwork Clearance Officer, (202) 482–0336, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Nicholas Fraser, OMB Desk Officer, FAX number (202) 395–7285, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov.*

Dated: April 25, 2013.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2013–10222 Filed 4–30–13; 8:45 am]

**BILLING CODE 3510–06–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (''the Department'') has received

requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

**SUPPLEMENTARY INFORMATION:**

## Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

## Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 60 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://iaaccess.trade.gov* in accordance with 19 CFR 351.303. *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''Act''). Further, in accordance with 19 CFR 351.303(f)(3)(ii), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

## Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

## Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

## Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate

eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 60 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [1] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://www.trade.gov/ia* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

**Initiation of Reviews**

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than March 31, 2014.

| | Period to be reviewed |
|---|---|
| **Antidumping Duty Proceedings** | |
| FRANCE: Brass Sheet and Strip, A–427–602 | 3/1/12–2/28/13 |
| Griset SA | |
| KME France (previously known as Trefimetaux) | |
| GERMANY: Brass Sheet and Strip, A–428–602 | 3/1/12–2/28/13 |
| Aurubis Stolberg GmbH & Co. KG | |
| Carl Schreiber GmbH | |
| KME Germany AG & Co. KG | |
| Messingwerk Plettenberg Herfeld GmbH & Co. KG | |
| MKM Mansfelder Kupfer & Messing GmbH | |
| Schlenk Metallfolien GmbH & Co. KG | |
| Schwermetall Halbzeugwerk GmbH & Co. KG | |
| Sundwiger Messingwerke GmbH & Co. KG | |
| ThyssenKrupp VDM GmbH | |
| Wieland-Werke AG | |
| INDIA: Certain Frozen Warmwater Shrimp,[3] A–533–840 | 2/1/12–1/31/13 |
| Devi Sea Foods Limited [4] | |
| ITALY: Brass Sheet and Strip, A–475–601 | 3/1/12–2/28/13 |
| KME Italy SpA | |
| SOCIALIST REPUBLIC OF VIETNAM: Certain Frozen Warmwater Shrimp,[5] [6] A–552–802 | 2/1/12–1/31/13 |
| Gallant Dachan Seafood Co., Ltd. | |
| SPAIN: Stainless Steel Bar, A–469–805 | 3/1/12–2/28/13 |
| Gerdau Aceros E-speciales Europa, S.L. | |
| TAIWAN: Polvinyl Alcohol, A–583–841 | 3/1/12–2/28/13 |
| Chang Chun Petrochemical Co., Ltd. | |
| THAILAND: Circular Welded Carbon Steel Pipes and Tubes, A–549–502 | 3/1/12–2/28/13 |
| Pacific Pipe Public Company Limited | |
| Saha Thai Steel Pipe (Public) Company, Ltd. | |
| THE PEOPLE'S REPUBLIC OF CHINA: Glycine,[7] A–570–836 | 3/1/12–2/28/13 |
| A&A Pharmachem Inc. | |
| AICO Laboratories India Ltd. | |
| Amol Pharmaceuticals Pvt. Ltd. | |
| Avid Organics | |
| Aqua Bond Inc. | |
| Baoding Mantong Fine Chemistry Co., Ltd. | |
| Beijing Onlystar Technology Co., Ltd. | |
| Chiyuen International Trading Ltd. | |

[1] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.,*) and entities that lost their separate rate in the most recently complete segment of the proceeding in which they participated.

[2] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

| | Period to be reviewed |
|---|---|
| China Jiangsu International Economic Technical Cooperation Corporation | |
| E-Heng Import and Export Co., Ltd. | |
| Evonik Rexim (Nanning) Pharmaceutical Co., Ltd. | |
| FarmaSino Pharmaceuticals (Jiangsu) Co., Ltd. | |
| General Ingredient Inc. | |
| Gulbrandsen Technologies (India) | |
| Gurvey & Berry Co. | |
| Hebei Donghua Jiheng Fine Chemical Co., Ltd. | |
| H.T. Griffin Food Ingredients | |
| Hong Kong United Biochemistry Co. Ltd. | |
| Jiangsu Dongchang Chemical | |
| Jiangxi Ansun Chemical Technology | |
| Jiangyin Trust International Inc. | |
| Jizhou City Huayang Chemical Co., Ltd. | |
| Kissner Milling Co. Ltd. | |
| NALCO Canada Co. | |
| Ningbo Create-Bio Engineering Co. Ltd. | |
| Ningbo Generic Chemical Co. | |
| Qingdao Samin Chemical Co., Ltd. | |
| Paras Intermediates Pvt. Ltd. | |
| Ravi Industries | |
| Salvi Chemical Industries | |
| Shanpar Industries Pvt. Ltd. | |
| Showa Denko K.K. | |
| Shijiazhuang Jackchem Co., Ltd. | |
| Shijiazhuang Zexing Amino Acid Co. | |
| Tianjin Garments Import & Export | |
| Tianjin Tiancheng Pharmaceutical Company | |
| Tianjin Tianen Enterprise Co. Ltd. | |
| Tywoon Development (China) Co., Ltd. | |
| Unipex Solutions Canada Inc. | |
| XPAC Technologies Inc. | |
| Yuki Gosei Kogyo Co., Ltd. | |
| THE PEOPLE'S REPUBLIC OF CHINA: Certain Tissue Paper Products,[8] A–570–894 | 3/1/12–2/28/13 |
| AR Printing & Packaging (India) Pvt. Ltd. | |
| LF Products Pte. Ltd. | |
| Stone Sapphire (HK) Limited | |
| **Countervailing Duty Proceedings** | |
| INDIA: Certain Hot-Rolled Carbon Steel Flat Products,[9] C–533–821 | 1/1/12–12/31/12 |
| TURKEY: Welded Carbon Steel Pipe and Tube, C–489–502 | 1/1/12–12/31/12 |
| Borusan Group | |
| Borusan Mannesmann Boru Sanayi ve Ticaret A.S. | |
| Borusan Holding A.S. | |
| Borusan Lojistik Dagitim Pepolama Tasimacilik ye Tic A.S. | |
| Borusan Istikbal Ticaret T.A.S. | |
| ERBOSAN Erciyas Boru Sanayi ve Ticaret A.S. | |
| Guven Steel Pipe (also known as Guven celik Born San. Ve Tic. Ltd.) | |
| Toscelik Profil ve Sac Endustisi A.S. | |
| Toscelik Metal Ticaret A.S. | |
| Tosyali Dis Ticaret A.S. | |
| Umran Celik Born Sanayii A.S. | |
| Yucel Group | |
| Yucel Boru ye Profil Endustrisi A.S, | |
| Yucelboru Ihracat Ithalat ye Pazarlama A.S. | |
| Cayirova Born Sanayi ye Ticaret A.S. ("Yucel Group") | |

[3] In the initiation notice for certain frozen warmwater shrimp from India and Thailand, the Department inadvertently omitted one company requested for review of the antidumping duty order on Certain Frozen Warmwater Shrimp from India. Specifically, the timely review request for Devi Sea Foods Limited (Devi) was not included in the April 2, 2013, initiation notice. *See Certain Frozen Warmwater Shrimp From India and Thailand: Notice of Initiation of Antidumping Duty Administrative Reviews,* 78 FR 19639 (April 2, 2013). This company is included herein as a correction to the April 2, 2013, initiation notice.

[4] Shrimp produced and exported by Devi was excluded from the order effective February 1, 2009. *See Certain Frozen Warmwater Shrimp From India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part,* 75 FR 41813, 41814 (July 19, 2010). However, shrimp produced by other manufacturers and exported by Devi, as well as shrimp produced by Devi and exported by other exporters remains subject to the order. Thus, this administrative review with respect to Devi covers only entries of certain frozen warmwater shrimp from India where Devi acted as either the manufacturer or exporter (but not both).

[5] In the initiation notice covering cases with February anniversary dates, the Department inadvertently omitted one company requested for review of the antidumping duty order on Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam ("Vietnam"). Specifically, the timely review request for Gallant Dachan Seafood Co., Ltd. was not included in the March 29, 2013, initiation notice. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 19197 (March 29, 2013). This company is included herein as a correction to the March 29, 2013, initiation notice.

[6] If one of the above-named companies does not qualify for a separate rate, all other exporters of Certain Frozen Warmwater Shrimp from Vietnam who have not qualified for a separate rate are deemed to be covered by this review as part of the single People's Republic of China ("PRC") entity of which the named exporters are a part.

[7] If one of the above-named companies does not qualify for a separate rate, all other exporters of Glycine from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[8] If one of the above-named companies does not qualify for a separate rate, all other exporters of Tissue Paper Products from the PRC who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

[9] In the initiation notice covering cases with December anniversary dates, the Department inadvertently included Tata Steel Limited in the initiation of the review of the countervailing duty order on Certain Hot-Rolled Carbon Steel Flat Products from India. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 6291 (January 30, 2012). We are not initiating a review with respect to Tata Steel Limited. This is a correction to the January 30, 2012, initiation notice.

**Suspension Agreements**

None.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that the meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information. *See* section 782(b) of the Act. Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all segments of any antidumping duty or countervailing duty proceedings initiated on or after March 14, 2011. *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings: Interim Final Rule,* 76 FR 7491 (February 10, 2011) (''*Interim Final Rule*''), amending 19 CFR 351.303(g)(1) and (2). The formats for the revised certifications are provided at the end of the *Interim Final Rule.* The Department intends to reject factual submissions in any proceeding segments initiated on or after March 14, 2011 if the submitting party does not comply with the revised certification requirements.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: April 25, 2013.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2013–10299 Filed 4–30–13; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**Background**

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

**Upcoming Sunset Reviews for June 2013**

The following Sunset Reviews are scheduled for initiation in June 2013 and will appear in that month's Notice of Initiation of Five-Year Sunset Review.

| | Department contact |
|---|---|
| **Antidumping Duty Proceedings** | |
| Carbon and Certain Alloy Steel Wire Rod from Brazil (A–351–832) (2nd Review) | Jennifer Moats (202) 482–5047. |
| Circular Welded Carbon-Quality Steel Pipe from the People's Republic of China (A–570–910) (1st Review). | Jennifer Moats (202) 482–5047. |
| Carbon and Certain Alloy Steel Wire Rod from Indonesia (A–560–815) (2nd Review) | Jennifer Moats (202) 482–5047. |
| Carbon and Certain Alloy Steel Wire Rod from Mexico (A–201–830) (2nd Review) | Jennifer Moats (202) 482–5047. |
| Carbon and Certain Alloy Steel Wire Rod from Moldova (A–841–805) (2nd Review) | Jennifer Moats (202) 482–5047. |
| Silicon Metal from Russia (A–821–817) (2nd Review) | Dana Mermelstein (202) 482–1391. |
| Carbon and Certain Alloy Steel Wire Rod from Trinidad and Tobago (A–274–804) (2nd Review) | Jennifer Moats (202) 482–5047. |
| Carbon and Certain Alloy Steel Wire Rod from Ukraine (A–823–812) (2nd Review) | Jennifer Moats (202) 482–5047. |
| **Countervailing Duty Proceedings** | |
| Carbon and Certain Alloy Steel Wire Rod from Brazil (C–351–833) (2nd Review) | Jennifer Moats (202) 482–5047. |
| Circular Welded Carbon-Quality Steel Pipe from the People's Republic of China (C–570–911) (1st Review). | David Goldberger (202) 482–4136. |

| | Department contact |
|---|---|
| **Suspended Investigations** | |
| No Sunset Review of suspended investigations is scheduled for initiation in June 2013. | |

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998). The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 17, 2013.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2013–10285 Filed 4–30–13; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

**Background**

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

**Respondent Selection**

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

**Deadline for Withdrawal of Request for Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day

deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after May 2013, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

*Opportunity to Request a Review:* Not later than the last day of May 2013,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

| | Period of review |
|---|---|
| **Antidumping Duty Proceedings** | |
| BELGIUM: Stainless Steel Plate in Coils, A–423–808 | 5/1/12–4/30/13 |
| BRAZIL: Iron Construction Castings, A–351–503 | 5/1/12–4/30/13 |
| CANADA: Citric Acid and Certain Citrate Salts, A–122–853 | 5/1/12–4/30/13 |
| INDIA: Circular Welded Carbon Steel Pipes and Tubes, A–533–502 | 5/1/12–4/30/13 |
| INDIA: Silicomanganese, A–533–823 | 5/1/12–4/30/13 |
| INDONESIA: Polyethylene Retail Carrier Bags, A–560–822 | 5/1/12–4/30/13 |
| JAPAN: Gray Portland Cement and Cement Clinker, A–588–815 | 5/1/12–4/30/13 |
| KAZAKHSTAN: Silicomanganese, A–834–807 | 5/1/12–4/30/13 |
| REPUBLIC OF KOREA: Polyester Staple Fiber, A–580–839 | 5/1/12–4/30/13 |
| SOUTH AFRICA: Stainless Steel Plate in Coils, A–791–805 | 5/1/12–4/30/13 |
| TAIWAN:. | |
| Certain Circular Welded Carbon Steel Pipes and Tubes, A–583–008 | 5/1/12–4/30/13 |
| Polyester Staple Fiber, A–583–833 | 5/1/12–4/30/13 |
| Polyethylene Retail Carrier Bags, A–583–843 | 5/1/12–4/30/13 |
| Stainless Steel Plate in Coils, A–583–830 | 5/1/12–4/30/13 |
| Stilbenic Optical Brightening Agents, A–583–848 | 11/3/11–4/30/13 |
| THE PEOPLE'S REPUBLIC OF CHINA: | |
| Aluminum Extrusions, A–570–967 | 5/1/12–4/30/13 |
| Circular Welded Carbon Quality Steel Line Pipe, A–570–935 | 5/1/12–4/30/13 |
| Citric Acid and Citrate Salt, A–570–937 | 5/1/12–4/30/13 |
| Iron Construction Castings, A–570–502 | 5/1/12–4/30/13 |
| Oil Country Tubular Goods, A–570–943 | 5/1/12–4/30/13 |
| Pure Magnesium, A–570–832 | 5/1/12–4/30/13 |
| Stilbenic Optical Brightening Agents, A–570–972 | 11/3/11–4/30/13 |
| TURKEY: | |
| Circular Welded Carbon Steel Pipes and Tubes, A–489–501 | 5/1/12–4/30/13 |
| Light-Walled Rectangular Pipe and Tube, A–489–815 | 5/1/12–4/30/13 |
| UNITED ARAB EMIRATES: Steel Nails, A–520–804 | 11/3/11–4/30/13 |
| VENEZUELA: Silicomanganese, A–307–820 | 5/1/12–4/30/13 |
| SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags, A–552–806 | 5/1/12–4/30/13 |
| **Countervailing Duty Proceedings** | |
| BRAZIL: Iron Construction Castings, C–351–504 | 1/1/12–12/31/12 |
| SOUTH AFRICA: Stainless Steel Plate in Coils, C–791–806 | 1/1/12–12/31/12 |
| THE PEOPLE'S REPUBLIC OF CHINA: | |
| Aluminum Extrusions, C–570–968 | 1/1/12–12/31/12 |
| Citric Acid and Citrate Salt, C–570–938 | 1/1/12–12/31/12 |
| SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags, C–552–805 | 1/1/12–12/31/12 |

**Suspension Agreements**

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters.[2] If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

[2] If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. *See also* the Import Administration Web site at *http://trade.gov/ia.*

All requests must be filed electronically in Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS'') on the IA ACCESS Web site at *http://iaaccess.trade.gov. See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011). Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of May 2013. If the Department does not receive, by the last day of May 2013, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 17, 2013.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2013–10293 Filed 4–30–13; 8:45 am]

**BILLING CODE 3510–DS–P**

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## DEPARTMENT OF COMMERCE

### International Trade Administration

### Request for Stakeholder Comments on Doing Business in Africa Campaign

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The United States Department of Commerce, International Trade Administration is amending the Notice published at 78 FR 22516, April 16, 2013, regarding the Doing Business in Africa Campaign, to extend the deadline date for comments from May 3, 2013 to the new deadline of May 24, 2013.

**FOR FURTHER INFORMATION CONTACT:** Frank Spector, Office of Domestic Operations, Trade Promotion Programs, Phone: 202–482–2054; Fax: 202–482–9000, Email: *Frank.Spector@trade.gov.*

**Frank Spector,**

*Senior International Trade Specialist.*

[FR Doc. 2013–10286 Filed 4–30–13; 8:45 am]

**BILLING CODE 3510–FP–P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XB154**

### Marine Mammals; File No. 16388

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that a permit has been issued to Mark Baumgartner, Ph.D., Woods Hole Oceanographic Institution, MS#33 Biology Department, Woods Hole, MA 02543, to conduct research on humpback whales (*Megaptera novaeangliae*), fin whales (*Balaenoptera physalus*), blue whales (*B. musculus*), sei whales (*B. borealis*), bowhead whales (*Balaena mysticetus*), North Atlantic right whales (*Eubalaena glacialis*), North Pacific right whales (*E. japonica*), and Eastern North Pacific gray whales (*Eschrichtius robustus*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices: See **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Carrie Hubard or Amy Hapeman, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** On May 29, 2012, notice was published in the **Federal Register** (77 FR 31585) that a request for a permit to conduct research on baleen whales had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 16388 authorizes research on the diving behavior and foraging ecology of baleen whales in the northwest Atlantic from Maine to Florida; Canadian waters of the Gulf of Maine, Labrador Sea, Davis Strait, Baffin Bay, and Hudson Bay; waters off the U.S. North Pacific (California to Washington); and the Arctic Ocean including Bering, Chukchi and Beaufort Seas. Species to be targeted are humpback, fin, blue, sei, bowhead, North Atlantic right and North Pacific right, and Eastern North Pacific gray whales. Activities include vessel surveys for passive acoustic recording, dermal and suction cup tagging, behavioral observations, photo-id, and tracking. The permit is valid until April 30, 2018.

An environmental assessment (EA) was prepared analyzing the effects of the permitted activities on the human environment in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on April 15, 2013.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered

species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Documents may be reviewed in the following locations:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376;

Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206) 526–6150; fax (206) 526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907) 586–7221; fax (907) 586–7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562) 980–4001; fax (562) 980–4018;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281–9328; fax (978) 281–9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824–5312; fax (727) 824–5309.

Dated: April 25, 2013.

**P. Michael Payne,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2013–10223 Filed 4–30–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC583**

### Fisheries of the Exclusive Economic Zone Off Alaska; American Fisheries Act, Amendment 80 Program, Western Alaska Community Development Quota Program; Public Workshops

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

**ACTION:** Notice of public workshops.

**SUMMARY:** NMFS announces two workshops to solicit input from participants in the pollock fishery in the Bering Sea authorized under the American Fisheries Act (AFA), the Aleutian Islands pollock fishery, the Amendment 80 trawl fisheries in the Bering Sea and Aleutian Islands, and the Western Alaska Community Development Quota (CDQ) Program. The workshops will address (1) The applicability of cost recovery fees mandated under section 304(d)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to the AFA, Aleutian Islands pollock fishery, Amendment 80 Program, and CDQ Program, (2) an overview of the potential impacts of cost recovery programs, and (3) an overview of proposed regulatory approaches to implement cost recovery programs. The meeting is open to the public, but NMFS is particularly seeking participation by people who are knowledgeable about the AFA, Aleutian Islands pollock fishery, Amendment 80, and CDQ programs and who can discuss with NMFS the potential impacts of cost recovery programs and proposed regulatory approaches.

**DATES:** The first workshop will be held on Monday, May 13, 2013, from 10 a.m. to 2 p.m. Alaska daylight savings time.

The second workshop will be held on Tuesday, May 14, 2013, from 1 p.m. to 4 p.m. Pacific daylight savings time.

**ADDRESSES:** The first workshop will be held at the Old Federal Building, 605 W 4th Avenue, Suite 205, Anchorage, AK.

The second workshop will be held in the United Catcher Boats Conference Room at 4005 20th Ave. W., Suite 116, Fishermen's Terminal, Seattle, WA 98199.

**FOR FURTHER INFORMATION CONTACT:** Darrell Brannan, 352–562–4388, or Glenn Merrill, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** The meeting will address several issues regarding the proposed cost recovery fee that are of interest to stakeholders and will provide an opportunity for those individuals to comment. Issues to be addressed include:

- Why the cost recovery fee would be implemented and under what authority;
- Why these fisheries would be included in the proposed program and not others;
- How costs would be determined, how will they would be used, and what are they estimated to be give current information;
- What landings would be subject to a cost recovery fee;
- How the standard ex-vessel price would be determined for each species subject to the fee;
- Who would be responsible for payment of the fee liability;
- What is the timeframe for implementation; and
- What is the role of the North Pacific Fishery Management Council (Council) in this process?

NMFS plans to present a draft analysis of the potential effects of cost recovery fee programs to the Council at its meeting scheduled from June 3 through 11 in Juneau, Alaska. These workshops will provide stakeholders information before the Council meeting so that they have the opportunity to present any concerns to the Council and NMFS. Input from the public received at these workshops and the Council will help inform NMFS as it prepares proposed regulations pursuant to section 305(d) of the Magnuson-Stevens Act.

This meeting is open to the public, but NMFS is particularly seeking participation by people who are knowledgeable about the AFA, Aleutian Islands pollock fishery, Amendment 80 Program, and CDQ Program.

#### Special Accommodations

The meeting will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Glenn Merrill, 907–586–7228, at least 10 workdays prior to the meeting date.

Dated: April 26, 2013.

**Kara Meckley,**

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

[FR Doc. 2013–10303 Filed 4–30–13; 8:45 am]

**BILLING CODE 3510–22–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### Privacy Act of 1974, as Amended

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of Proposed Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau (CFPB or the Bureau), gives notice of the establishment of a Privacy Act System of Records.

**DATES:** Comments must be received no later than May 31, 2013. The new system of records will be effective June 10, 2013 unless the comments received result in a contrary determination.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Electronic: privacy@cfpb.gov.*
- *Mail/Hand Delivery/Courier in Lieu of Mail:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street

NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, (202) 435–7220.

**SUPPLEMENTARY INFORMATION:** The Dodd-Frank Wall Street Reform and Consumer Protection Act (Act), Public Law No. 111–203, Title X, established the CFPB. The CFPB administers, enforces, and implements federal consumer financial law, and, among other powers, has authority to protect consumers from unfair, deceptive, and abusive practices when obtaining consumer financial products or services. The CFPB will maintain the records covered by this notice.

The new system of records described in this notice, CFPB.024—Judicial and Administrative Filings Collection will collect and store publicly available information about, formal judicial and administrative filings, or other formal actions that have reached final judgment, involving financial frauds against consumers for use in identifying repeat offenders and prosecuting cases based on these types of frauds. Access to the records will be limited to state and federal agencies for law enforcement purposes.

The report of a new system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000,[1] and the Privacy Act, 5 U.S.C. 552a(r).

The system of records entitled, ''CFPB.024—Judicial and Administrative Filings Collection'' is published in its entirety below.

[1] Although pursuant to Section 1017(a)(4)E, of the Consumer Financial Protection Act, Public Law 111–203, the CFPB is not required to comply with OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

Dated: April 24, 2013.

**Claire Stapleton,**

*Chief Privacy Officer, Bureau of Consumer Financial Protection.*

## CFPB.024

**SYSTEM NAME:**

Judicial and Administrative Filings Collection.

**SYSTEM LOCATION:**

Consumer Financial Protection Bureau, 1700 G Street NW., Washington DC, 20552.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals covered by this system include, without limitation: (1) Individuals who are or have been the subjects of or are otherwise named in formal judicial and administrative actions, or other formal actions that have reached final judgment involving financial frauds against consumers; (2) current, former, and prospective consumers who are or have been customers or prospective customers of, solicited by, or serviced by individuals or businesses named in final actions involving consumer financial fraud if such individuals have provided information relative to, have been witnesses in or are otherwise associated with the formal actions included in this system; (3) other individuals who may have information relevant to, or have been named in formal actions included in this system; and (4) individuals who are users of this collection of records.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system contain information pertaining to the subject matter of formal judicial and administrative actions, or other formal actions that have reached final judgment involving financial frauds against consumers. Such records may include electronic copies of publicly available documents associated with formal actions including, but not limited to: reports, transcripts, correspondence, briefs, court orders and judgments, affidavits and other statements from witnesses, pleadings, exhibits, evidentiary materials, sentencing memoranda, and other related documents and records.

Identifiable information may include, among other things names and known aliases, business and home addresses, email addresses, phone numbers, employment information including titles, and personal history as it relates to the subject matter of the case. The Bureau does not verify any facts or findings contained in these documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 111–203, Title X, Sections 1011, 1012, 1013, 1015, and 1021, codified at 12 U.S.C. 5491, 5492, 5493, 5495, and 5511.

**PURPOSE(S):**

This system will collect and store the information to assist the Bureau and other agencies to identify and track persons and entities that are repeat violators of the consumer financial laws and to use such information to prosecute such persons and entities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records may be disclosed, consistent with the CFPB Disclosure of Records and Information Rules, promulgated at 12 CFR part 1070 *et seq.,* to:

(1) Appropriate agencies, entities, and persons when: (a) The CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another federal or state agency to: (a) Permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency; or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(3) The Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) The U.S. Department of Justice (DOJ) for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and in the case of a proceeding, such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ or the CFPB has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(7) A court, magistrate, or administrative tribunal in the course of an administrative proceeding or judicial proceeding, including disclosures to opposing counsel or witnesses (including expert witnesses) in the course of discovery or other pre-hearing exchanges of information, litigation, or settlement negotiations, where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(8) Appropriate agencies, entities, and persons, including but not limited to potential expert witnesses or witnesses in the course of investigations, to the extent necessary to secure information relevant to the investigation; and

(9) Appropriate federal, state, local, foreign, tribal, or self-regulatory organizations or agencies responsible for investigating, prosecuting, enforcing, implementing, issuing, or carrying out a statute, rule, regulation, order, policy, or license if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order, policy or license.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPENSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records maintained in this system are stored electronically and in hard copy file folders.

**RETRIEVABILITY:**

Records are retrievable by a variety of fields including, without limitation, name of the individual(s) involved in a case, including attorney, defendant, plaintiff, case number, company name, contact information such as address and phone number, alleged activity or violation of law, or by some combination thereof.

**SAFEGUARDS:**

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

**RETENTION AND DISPOSAL:**

The CFPB will maintain computer and paper records indefinitely until the National Archives and Records Administration (NARA) approves the CFPB's records disposition schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, Part 1070, ''Disclosure of Records and Information.'' Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

**RECORD ACCESS PROCEDURES:**

See ''Notification Procedures'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedures'' above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained from local, state, tribal, and federal law enforcement agencies, publicly available records such as media reports, state and federal law enforcement agency Web sites, and court and administrative agency dockets, and any other person with information relating to financial frauds perpetrated against consumers.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2013–10206 Filed 4–30–13; 8:45 am]

**BILLING CODE 4810–AM–P**

## BUREAU OF CONSUMER FINANCIAL PROTECTION

### Privacy Act of 1974, as Amended

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of a Revised Privacy Act System of Records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended, the Bureau of Consumer Financial Protection, hereinto referred to as the Consumer Financial Protection Bureau (CFPB or Bureau), gives notice of the establishment of a revised Privacy Act System of Records.

**DATES:** Comments must be received no later than May 31, 2013. The new system of records will be effective June 10, 2013, unless the comments received result in a contrary determination.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Electronic: privacy@cfpb.gov.*
- *Mail/Hand Delivery/Courier:* Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

Comments will be available for public inspection and copying at 1700 G Street, NW., Washington, DC 20552 on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect comments by telephoning (202) 435–7220. All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

**FOR FURTHER INFORMATION CONTACT:** Claire Stapleton, Chief Privacy Officer, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, (202) 435–7220.

**SUPPLEMENTARY INFORMATION:** The CFPB revises its Privacy Act System of Records Notice (SORN) ''CFPB.016—CFPB Advisory Boards and Committees.'' In revising this SORN, the CFPB modifies the purpose of the system of records to include the evaluation of potential board or committee members for eligibility to serve on an advisory board or committee to the CFPB (CFPB board or committee). In general, evaluations will consist of three parts: (1) Background checks on potential CFPB board or committee members to verify identity and identify any past or pending civil or criminal actions against such individuals; (2) an assessment of an individual's qualifications for service on a CFPB board or committee, including reviewing the applicant's education, registration in professional societies, work experience, record of performance, publications authored, membership on other boards and committees, professional awards, etc.; and (3) identifying any potential conflicts of interest that may arise from an individual's service on a CFPB board or committee through financial disclosure

information, a declaration of desire and eligibility to serve, and lobbyist registration information. In revising this SORN, the CFPB also modifies the method by which records in the system may be retrieved; modifies the system owner address; removes travel records from the categories of records maintained in the system, as these records are accounted for in a government-wide system of records maintained by the General Services Administration; and adds record sources for the system. Additionally, the Bureau adds two new routine uses, which include the disclosure of personally identifiable information (PII) from the system to (1) the U.S. Department of Justice (DOJ) for its use in providing legal advice to the CFPB or in representing the CFPB in a legal proceeding; and (2) appropriate agencies, entities, and persons to the extent necessary to obtain information relevant to making a determination of whether an individual or entity is eligible to serve on a CFPB board or committee. Finally, this revision makes several non-substantive changes to the categories of individuals whose records are maintained in the system and to the categories of records in the system.

The report of the revised system of records has been submitted to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated November 30, 2000,[1] and the Privacy Act, 5 U.S.C. 552a(r).

The revised system of records entitled ''CFPB.016—CFPB Advisory Boards and Committees'' is published in its entirety below.

Dated: April 19, 2013.

**Claire Stapleton,**

*Chief Privacy Officer, Bureau of Consumer Financial Protection.*

## CFPB.016

### SYSTEM NAME:

CFPB Advisory Boards and Committees

### SYSTEM LOCATION:

Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include any individual who has nominated an individual to be on an advisory board or committee to the CFPB (CFPB board or committee), has served as a reference for a CFPB board or committee nominee, or has been nominated to be on a CFPB board or committee, is currently serving on a CFPB board or committee, and/or has served on a CFPB board or committee and is no longer serving. CFPB board and committee alternatives are also included in this system. Individuals covered by this system also include any individual, including the public, who, upon invitation from a CFPB board or committee, provides advice or comments or otherwise interacts with a CFPB board or committee.

### CATEGORIES OF RECORDS IN THE SYSTEM:

Information maintained on individuals who are past, present or nominated members of CFPB boards or committees will include: (1) Contact information (e.g., name, business phone number, email address); (2) information relevant to the CFPB's determination of an individual's eligibility for serving on a CFPB board or committee, including but not limited to (a) that individual's date of birth, place of birth, and any prior or pending civil or criminal actions against that individual for the purpose of conducting a background investigation; (b) education, registration in professional societies, work experience, record of performance, publications authored, membership on other boards and committees, professional awards, for purposes of assessing an individual's qualifications for service; (3) financial disclosure information, declaration of desire and eligibility to serve, and lobbyist registrations, for purposes of identifying any potential conflicts of interest that may arise from an individual's service on a CFPB board or committee; (4) names of professional references and notes and records of conversations with those references; and (5) miscellaneous correspondence relating to the above.

Information maintained on experts, consultants, and other members of the public invited to provide advice or comments to a CFPB board or committee or otherwise interact with a CFPB board or committee will include: (1) contact information (e.g., name, business phone number, email address).

### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. No. 111–203, Title X, sections 1011, 1012, 1014, codified at 12 U.S.C. §§ 5491, 5492, 5494.

### PURPOSE(S):

The system collects and maintains information on CFPB board or committee nominees and members, and those that may interact with the CFPB regarding the board or committee. The records are used for administration of the committees or boards, including the evaluation of potential board or committee members for eligibility to serve on CFPB board or committee and the preparation of minutes and reports of CFPB board or committee meetings, events, or programs.

### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed, consistent with the CFPB's Disclosure of Records and Information Rules, promulgated at 12 CFR part 1070 *et seq.,* to:

(1) Appropriate agencies, entities, and persons when: (a) The CFPB suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the CFPB has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the CFPB or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the CFPB's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;

(2) Another federal or state agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(3) To the Office of the President in response to an inquiry from that office made at the request of the subject of a record or a third party on that person's behalf;

(4) Congressional offices in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Contractors, agents, or other authorized individuals performing work

[1] Although pursuant to Section 1017(a)(4)E, of the Consumer Financial Protection Act, Public Law 111–203, the CFPB is not required to comply with OMB-issued guidance, it voluntarily follows OMB privacy-related guidance as a best practice and to facilitate cooperation and collaboration with other agencies.

on a contract, service, cooperative agreement, job, or other activity on behalf of the CFPB or Federal Government and who have a need to access the information in the performance of their duties or activities;

(6) The DOJ for its use in providing legal advice to the CFPB or in representing the CFPB in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by the CFPB to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest:

(a) The CFPB;

(b) Any employee of the CFPB in his or her official capacity;

(c) Any employee of the CFPB in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The United States, where the CFPB determines that litigation is likely to affect the CFPB or any of its components;

(7) To the public in the form of names, affiliations, and other pertinent biographical information of board or committee members; and

(8) Appropriate agencies, entities, and persons to the extent necessary to obtain information relevant to making a determination of whether an individual is eligible to serve on a CFPB board or committee.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper and electronic records.

**RETRIEVABILITY:**

Records in this system are retrievable by a variety of fields including, without limitation, the individual's name, address, employer, or by some combination thereof.

**SAFEGUARDS:**

Access to electronic records is restricted to authorized personnel who have been issued non-transferrable access codes and passwords. Other records are maintained in locked file cabinets or rooms with access limited to those personnel whose official duties require access.

**RETENTION AND DISPOSAL:**

The CFPB will maintain electronic and paper records indefinitely until the National Archives and Records Administration (NARA) approves the CFPB's records disposition schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Consumer Financial Protection Bureau, Consumer Advisory Board Manager, 1700 G Street NW., Washington, DC 20552.

**NOTIFICATION PROCEDURE:**

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in writing in accordance with instructions appearing in Title 12, Chapter 10 of the CFR, Part 1070, ''Disclosure of Records and Information.'' Address such requests to: Chief Privacy Officer, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

**RECORD ACCESS PROCEDURES:**

See ''Notification Procedures'' above.

**CONTESTING RECORD PROCEDURES:**

See ''Notification Procedures'' above.

**RECORD SOURCE CATEGORIES:**

Information in this system is obtained directly from the individual who is the subject of these records, including any individual who has nominated an individual to be on a CFPB board or committee, has served as a reference for a CFPB board or committee nominee, or was has been nominated to be on a CFPB board or committee, is currently serving on a CFPB board or committee, and/or has served on a CFPB board or committee and is no longer serving, as well as board and committee alternatives and any individual who upon invitation from a CFPB board or committee, provides advice or comments on issues or has otherwise interacted with the a CFPB board or committee. Information is also collected, as necessary, from third parties who provide information used by the CPFB to determine an individual's eligibility for serving on a CFPB board or committee.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. 2013–10204 Filed 4–30–13; 8:45 am]

**BILLING CODE 4810–AM–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

**[Docket ID: DoD–2012–HA–0165]**

### Submission for OMB review; comment request

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATES:** Consideration will be given to all comments received by May 31, 2013.

*Title, Associated Form and OMB Number:* DoD Active Duty/Reserve Forces Dental Exam; DD Form 2813; OMB Control Number 0720–0022.

*Type of Request:* Reinstatement with change.

*Number of Respondents:* 150,000.

*Responses per Respondent:* 4.5.

*Annual Responses:* 712,500.

*Average Burden per Response:* 3 minutes.

*Annual Burden Hours:* 35,625.

*Needs and Uses:* The information collection requirement is necessary to obtain and record the dental health status of members of the Armed Forces. This form is the means for civilian dentists to record the results of their findings and provide the information to the member's military organization. The military organizations are required by Department of Defense policy to track the dental status of its members.

*Affected Public:* Business or other for-profit; individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Mr. John Kraemer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Kraemer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

*DOD Clearance Officer:* Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: April 26, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–10264 Filed 4–30–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Notification of an Open Meeting of the National Defense University Board of Visitors (BOV)

**AGENCY:** National Defense University, DoD.

**ACTION:** Notice of open meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense announces that meeting of the National Defense University Board of Visitors. The Board meets twice each year in proceedings that are open to the public.

**DATES:** The meeting will be held on May 20, 2013, from 9:00 a.m. to 5:30 p.m. and will continue on May 21, 2013, from 9:00 a.m. to 12:30 p.m.

**ADDRESSES:** The Board of Visitors meeting will be held at Lincoln Hall, Building 64, Room 1105, the National Defense University, 300 5th Avenue SW., Fort McNair, Washington, DC 20319–5066.

**FOR FURTHER INFORMATION CONTACT:** The point of contact for this notice of open meeting is Ms. Joycelyn Stevens at (202) 685–0079, Fax (202) 685–3920 or *StevensJ7@ndu.edu*.

**SUPPLEMENTARY INFORMATION:** Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public.

The future agenda will include discussion on accreditation compliance, organizational management, strategic planning, resource management, and other matters of interest to the National Defense University. Limited space made available for observers will be allocated on a first come, first served basis. Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, written statements to the committee may be submitted to the committee at any time or in response to a stated planned meeting agenda by FAX or email to the point of contact person listed in **FOR FURTHER INFORMATION CONTACT**. (Subject Line: Comment/Statement to the NDU BOV).

Dated: April 26, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–10242 Filed 4–30–13; 8:45 a.m.]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket Nos. RM07–16–000 and RM01–5–000]**

### Revised Information Collection Activities (FERC–545, FERC–549, and FERC–550); Comment Request

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Request for comment.

**SUMMARY:** The Federal Energy Regulatory Commission (Commission or FERC) is submitting three information collections to the Office of Management and Budget (OMB) for review of the changes to the information collection requirements relating to the application of the Commission's revised Company Registration procedures to interstate and intrastate natural gas pipelines and interstate oil pipelines. The Commission issued a Notice in the **Federal Register**, 78 FR 10,614 (February 14, 2013), requesting public comments by April 15, 2013. FERC received no comments and is making this notation in its submittal to OMB.

**DATES:** Comments regarding the revised information collections must be received on or before May 31, 2013.

**ADDRESSES:** Comments filed with OMB should be identified with the OMB Control Nos. 1902–0154 (FERC–545), 1902–0086 (FERC–549), and 1902–0089 (FERC–550) and 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 Nos. RM07–16 and RM01–5, 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.

**FOR FURTHER INFORMATION CONTACT:** Ellen Brown, by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

**SUPPLEMENTARY INFORMATION:** The revisions to these collections of information relate to the application of the Commission's revised Company Registration procedures to interstate and intrastate natural gas pipelines and interstate oil pipelines.

These procedures will replace the use of random-number generated passwords to authenticate access to a company registration account with a superior method of authentication. Under the revised procedures, each regulated natural gas pipeline and oil pipeline will be able to maintain a list of eRegistered agents whom the pipeline has authorized to submit a particular type of filing. Implementation of these changes will provide increased flexibility for regulated entities to manage their company registration accounts and to designate agents to make filings at the Commission. These changes also will reduce the need for pipelines to institute measures to protect password integrity, including the need to request new passwords if existing passwords are compromised.[1] At the conference on April 16, 2013, Commission staff made a presentation on the proposed changes. The Staff presentation and instructional video, are available on the Commission's Web site.[2] The first filings under the revised company registration system are scheduled to be made beginning no sooner than 7/12/2013.

OMB's regulations[3] require approval of certain information collection requirements that impose identical reporting or recordkeeping requirements on ten or more persons. Without consideration of potential cost savings in reduced password management and requests for new passwords, the one-time burden on interstate and intrastate natural gas and oil pipelines to transition to the revised system is

[1] A general description of the procedures can be found in the Commission's order in *Filing Via the Internet,* Docket Nos. RM07–16–000 and RM01–5–000, 142 FERC ¶ 61,097 (2013) (*http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=13174100*) and in *Revisions to Electric Quarterly Report Filing Process,* Order No. 770, 77 Fed. Reg. 71,288 (Nov. 30, 2012), FERC Stats. & Regs. ¶ 31,338, at PP 30 and 33–36 (2012) (Docket No. RM12–3–000). On March 8, 2013, the Commission issued a Notice of Technical Conference in this proceeding, available at *http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=13199806.*

[2] See *http://www.ferc.gov/EventCalendar/Files/20130412144329-CompanyRegistrationPresentation.pdf* and *http://www.ferc.gov/docs-filing/etariff/company-reg/company-reg-04-16-13.htm.*

[3] 5 CFR 1320 (2012).

estimated to be one hour per respondent at a cost of $35.99/hour for support staff.[4]

*Information Collection Costs:* The Commission estimates the average annual burden and cost of compliance with these regulations to be the following:[5]

| Data collection | Number of respondents[6] | Hours per response (1 response per respondent) | Total hours | Total cost[7] |
|---|---|---|---|---|
| FERC–545—NGA Pipelines | 169 | 1 | 169 | $6,082 |
| FERC–549—NGPA Pipelines | 107 | 1 | 107 | 3,851 |
| FERC–550—Oil Pipelines | 193 | 1 | 193 | 6,946 |

We estimate that pipelines will have the initial implementation burden of one hour and may annually review or make revisions to their list of designated agents. The total annual burden and cost for all of the 469 respondents (for FERC–545, –549, and –550) for this requirement are: 469 hours or $16,879.

*Title:* FERC–545, Gas Pipeline Rates: Rate Change (Non-Formal), OMB Control No. 1902–0154; FERC–549, Gas Pipeline Rates: NGPA Title III Transactions and Part 341, OMB Control No. 1902–0086; and FERC–550, Oil Pipeline Rates: Tariff Filings, OMB Control No. 1902–0089.

*Action:* Revised and new company registration information requirements.

*Respondents:* Interstate and intrastate natural gas pipelines and interstate oil pipelines.

*Frequency of Responses:* One-time initial implementation and periodic updates as needed.

*Need for Information:* The changes are being implemented to enhance the security of natural gas and oil pipelines' company registration accounts and to provide pipelines with an enhanced ability to manage filing permissions.

*Internal Review:* We have reviewed the changes and determined that the changes are necessary, conforming to the Commission's need for efficient information collection, communication, and management within the energy industry. We have assured ourselves, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

*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: April 25, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–10258 Filed 4–30–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[ Docket No. CP13–2–000]**

### Sabine Pass LNG, L.P., Sabine Pass Liquefaction, LLC; Notice of Availability of the Environmental Assessment for the Proposed Sabine Pass Liquefaction Project Modification

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Sabine Pass Liquefaction Project Modification (Modification Project), proposed by Sabine Pass Sabine Pass LNG, L.P. and Sabine Pass Liquefaction, LLC (Sabine Pass) in the above-referenced docket. Sabine Pass requests authorization to enhance the operation and reliability, and facilitate the construction at the existing Sabine Pass LNG terminal in Cameron Parish, Louisiana.

The EA assesses the potential environmental effects of the construction and operation of the Modification Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Department of Transportation participated as a cooperating agency in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The proposed Modification Project includes the following facilities:

- four feed-gas pipeline meter stations to interconnect with the Liquefaction Project;
- one (heavies removal unit) HRU comprised of a heavies removal column, a heavies removal column reboiler, a debutanizer system, and a condensate stabilizer system to be located inside the battery limits within each of the four liquefaction trains;
- two 143-gallon per minute (gpm) debutanizer reflux pumps, three 358-gpm heavies removal column reflux pumps, and two 166-gpm heavies removal column heavies reflux pumps dedicated to each of the four liquefactions.
- two 240,493-gallon condensate storage tanks and two 100-gpm condensate pipeline send-out pumps;
- one condensate send-out meter station and a 4-inch-diameter send out pipe from the condensate storage tanks that would connect to an existing condensate pipeline;
- additional workspaces, laydown and parking areas;
- two additional 12-inch and 24-inch potable; each 5,623 feet long water

[4] The estimated burden on electric utilities for compliance with this requirement was included in Order No. 770, 77 FR 71,288 (Nov. 30, 2012), FERC Stats. & Regs. ¶ 31,338, at PP 58–62 (2012) (Docket No. RM12–3–000) and is incorporated in FERC–920, Electric Quarterly Report, OMB Control No. 1902–0255. Those reporting requirements are currently pending review at OMB in ICR No. 201302–1902–003.

[5] The estimated number of respondents and related totals for hours and cost have been updated since the Notice issued on 2/8/2013 (at *http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=13174410*).

[6] As of April 5, 2013.

[7] Hourly average cost ($35.99/hour) was calculated using Bureau of Labor Statistics (BLS), Occupational Employment Statistics data for May 2011 (for NAICS 221100—Electric Power Generation, Transmission and Distribution, at *http://bls.gov/oes/current/naics4_221100.htm#00-0000*) for the support staff.

supply lines to support the water demands of the Liquefaction Project during peak operations and to provide redundancy in the event of a failure; and

• condensate truck loading facilities to enable the condensate to be trucked off-site in the unlikely event that the condensate does not meet the applicable quality specifications of the pipeline or in the event of a disruption in pipeline service.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; newspapers and libraries in the project area; and parties to this proceeding.

In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before May 27, 2013.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP13–2–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's Web site (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number excluding the last three digits in the Docket Number field (i.e., CP13–2). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

[1] See the previous discussion on the methods for filing comments.

Dated: April 25, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–10263 Filed 4–30–13; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EF13–5–000]**

### Western Area Power Administration; Notice of Filing

Take notice that on April 24, 2013, the Secretary of the Department of Energy submitted its Rate Order No. WAPA–160 concerning extension of Washoe Project, Stampede Division, Non-Firm Power Formula Rate for confirmation and approval on a final basis, effective August 1, 2013, and ending September 30, 2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is 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.

*Comment Date:* 5:00 p.m. Eastern Time on May 24, 2013.

Dated: April 25, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–10261 Filed 4–30–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EF13–4–000]**

### Western Area Power Administration; Notice of Filing

Take notice that on April 4, 2013, the Deputy Secretary of the Department of Energy submitted its Rate Order No. WAPA–157 concerning rate adjustment for the Pacific Northwest-Pacific Southwest Intertie Project, for confirmation and approval on a final basis, effective May 1, 2013, and ending April 30, 2018.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is 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.

*Comment Date:* 5:00 p.m. Eastern Time on May 6, 2013.

Dated: April 25, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–10260 Filed 4–30–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. TS13–2–000]**

### Minnesota Municipal Power Agency; Notice of Filing

Take notice that on April 18, 2013, Minnesota Municipal Power Agency filed its request for exemption from Part 358 of the Federal Energy Regulatory Commission's (Commission) Regulations requiring compliance with the Commission's Standards of Conduct requirements set forth in Order 889,[1] as revised by Order Nos. 2001,[2] 690,[3] and 717,[4] by public utilities owning transmission facilities.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is 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.

Comment Date: 5:00 p.m. Eastern Time on May 20, 2013.

Dated: April 25, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–10257 Filed 4–30–13; 8:45 am]

**BILLING CODE 6717–01–P**

[1] *Open Access Same-Time Information System and Standards of Conduct,* Order No. 889, 61 FR 21,737, FERC Stats. & Regs. ¶ 31,035 (1996), *order on reh'g,* Order No. 889–A, 62 FR 12,484, FERC Stats. & Regs. ¶ 31,049 (1997) (Order No. 889–A), *reh'g denied,* Order No. 889–B, 81 FERC ¶ 61,253 (1997), aff'd in relevant part sub nom. *Transmission Access Policy Study Group* v. *FERC,* 225F.3d 667 (D.C. Cir. 2000).

[2] *Standards of Conduct for Transmission Providers,* Order No. 2004, FERC Stats. & Regs. ¶ 31,155 (2003), *order on reh'g,* Order No. 2004–A, FERC Stats. & Regs. ¶ 31,161, *order on reh'g,* Order No. 2004–B, FERC Stats. & Regs. ¶ 31,166, *order on reh'g,* Order No. 2004–C, FERC Stats. & Regs. ¶ 31,172 (2004), *order on reh'g,* Order No. 2004–D, 110 FERC ¶ 61,320 (2005), *vacated and remanded as it applies to natural gas pipelines sub nom. National Fuel Gas Supply Corp.* v. *FERC,* 468 F.3d 831 (D.C. Cir. 2006).

[3] *Standards of Conduct for Transmission Providers,* Order No. 690, FERC Stats. & Regs. ¶ 31,237, *order on clarification,* Order No. 690–A, FERC Stats. & Regs. ¶ 31,243 (2007).

[4] *Standards of Conduct for Transmission Providers,* Order No. 717, 73 FR 63,796, FERC Stats. & Regs. ¶ 31,280 (2008), *order on reh'g,* Order No. 717–A, 129 FERC ¶ 61,043, *order on reh'g,* Order No. 717–B, 129 FERC ¶ 61,123 (2009), *order on reh'g,* Order No. 717–C, 131 FERC ¶ 61,045 (2010), *order on reh'g,* Order No. 717–D, 135 FERC ¶ 61,017 (2011).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project No. 3730–004]**

### Henwood Associates, Inc.; Salmon Creek Hydroelectric Company; Notice of Transfer of Exemption

1. By letter filed April 18, 2013, Henwood Associates, Inc. and Salmon Creek Hydroelectric Company informed the Commission that the exemption from licensing for the Salmon Creek Hydroelectric Project, FERC No. 3730, originally issued August 10, 1981,[1] has been transferred to Salmon Creek Hydroelectric Company. The project is located on Salmon and Sardine Creeks in Sierra County, California. The transfer of an exemption does not require Commission approval.

2. Mr. Mark Henwood, Salmon Creek Hydroelectric Company, located at 7311 Greenhaven Drive, Suite 275, Sacramento, CA 95831, is now the

[1] 16 FERC ¶ 62,209, Order Granting Exemption from Licensing of a Small Hydroelectric Project of 5 Megawatts or Less and Dismissing Application for Preliminary Permit.

exemptee of the Salmon Creek Hydroelectric Project, FERC No. 3730.

Dated: April 25, 2013.

**Kimberly D. Bose,**

*Secretary.*

[FR Doc. 2013–10262 Filed 4–30–13; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9807–2]**

## Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Municipal Separate Storm Sewer Systems in the Middle Rio Grande Watershed in New Mexico (NMR04A000)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed permit issuance and notice of public meetings, and public hearing.

**SUMMARY:** EPA Region 6 Water Quality Protection Division, today is proposing for public comment the issuance of a National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges from municipal separate storm sewer systems (MS4s) located in the Middle Rio Grande Watershed in the State of New Mexico. This proposed permit offers discharge authorization to regulated MS4s within the boundaries of the Bureau of the Census-designated 2000 and 2010 Albuquerque Urbanized Areas and any other MS4s in the watershed designated by the Director as needing a MS4 permit. This permit is intended to replace both the individual NPDES Permit NMS000101 issued on January 31, 2012, and the expired general permits NMR040000 and NMR04000I for dischargers in this watershed area. The Director is also providing notice of public meetings and a public hearing to be held regarding today's proposed general permit.

**DATES:** Comments must be submitted in writing to EPA on or before July 1, 2013.

*Proposed Documents:* The proposed general permit and fact sheet which sets forth principal facts and the significant factual, legal, and policy questions considered in the development of the proposed general permit, may be obtained via the Internet at *http://epa.gov/region6/water/npdes/sw/ms4/index.htm.*

To obtain hard copies of these documents or any other information in the administrative record, please contact Ms. Diane Smith using the contact information provided below.

**How do I comment on this proposal?**

*Comment Submittals:* Submit your comments, by one of the following methods:

- *Email: smith.diane@epa.gov.*
- *Mail:* Ms. Diane Smith, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

*Administrative Record:* The proposed general permit and other related documents in the administrative record are on file and may be inspected any time between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays, at the addresses listed for submission of comments. It is recommended that you write or call to the contact above for an appointment, so the record(s) will be available at your convenience.

*Public Meetings and Public Hearing:* EPA will be holding two informal public meetings and one public hearing in the Albuquerque metropolitan area. The public meetings will include a presentation on the proposed general permit and a question and answer session. Written, but not oral, comments for the official permit record will be accepted at the public meetings. Written and oral comments for the official permit record will be accepted at the public hearing. Public notice of these meetings and the public hearing was provided in the Albuquerque Journal on Saturday, April 13, 2013.

*Meeting and Hearing:* EXPO New Mexico, African American Performing Art Center (AAPAC) Auditorium, 300 San Pedro Dr. NE., Albuquerque, NM 87108.

Time: Public Meeting from 6:00 p.m.; Public Hearing from 7:30 p.m.

Date: May 14, 2013.

*Meeting Only:* USDA Building, First Floor Conference Room, 6200 Jefferson St. NE., Albuquerque, NM 87109.

Time: Public Meeting at 1:00 p.m.

Date: May 15, 2013.

**FOR FURTHER INFORMATION CONTACT:** Ms. Diane Smith, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Telephone: (214) 655–2145. Email address: *smith.diane@epa.gov.*

**SUPPLEMENTARY INFORMATION:** *A. General Information*—This permit authorizes stormwater discharges to waters of the United States from MS4s within the Middle Rio Grande Watershed provided the MS4 is located fully or partially within the corporate boundary of the City of Albuquerque; is located fully or partially within an urbanized area as determined by the 2000 and 2010 Decennial Census; is designated as a regulated MS4 pursuant to 40 CFR 122.32; or this permit may also authorize an operator of a MS4 covered by this permit for discharges from areas of a regulated small MS4 located outside an Urbanized Areas or areas designated by the Director provided the permittee complies with all permit conditions in all areas covered under the permit. Maps of 2010 Census urbanized areas are available online at: *http://cfpub.epa.gov/npdes/stormwater/urbanmaps.cfm.*

*B. Statutory and Regulatory History*—The overall intent of the permit conditions is to support the statutory goals of Section 101 of the Clean Water Act (CWA) to restore and maintain the chemical, physical and biological integrity for the Nation's waters. The 1987 Water Quality Act (WQA) amended the CWA by adding section 402(p) which requires that NPDES permits be issued for various categories of storm water discharges. Section 402(p)(2) requires permits for five categories of storm water discharges, commonly referred to as Phase I of the NPDES Storm Water Program. Included in Phase I are discharges from large municipal separate storm sewer systems (MS4s) (systems serving a population of 250,000 or more). Phase I regulations published November 16, 1990 (55 FR 47990) addressed discharges from large MS4s including city of Albuquerque MS4, which includes all MS4s located within the corporate boundary of the city of Albuquerque.

Section 402(p)(6) of the CWA requires permitting for certain additional storm water discharges (Phase II of the storm water program) to protect water quality. EPA promulgated final Phase II storm water regulations on December 8, 1999 (64 FR 68722). These regulations set forth the additional categories of discharges to be permitted and the requirements of the program. The additional discharges to be permitted included small MS4s located in Urbanized Areas designated by the Bureau of the Census and those designated by the Director on a case-by-case basis to protect water quality. This proposed permit would combine coverage for both Phase I and Phase II regulated MS4s in the Albuquerque area into a single general permit.

The discharge control conditions established by this permit are based on Section 402(p)(3)(B) of the Act which mandates that a permit for discharges from both Phase I and II MS4s must effectively prohibit the discharge of non-stormwater to the MS4 and require controls to reduce pollutants in discharges from the MS4 to the maximum extent practicable (MEP) including management practices,

control techniques and system design and engineering methods, and such other provisions as the Administrator deems appropriate for the control of pollutants. MS4 permits requiring implementation of Best Management Practices (BMPs) addressing the Six Minimum Control Measures at 40 CFR 122.34(b) are generally deemed to be an appropriate means of meeting the MEP standard. Protection of water quality and compliance with Total Maximum Daily Loads (TMDLs) are addressed through the CWA 402(p)(3)(B)(iii) authority for ''other such provisions as the Administrator deems appropriate for the control of pollutants.''

*Paperwork Reduction Act:* The information collection required by this permit will reduce paperwork significantly by implementation of electronic reporting requirements. EPA is working on an electronic notice of intent (eNOI) system so applicants will file their NOIs online. EPA estimates that it takes 10 to 15 minutes to fill up all information required by eNOI for each lease block. And it takes much less time to add, delete, or modify eNOI. EPA will also incorporate an electronic discharge monitoring report (NetDMR) requirement in the permit. The time for NetDMR preparation will be much less than that for paper DMR. The electronic filing systems will also significantly reduce the mailing cost.

*Regulatory Flexibility Act:* The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq,* requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. As indicated below, the permit reissuance proposed today is not a ''rule'' subject to the Regulatory Flexibility Act.

Dated: April 18, 2013.

**Stacey Dwyer,**

*Acting Director, Water Quality Protection Division, EPA Region 6.*

[FR Doc. 2013–10317 Filed 4–30–13; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2013–0001; FRL–9382–7]**

## SFIREG Environmental Quality Issues 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), Environmental Quality Issues (EQI) Committee will hold a 2-day meeting, beginning on May 20, 2013 and ending May 21, 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, May 20, 2013 from 8:30 a.m. to 5 p.m. and 8:30 a.m. to 12 noon on Tuesday May 21, 2013.

To request accommodations 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, in the 4th Floor South Conference Room.

**FOR FURTHER INFORMATION CONTACT:** Ron Kendall, Field and 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: Grier Stayton at *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. Discussion of the Neonicotinoid class of pesticides
2. The impact of herbicide residues in compost
3. Status of the Endangered Species Program
4. Status of OPP's Pollinator Protection workgroup
5. Status of the Agencies Aquatic Benchmarks
6. Pesticide Analytical Method Prioritization & Development

### 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, Pesticides and pests.

Dated: April 17, 2013.

**R.C. Mc Nally,**

*Director, Field External Affairs Division, Office of Pesticide Programs.*

[FR Doc. 2013–10159 Filed 4–30–13; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2013–0106; FRL–9385–4]**

## Pesticide Experimental Use Permits; Receipt of Applications; Comment Request

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's receipt of applications requesting experimental use permits (EUPs). The Agency has determined that the permits

may be of regional and national significance. Therefore, because of the potential significance, and pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and is seeking comments on these applications.

**DATES:** Comments must be received on or before May 31, 2013.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number and the EUP 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 EUP application summary and may be contacted by telephone, email, or mail. Mail correspondence to the Biopesticides and Pollution Prevention Division (BPPD) (7511P), or Registration Division (RD) (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?*

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action.

### *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 or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

## II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or 1 acre or more of water. A copy of the applications and any information submitted is available for public review in the docket established for these EUP applications. Following the review of the applications and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the requests, and if issued, the conditions under which the tests are to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Therefore, pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP applications may be of regional and national significance, and therefore is seeking public comment on the following EUP applications:

1. *89633–EUP–R.* (EPA–HQ–OPP–2013–0070). *Submitter:* Toxcel, 7140 Heritage Village Plaza, Gainesville, VA 20155–3061, on behalf of Moghu Research Center, Ltd., BVC #311, KRIBB, Yuseong, Daejeon, 305–333, Korea. *Pesticide Chemical:* Methiozolin. *Type of Chemical:* Herbicide. *Summary of Request:* The applicant proposes use of 2,003.4 pounds (lb) active ingredient (a.i.) per year (954 gallons (gal.) of formulation) for 2 years totaling 4,006.8 lb a.i. (1,908 gal. of formulation) over 768 acres on 166 golf courses (greens, green collar and surrounds, tees, and fairways) in 34 states. The first year of the spring program is from April 2014 to June 2014 followed by October 2014 to November 2014. The first year of the fall program is from November 2014 to March 2015. The second year of the spring program is from March 2015 to June 2015 followed by October 2015 to November 2015. The second year of the fall program is from November 2015 to March 2016. Contact: Emily Hartman, RD, (703) 347–0189, email address: *hartman.emily@epa.gov.*

2. *89668–EUP–R.* (EPA–HQ–OPP–2013–0254). *Submitter:* Robert I. Rose, Ph.D., on behalf of James Mains, Ph.D., Mosquito Mate, Inc., 1122 Oak Hill Drive, Lexington, KY 40505–3322. *Pesticide Chemical: Wolbachia pipientis. Type of Chemical:* Insecticide. *Summary of Request:* The applicant

proposes release of 30,000 male *Aedes albopictus* mosquitoes infected with the *Wolbachia pipientis* microbial pesticide per week for 6 months in neighborhoods of Lexington, KY. The released male mosquitoes are expected to mate with indigenous female *Aedes albopictus,* causing conditional sterility and resulting in mosquito population decline and potential elimination. Adult and egg collection data from treated areas will be compared to those in an untreated control site to examine for the effect of the released product in the indigenous population. Contact: Shanaz Bacchus, BPPD, (703) 308–8097, email address: *bacchus.shanaz@epa.gov.*

**List of Subjects**

Environmental protection, Experimental use permits.

Dated: April 24, 2013.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 2013–10297 Filed 4–30–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2009–1017; FRL–9384–7]**

## Product Cancellation Order for Certain Pesticide Registrations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 and Table 2 of Unit II., pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows a February 20, 2013 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II. to voluntarily cancel these product registrations. In the February 20, 2013 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30 day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The cancellations are effective as noted in Unit IV of this cancellation order.

**FOR FURTHER INFORMATION CONTACT:** John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@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, 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.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2009–1017, 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.*

### II. What action is the agency taking?

This notice announces the cancellation, as requested by registrants, of 39 products registered under FIFRA section 3. These registrations are listed in sequence by registration number in Table 1 and Table 2 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

| EPA Registration No. | Product name | Chemical name |
|---|---|---|
| 000279–03153 | Firstline Termite Bait Station | Sulfuramid. |
| 000279–03170 | Firstline Termite Bait Tube Station | Sulfuramid. |
| 000279–03171 | Firstline Termite Bait Container Station | Sulfuramid. |
| 000279–03196 | Firstline GT Plus Termite Bait Station | Sulfuramid. |
| 000432–01334 | Tempo Liquid Concentrate | Cyfluthrin. |
| 000432–01358 | Tempo 20% Dry Concentrate | Cyfluthrin. |
| 000499–00518 | Prescription Treatment Brand 2% Propoxur Bait | Propoxur. |
| 000499–00532 | TC 277 | Piperonyl butoxide, Pyrethrins (No Inert Use). |
| 007173–00283 | Difethialone Bait Station | Difethialone. |
| 007173–00285 | Difethialone 6G Paste Place Packs | Difethialone. |
| 009404–00087 | Permethrin 0.25% Insecticide Granules | Permethrin. |
| 009404–00088 | Sunniland Chinch Bug & Mole Cricket Spray | Permethrin. |
| 039959–00001 | A–106 | Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride. |
| 039959–00002 | 7618 | Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride. |
| 039959–00003 | 7619 | Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride. |
| 045385–00001 | Chem-Tox Roach and Ant Spray with Baygon | Propoxur, Piperonyl butoxide, Pyrethrins (No Inert Use). |
| 045385–00025 | Chem-Tox Pyronox Dual 0.1 | MGK 264, Piperonyl butoxide, Pyrethrins (No Inert Use). |

TABLE 1—PRODUCT CANCELLATIONS—Continued

| EPA Registration No. | Product name | Chemical name |
|---|---|---|
| 045385–00082 | Cenol Small Animal and Kennel Spray | Piperonyl butoxide, Pyrethrins (No Inert Use). |
| 046043–00031 | Suncoast's Pool Algaecide 20 | Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride. |
| 047000–00168 | R&M Permethrin Flea & Tick Dip #1 | Permethrin. |
| 060061–00017 | Woodtreat C8 Concentrate | Copper, bis(8-quinolinolato-N1,O8)-. |
| 060061–00018 | Woodtreat C8 Ready To Use | Copper, bis(8-quinolinolato-N1,O8)-. |
| 060061–00022 | Woodtreat C81 Ready To Use Water Repellent Fungicide. | Copper, bis(8-quinolinolato-N1,O8)-. |
| 074601–00001 | Chlorothalonil Technical Fungicide | Chlorothalonil. |
| 085905–00005 | CFL 3% Diflubenzuron Feedthrough | Diflubenzuron. |
| 086869–00002 | Propiconazole Select | Propiconazole. |
| ME070001 | Devrinol 50–DF | Napropamide. |
| MI070004 | Kerb 50–W | Propyzamide. |

TABLE 2—OXYDEMETON-METHYL (ODM) PRODUCT CANCELLATIONS

| EPA Registration No. | Product name | Chemical name |
|---|---|---|
| 007946–00010 | Inject-A-Cide | Oxydemeton-methyl. |
| 010163–00219 | MSR 50% Concentrate Insecticide | Oxydemeton-methyl. |
| 010163–00220 | MSR Spray Concentrate | Oxydemeton-methyl. |
| 064014–00009 | Harpoon | Oxydemeton-methyl. |
| CA010003 | MSR Spray Concentrate | Oxydemeton-methyl. |
| FL960006 | Metasystox-R-Spray Concentrate | Oxydemeton-methyl. |
| ID010011 | Metasystox-R-Spray Concentrate | Oxydemeton-methyl. |
| NY030002 | Metasystox-R-Spray Concentrate | Oxydemeton-methyl. |
| WA030001 | Metasystox-R-Spray Concentrate | Oxydemeton-methyl. |
| WA030002 | Metasystox-R-Spray Concentrate | Oxydemeton-methyl. |
| WA060005 | MSR Spray Concentrate | Oxydemeton-methyl. |

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Table 1 and Table 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS OF CANCELLED PRODUCTS

| EPA Company number | Company name and address |
|---|---|
| 279 | FMC Corp, Agricultural Products Group, 1735 Market St., Room 1978, Philadelphia, PA 19103. |
| 432 | Bayer Environmental Science, 2 T.W. Alexander Dr., P.O. Box 12014, Research Triangle Park, NC 27709. |
| 499 | Whitmore Micro-Gen Research Laboratories, Inc., Agent: BASF Corporation 3568 Tree Court Industrial Blvd., St. Louis, MO 63122–6682. |
| 7173 | Liphatech, Inc., 3600 W. Elm St., Milwaukee, WI 53209. |
| 7946 | J.J. Mauget Co., Agent: Scireg, Inc., 12733 Director's Loop, Woodbridge, VA 22192. |
| 9404 | Sunniland Corporation, P.O. Box 8001, Sanford, FL 32772–8001. |
| 10163 | Gowan Company, P.O. Box 5569, Yuma, AZ 85366–8844. |
| 39959 | Chemicals Inc., 13560 Colombard Ct., Fontana, CA 92337. |
| 45385 | CTX-Cenol, Inc., Agent: H.R. Mclane, Inc., 7210 Red Rd., Suite 206A, Miami, FL 33143. |
| 46043 | Suncoast Chemicals Co., 14480 62nd St. North, Clearwater, FL 33760. |
| 47000 | Chem-Tech, Ltd., 4515 Fleur Dr. #303, Des Moines, IA. |
| 60061 | Kop-Coat, Inc., 3020 William Pitt Way, Pittsburgh, PA 15238. |
| 64014 | Florida Silvics Inc., D/B/A Tree Tech Microinjection Systems, 950 SE., 215th Ave., Morriston, FL 32668. |
| 74601 | Oxon Italia S.P.A., Agent: Lewis & Harrison, LLC, 122 C St. NW., Suite 740, Washington, D C 20001. |
| 81880 | Canyon Group LLC, C/O Gowan Company, 370 S. Main St., Yuma, AZ 85364. |
| 85905 | Champion Farmaquimico LTDA, Agent: J&T Associates LLC, 4061 North 156th Dr., Goodyear, AZ 85395. |
| 86869 | Select Source, LLC., Agent: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707. |
| 88058 | Orion Ato, LLC, Agent: source Dynamics LLC, S122230 E. Del Norte, Yuma, AZ 85377–7355. |
| CA010003, FL960006, ID010011, NY030002, WA030001, WA030002, WA060005. | Gowan Company, P.O. Box 5569, Yuma, AZ 85366–8844. |
| ME070001 | United Phosphorus, Inc, 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406. |
| MI070004 | Dow AgroSciences LLC, 9330 Zionsville Rd., 308/2E, Indianapolis, IN 46268–1054. |

### III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the February 20, 2013 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Table 1 and Table 2 of Unit II.

### IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of the registrations identified in Table 1 and Table 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Table 1 and Table 2 of Unit II. are canceled. The effective date of the cancellation of the products listed in Table 1 of this notice is May 1, 2013. The effective date of cancellation of the products listed in Table 2 is December 31, 2014. Any distribution, sale, or use of existing stocks of the products identified in Table 1 and Table 2 of Unit II. in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. will be a violation of FIFRA.

### V. What is the Agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** issue of February 20, 2013 (78 FR 11881) (FRL–9378–9). The comment period closed on March 22, 2013.

### VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions for the products subject to this order are as follows.

1. *For Products 007173–00283 and 007173–00285 identified in Table 1:* Because the Agency has identified significant potential risk concerns associated with these pesticide products, EPA prohibits the sale or distribution of existing stocks by the registrant, except for export consistent with FIFRA section 17 or for proper disposal. Persons other than the registrant will be allowed to sell or distribute existing stocks of products, until such stocks are exhausted. Users will be allowed to use existing stocks regardless of the date of purchase until such stocks are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled product.

2. *For all other products identified in Table 1:* The registrants may continue to sell and distribute existing stocks of products listed in Table 1 of Unit II. until May 1, 2014, which is 1 year after the publication of the Cancellation Order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing products listed in Table 1, except for export in accordance with FIFRA section 17, or proper disposal. Persons other than the registrants may sell, distribute, or use existing stocks of products listed in Table 1 of Unit II. until existing stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

3. *For all products listed in Table 2:* After December 31, 2014, registrants are prohibited from selling or distributing existing stocks of products containing ODM. After December 31, 2016, persons other than registrants are prohibited from selling or distributing existing stocks of products containing ODM. After December 31, 2016, existing stocks of products containing ODM already in the possession of end users can be used legally until they are exhausted, provided that such use complies with the EPA-approved label and labeling of the affected product.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 23, 2013.

**Richard P. Keigwin, Jr.,**

*Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.*

[FR Doc. 2013–10188 Filed 4–30–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–ORD–2013–0292; FRL–9807–5]**

## Request for Information and Citations on Methods for Cumulative Risk Assessment

**AGENCY:** Office of the Science Advisor, Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The United States Environmental Protection Agency (EPA) is requesting information and citations on approaches and methods for the planning, analysis, assessment, and characterization of cumulative risks to human populations and the environment. The EPA is developing guidelines for the assessment of cumulative risk as defined and characterized in the EPA 2003 publication *Framework for Cumulative Risk Assessment,* ''An analysis, characterization, and possible quantification of the combined risks to health or the environment from multiple agents or stressors'' using scientifically defensible approaches and methods. The Guidelines will assist agency programs and regions in the assessment of risk and in decision making, including the planning and development of regulations and permits. This notice solicits information and citations pertaining to approaches and methods that can be used to plan and conduct cumulative risk assessments (CRA). Published background information regarding cumulative risk can be found at *http://www.epa.gov/raf/publications/pdfs/frmwrk_cum_risk_assmnt.pdf* or from the person listed under **FOR FURTHER INFORMATION CONTACT**.

**DATES:** Information and citations may be submitted on or before Friday, June 28, 2013.

**ADDRESSES:** Submit your information, identified by Docket ID No. *EPA–HQ–ORD–2013–0292,* by one of the following methods:

*Internet: http://www.regulations.gov:* Follow the Web site instructions for submitting information.

*Email: ORD.Docket@epa.gov.*

*Mail:* Environmental Protection Agency, EPA Docket Center EPA/DC, ORD Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

*Hand Delivery:* The EPA/DC Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Avenue NW.,

Washington, DC 20460. The Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time, Monday through Friday, excluding Federal holidays. Please call (202) 566–1744 or email the ORD Docket at *ord.docket@epa.gov* for instructions. Updates to Public Reading Room access are available online at *http://www.epa.gov/epahome/dockets.htm.*

*Instructions:* Direct your information and citations to Docket ID No. *EPA–HQ–ORD–2013–0292.* The Agency's policy is that all submissions received will be included in the public docket without change and will be made available online at *http://www.regulations.gov,* including any personal information provided, unless the information includes data claimed to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your submission to the docket. If you send an email with information directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the information that is placed in the public docket and made available on the Internet. If you submit information electronically, the EPA recommends that you include your name and other contact information in the body of your submission and with any disk or CD–ROM you submit. If the EPA cannot read your information due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your information. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**FOR FURTHER INFORMATION CONTACT:** Any members of the public who wish to receive further information about submitting information on methods for cumulative risk assessment should contact Lawrence Martin at telephone number (202) 564–6497 or email address *martin.lawrence@epa.gov,* mailing address Environmental Protection Agency, Office of the Science Advisor, Mail Code 8105R, 1200 Pennsylvania Avenue NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:**

**A. Does this information request apply to me?**

The purpose of the CRA Guidelines is to delineate CRA methods that will support informed decision-making at EPA. This request also may be of interest to persons involved with the design, formulation, and conduct of risk assessments more generally. Since many and various entities may also be interested, the EPA has not attempted to describe all the specific entities that may be interested in this request. If you have any questions regarding the applicability of this request, please consult Lawrence Martin listed under **FOR FURTHER INFORMATION CONTACT.**

**B. How can I access electronic copies of this document and other related information?**

You may use *http://www.regulations.gov,* or you may access this **Federal Register** document via the EPA's internet site under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr.*

*Docket:* All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information may not be publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the ORD Docket, EPA/DC Public Reading Room. The EPA/DC Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Avenue NW., Washington, DC 20460; its hours of operation are 8:30 a.m. to 4:30 p.m. Eastern Time, Monday through Friday, excluding federal holidays. Please call (202) 566–1744, or email the ORD Docket at *ord.docket@epa.gov* for instructions. Updates regarding the Public Reading Room access are available at *http://www.epa.gov/epahome/dockets.htm.*

**C. What should I consider as I prepare my information for the EPA?**

You may find the following suggestions helpful for preparing your information:

1. Explain the information you are providing as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies or citations for any technical information and/or data used that support the information you provide. Methods published in the peer-reviewed literature are preferred and are more readily useful.
4. Provide specific examples.
5. To ensure proper receipt by the EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date and **Federal Register** citation.

Responses to this request are voluntary. This notice does not obligate the U.S. Government to award a contract or otherwise pay for the information provided in response to this request. The U.S. Government reserves the right to use information provided by respondents for any purpose deemed necessary and legally appropriate. Respondents are advised that the U.S. Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted.

**D. Background**

Former EPA Administrator Carol Browner transmitted the EPA Science Policy Council's *Guidance on Cumulative Risk Assessment, Part 1, Planning and Scoping* in a memo dated July 3, 1997. Administrator Browner wrote: ''Today, we are providing guidance for all EPA offices on cumulative risk assessment. This guidance directs each office to take into account cumulative risk issues in scoping and planning major risk assessments and to consider a broader scope that integrates multiple sources, effects, pathways, stressors and populations for cumulative risk analyses in all cases for which relevant data are available. This assures a more consistent and scientifically complete Agency-wide approach to cumulative risk assessments in order to better protect public health and the environment.'' Subsequently, the EPA Risk Assessment Forum was charged to complete comprehensive guidelines for the assessment of cumulative risks. In May 2003, the RAF released the *Framework for Cumulative Risk Assessment* (EPA/630/P–02/001F), available to download from the internet at *http://www.epa.gov/raf/publications/pdfs/frmwrk_cum_risk_assmnt.pdf.* The 2003 CRA Framework was the EPA's first step toward development of the CRA Guidelines. The foreword to the Framework notes that the National Research Council (NRC) (*http://www.nap.edu/catalog.php?record_id=2125#toc*) and the Presidential-Congressional

Commission on Risk Assessment (*http://www.riskworld.com/Nreports/1996/risk_rpt/Rr6me001.htm*) assign importance to understanding risk from multiple stressors, and that EPA had begun to address approaches to CRA. The NRC and EPA's Science Advisory Board have provided consistent recommendations that encourage better integrated, multi-stressor approaches to understanding risks to human health and the environment. For example, in *Science & Decisions* 2009, the NRC recommends that EPA develop CRA tools (see pg. 236). ''EPA is increasingly asked to address broader public-health and environmental-health questions involving multiple exposures, complex mixtures, and vulnerability of exposed populations—issues that stakeholder groups . . . often consider to be inadequately captured by current risk assessments. There is a need for cumulative risk assessments . . .'' (*Science and Decisions;* available to download from the internet at *http://www.nap.edu/catalog.php?record_id=12209.*

**E. Request for Information and Citations on Cumulative Risk Assessment Methods**

To date, CRA experience at EPA has been principally in the application of CRA screening and chemical additivity methods for aggregating risk from multiple exposures and/or toxicity pathways. These have been conducted by EPA programs and regions. This limited application of CRA has substantiated the value of multi-chemical/stressor assessments in an environmental risk assessment context, but illustrates a more limited application than that recommended by the NRC, or discussed in the 2003 CRA Framework. EPA requests information on and citations for CRA methods that have been employed to date and approaches that could assist EPA in the development of improved CRA methods. Methods and information published in the peer-reviewed literature are preferred and would be more readily useful. Information and citations are also being requested for existing, on-going cumulative risk assessments that incorporate the assessment of multiple chemical or non-chemical stressors, and that address any of the following characteristics: multi-stressor, multi-media, multi-receptor, including assessment of a vulnerable population, both human and environmental health considerations, or socio-economic stressors. EPA also requests information on examples where CRA has been successfully used for decision making at the local, state, national, or international levels, including a description of the circumstances leading to the use of CRA methods in those examples.

More specifically, information and citations are sought for the following purposes:

1. Methods for CRA planning, scoping and problem formulation to ensure that the scope of a CRA is tractable and also adequately addresses the key concerns of a specified environmental problem. This includes methods that could be used for the following: evaluating population vulnerabilities that are either perceived or empirically demonstrated as important elements of a CRA; involving the spectrum of interested/affected parties in formulating the problem for assessment or decision; considering stakeholder objectives and integrating them into an analysis; identifying the most influential stressors that need to be considered in a CRA; and developing conceptual models that link stressors and health outcomes.

2. Methods to identify and quantify population vulnerabilities (risk factors) and buffers (protective factors) that may influence exposures, dose-response or risk/hazard posed by environmental contaminant exposures, and methods to integrate population vulnerabilities and buffers into a CRA. Vulnerabilities could include factors leading to differential exposures, differential responses, preparedness and resiliency within a population.

3. Methods for integrating chemical, physical, biological and socio-economic stressors within a CRA, including quantifying and integrating ''exposure'' and ''dose-response'' for disparate stressors, and grouping of chemical and nonchemical stressors for combined (or integrated) risk analysis.

4. Methods for characterizing integrated risks posed by disparate stressors in a CRA context. These could include methods and/or study data from epidemiology, toxicology, ecology, health economics, chemical mixtures risk assessment, social sciences, dose response modeling and statistics (among others); and may also include addressing spatial and temporal scales.

5. Methods to integrate ecological and human health exposures and health effects in a CRA.

6. Approaches for addressing stakeholder participation, engagement and risk communication when conducting a CRA.

Date: April 22, 2013.

**Glenn Paulson,**

*Science Advisor.*

[FR Doc. 2013–10296 Filed 4–30–13; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### FDIC Advisory Committee on Economic Inclusion (ComE–IN); Notice of Meeting

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of Open Meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, notice is hereby given of a meeting of the FDIC Advisory Committee on Economic Inclusion, which will be held in Washington, DC. The Advisory Committee will provide advice and recommendations on initiatives to expand access to banking services by underserved populations.

**DATES:** Thursday, May 16, 2013, from 9:00 a.m. to 3:15 p.m.

**ADDRESSES:** The meeting will be held in the FDIC Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Committee Management Officer of the FDIC, at (202) 898–7043.

**SUPPLEMENTARY INFORMATION:**

*Agenda:* The agenda will be focused on savings initiatives, safe accounts and bank prepaid cards, and an update on mobile financial services and economic inclusion. The agenda may be subject to change. Any changes to the agenda will be announced at the beginning of the meeting.

*Type of Meeting:* The meeting will be open to the public, limited only by the space available on a first-come, first-served basis. For security reasons, members of the public will be subject to security screening procedures and must present a valid photo identification to enter the building. The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (703) 562–6067 (Voice or TTY) at least two days before the meeting to make necessary arrangements. Written statements may be filed with the committee before or after the meeting. This ComE–IN meeting will be Webcast live via the Internet at: *http://www.vodium.com/goto/fdic/advisorycommittee.asp*. This service is free and available to anyone with the following systems requirements: *http://www.vodium.com/home/sysreq.html*. Adobe Flash Player is required to view these presentations.

The latest version of Adobe Flash Player can be downloaded at *http://www.adobe.com/shockwave/download/download.cgi?P1_Prod_Version=ShockwaveFlash*. Installation questions or troubleshooting help can be found at the same link. For optimal viewing, a high speed internet connection is recommended. The ComE–IN meeting videos are made available on-demand approximately two weeks after the event.

Dated: April 26, 2013.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary, Federal Deposit Insurance Corporation.*

[FR Doc. 2013–10245 Filed 4–30–13; 8:45 am]

**BILLING CODE 6714–01–P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are 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.:* 010979–055.

*Title:* Caribbean Shipowners Association.

*Parties:* CMA CGM, SA; Seaboard Marine, Ltd.; Seafreight Line, Ltd.; Tropical Shipping and Construction Company Limited; and Zim Integrated Shipping Services, Ltd.

*Filing Party:* Wayne R. Rohde, Esq.; Cozen O'Connor, 1627 I Street NW., Suite 1100, Washington, DC 20006–4007.

*Synopsis:* The amendment would add Hybur Ltd. as a party to the agreement.

*Agreement No.:* 012172–001.

*Title:* Maersk Line/MSC Caribbean Space Charter Agreement.

*Parties:* A.P. Moller-Maersk A/S trading under the name Maersk Line and Mediterranean Shipping Company S.A.

*Filing Party:* Wayne R. Rohde, Esquire; Cozen O'Connor; 1627 I Street NW., Suite 1100, Washington, DC 20006–4007.

*Synopsis:* The amendent would revise the agreement to provide for the chartering of additional space from Caucedo to San Juan.

*Agreement No.:* 011960–009.

*Title:* The New World Alliance Agreement.

*Parties:* American President Lines, Ltd.; APL Co. Pte Ltd.; Hyundai Merchant Marine Co., Ltd.; and Mitsui O.S.K. Lines, Ltd. (''MOL'').

*Filing Parties:* Eric Jeffrey, Esq., Goodwin Procter LLP, 901 New York Ave. NW., Washington, DC 20001.

*Synopsis:* The amendment would delete Malta, Spain, and Italy from the geographic scope of the agreement, eliminate authority regarding vessel strings operated pursuant to the G6 Alliance Agreement, and update and clarify other aspects of the agreement.

Dated: April 26, 2013.

By Order of the Federal Maritime Commission.

**Rachel E. Dickon,**

*Assistant Secretary.*

[FR Doc. 2013–10314 Filed 4–30–13; 8:45 am]

**BILLING CODE 6730–01–P**

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Docket 2012–0076; Sequence 30: OMB Control No. 9000–0069]**

### Federal Acquisition Regulation; Submission for OMB Review; Indirect Cost Rates

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat 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 concerning Indirect Cost Rates. A notice was published in the **Federal Register** at 77 FR 63804, on October 17, 2012. No comments were received.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Submit comments identified by Information Collection 9000–0069, Indirect Cost Rates, 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 9000–0069, Indirect Cost Rates''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0069, Indirect Cost Rates'' 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 9000–0069, Indirect Cost Rates.

*Instructions:* Please submit comments only and cite Information Collection 9000–0069, Indirect Cost Rates, in all correspondence related to this collection. Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis E. Glover, Sr., Procurement Analyst, Contract Policy Division, GSA, (202) 501–1448 or via email at *Curtis.glover@gsa.gov.*

**A. Purpose**

The contractor's proposal of final indirect cost rates is necessary for the establishment of rates used to reimburse the contractor for the costs of performing under the contract. The supporting cost data are the cost accounting information normally prepared by organizations under sound management and accounting practices.

The proposal and supporting data is used by the contracting official and auditor to verify and analyze the indirect costs and to determine the final indirect cost rates or to prepare the Government negotiating position if negotiation of the rates is required under the contract terms.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be

collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**B. Annual Reporting Burden**

The estimated annual reporting burden remains unchanged from the previously approved estimated annual burden.

*Respondents:* 3,000.
*Responses per Respondent:* 1.
*Annual Responses:* 3,000.
*Hours per Response:* 2,188.
*Total Burden Hours:* 6,564,000.
*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. 9000–0069, Indirect Cost Rates, in all correspondence.

Dated: April 20, 2013.

**William Clark,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2013–10208 Filed 4–30–13; 8:45 am]

**BILLING CODE 6820–EP–P**

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## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Docket 2012–0076; Sequence 28; OMB Control No. 9000–0045]**

## Federal Acquisition Regulation; Submission for OMB Review; Bid Guarantees, Performance and Payment Bonds, and Alternative Payment Protections

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension of an information collection requirement regarding an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat 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 concerning bid guarantees, performance and payment bonds, and alternative payment protections. A notice was published in the **Federal Register** at 77 FR 61580, October 10, 2012. One comment was received.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Submit comments identified by Information Collection 9000–0045, Bid Guarantees, Performance, and Payment Bonds, and Alternative Payment Protections 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 9000–0045, Bid, Performance, and Payment Bonds''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0045, Bid Guarantees, Performance, and Payment Bonds, and Alternative Payment Protections'' 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 9000–0045, Bid Guarantees, Performance, and Payment Bonds, and Alternative Payment Protections.

*Instructions:* Please submit comments only and cite Information Collection 9000–0045, Bid Guarantees, Performance, and Payment Bonds, and Alternative Payment Protections, in all correspondence related to this collection. Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cecelia L. Davis, Procurement Analyst, Contract Policy Division, GSA (202) 219–0202 or email *Cecelia.davis@gsa.gov.*

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

FAR Subparts 28.1 and 28.2; FAR clauses at 52.228–1, 52.228–2, 52.228–13, 52.228–15, 52.228–16; and associated FAR standard forms implement the statutory requirements of the Miller Act (40 U.S.C. 3131 *et seq.*), which requires performance and payment bonds for any construction contract exceeding $150,000, unless it is impracticable to require bonds for work performed in a foreign country, or it is otherwise authorized by law. In addition, the note to 40 U.S.C. 3132, entitled ''Alternatives to Payment Bonds Provided by the Federal Acquisition Regulation,'' is implemented in the FAR, which requires alternative payment protection for construction contracts that exceed $30,000 but do not exceed $150,000. Although not required by statute, under certain circumstances the FAR permits the Government to require bonds on other than construction contracts. In addition to the contract clauses at FAR 52.228–1, 52.228–2, 52.228–13, 52.228–15, 52.228–16, this information collection covers the following FAR standard forms (SF) as prescribed at FAR Subparts 28.1 and 28.2: SF 25, Performance Bond; SF 25A, Payment Bond; SF 273, Reinsurance Agreement for a Miller Act Performance Bond; SF 274, Reinsurance Agreement for a Bonds Statute Payment Bond; SF 24, Bid Bond; SF 25B, Continuation Sheet (For Standard Forms 24, 25, and 25A); Standard Form 34, Annual Bid Bond; Standard Form 275, Reinsurance Agreement in Favor of the United States; Standard Form 1416, Payment Bond for Other Than Construction Contracts; Standard Form 1418, Performance Bond for Other Than Construction Contracts; and Standard Form 35, Annual Performance Bond. The information collected under this clearance provides the Government with a form of security that the contractor will not withdraw a bid or assures that the contractor will perform its obligations under a contract.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**B. Analysis of Public Comments**

A notice was published in the **Federal Register** at 77 FR 61580, October 10, 2012. One respondent submitted public

comments on the extension of the previously approved information collection. The analysis of public comments is summarized as follows:

*Comment:* The respondent commented on the need for revisions to the standard forms. The respondent suggested that (1) changes be made to the standard forms covered under the information collection to include an additional option regarding the bond principal's ''Type of Organization'' (i.e., SF 25, SF 25A, SF 24, SF 34, SF 1416, SF 1418, SF 35). Specifically, the respondent requested that an additional check box be added allowing for the choice of ''Limited Liability Company (LLC)'' to the forms, or, in the alternative, to include a selection of ''other''. The respondent indicated that construction companies are increasingly forming as limited liability companies, a hybrid type of organization reflecting characteristics of a corporation and of a partnership. The proposed revision would recognize limited liability companies as a type of organization; and (2) the instructions governing the blank space ''Liability Limit ($)'' (on forms SF 25, 25A, SF 24, SF 25B, SF 1416, SF 1418) should be enhanced to make clear the intent of the information requested. The respondent, a national trade association of firms employing professional surety bond producers, reported that some confusion exists as to whether the blank refers to the underwriting limitation of the surety as found on the Treasury List of Approved Sureties or if it is intended to indicate a limitation on the surety's liability on the bond.

*Response:* Because the respondent's suggestions neither question nor affect the information collection estimates included in this request for extension, the request for approval to extend this information collection will be submitted without change. However, the suggested standard form revisions will be researched, and, as determined appropriate, revised as separate actions.

**C. Annual Reporting Burden**

The estimated annual reporting burden is increased since published in the **Federal Register** at 74 FR 46988, on September 14, 2009. Based on use of data, from the Federal Procurement Data System, for fiscal year 2011, an upward adjustment is made to the estimated annual reporting burden.

*52.228–1—Bid Guarantee*

(SF 24, Bid Bond; SF 34, Annual Bid Bond)

Respondents: 19,604.
Responses per Respondent: 1.
Total Responses: 19,604.
Hours per Response: 1.
Total Burden Hours: 19,604.

*52.228–2—Additional Bond Security*

Respondents: 9,802.
Responses per Respondent: 1.
Total Responses: 9,802.
Hours per Response: 1.
Total Burden Hours: 9,802.

*52.228–13—Alternative Payment Protections*

Respondents: 2,178.
Responses per Respondent: 1.
Total Responses: 2,178.
Hours per Response: 1.
Total Burden Hours: 2,178.

*52.228–15—Performance and Payment Bonds*

(SF 25, Performance Bond; SF 25A, Payment Bond; SF 25B, Continuation Sheet (for SF's 24, 25, and 25A); SF 273, Reinsurance Agreement for a Miller Act Performance Bond; SF 274, Reinsurance Agreements for a Miller Act Payment Bond)

Respondents: 19,604.
Responses per Respondent: 1.
Total Responses: 19,604.
Hours per Response: 1.
Total Burden Hours: 19,604.

*52.228–16—Performance and Payment Bonds—Other than Construction*

(SF 35, Annual Performance Bond; SF 1416, Payment Bond for Other Than Construction Contracts; SF 275, Reinsurance Agreement in Favor of the United States; SF 1418, Performance Bond for Other than Construction Contracts)

Respondents: 4,825.
Responses per Respondent: 1.
Total Responses: 4,825.
Hours per Response: 1.
Total Burden Hours: 4,825.

*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. 9000–0045, Bid Guarantees, Performance, and Payment Bonds, and Alternative Payment Protections, in all correspondence.

Dated: April 20, 2013.

**William Clark,**

*Acting Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2013–10210 Filed 4–30–13; 8:45 am]

BILLING CODE 6820–EP–P

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Docket 2012–0076; Sequence 31; OMB Control No. 9000–0077]**

## Federal Acquisition Regulation; Submission for OMB Review; Quality Assurance Requirements

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, Regulatory Secretariat 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 concerning quality assurance requirements. A notice was published in the **Federal Register** at 77 FR 67366, on November 11, 2012. No comments were received.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Submit comments identified by Information Collection 9000–0077, Quality Assurance Requirements, 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 9000–0077, Quality Assurance Requirements''. Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Information Collection 9000–0077, Quality Assurance Requirements'' 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 9000–0077, Quality Assurance Requirements.

*Instructions:* Please submit comments only and cite Information Collection 9000–0077, Quality Assurance Requirements, in all correspondence related to this collection. Submit comments regarding this burden estimate or any other aspect of this

collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curtis E. Glover, Sr., Procurement Analyst, Contract Policy Division, GSA (202) 501–1448 or email *Curtis.glover@gsa.gov.*

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Supplies and services acquired under Government contracts must conform to the contract's quality and quantity requirements. FAR Part 46 prescribes inspection, acceptance, warranty, and other measures associated with quality requirements. Standard clauses related to inspection require the contractor to provide and maintain an inspection system that is acceptable to the Government; gives the Government the right to make inspections and test while work is in process; and requires the contractor to keep complete, and make available to the Government, records of its inspection work.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**B. Annual Reporting Burden**

An upward adjustment is being made to the previously approved estimated annual burden. The change is based on calculating the burden for each clause in FAR Part 46 associated with this information collection requirement. In addition, the Government considered the information collected under this requirement to be records kept as a part of a contractor's normal business operations, and the Government will only request to see the records a limited number of times per year for each contractor.

*Respondents:* 176,286.

*Responses per Respondent:* 1.0186344.

*Total Responses:* 179,571.

*Hours per Response:* .82246.

*Total Burden hours:* 147,690.

*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. 9000–0077, Quality Assurance Requirements, in all correspondence.

Dated: April 22, 2013.

**William Clark,**

*Acting Director, Federal Acquisition Policy, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.*

[FR Doc. 2013–10205 Filed 4–30–13; 8:45 am]

**BILLING CODE 6820–EP–P**

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## GENERAL SERVICES ADMINISTRATION

### Notice of Intent To Prepare a Supplemental Environmental Impact Statement for the San Ysidro Land Port of Entry (LPOE) Modernization and Expansion Project

**AGENCY:** General Services Administration (GSA).

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and the GSA Public Buildings Service NEPA Desk Guide, GSA is issuing this notice to advise the public that a Supplemental Environmental Impact Statement (SEIS) will be prepared for the San Ysidro LPOE Modernization and Expansion Project (Project).

**FOR FURTHER INFORMATION CONTACT:** Osmahn A. Kadri, NEPA Project Manager, General Services Administration, Pacific Rim Region, at (415) 522–3617. Please also call this number if special assistance is needed to attend and participate in the public scoping meeting.

**SUPPLEMENTARY INFORMATION:** GSA intends to prepare a SEIS to analyze the potential impacts resulting from proposed modifications and design changes to the San Ysidro LPOE Improvements Project. The San Ysidro LPOE is located along Interstate 5 at the United States-Mexico border in the San Ysidro community of San Diego, California.

**Background**

A Final Environmental Impact Statement (EIS) and Record of Decision (ROD) were published in September 2009 that addressed the reconfiguration and expansion of the San Ysidro LPOE in three independent construction phases to improve overall capacity and operational efficiency. Phase I is fully funded and included the construction of additional northbound vehicle lanes and inspection facilities, a pedestrian bridge, and a new southbound pedestrian crossing facility on the east side of the LPOE. To date, the pedestrian bridge and southbound crossing facility have been constructed. Phase II would involve the construction of new buildings. Phase III would include construction of a southbound roadway and associated inspection equipment, as well as the addition of a new southbound pedestrian crossing on the west side of the LPOE at Virginia Avenue.

The SEIS will address design changes to Phase III of the project, which include modifications to the number of vehicle lanes on the proposed southbound roadway and the incorporation of northbound pedestrian inspections at the proposed pedestrian crossing facility on the west side of the LPOE.

**Alternatives Under Consideration**

Two build alternatives and one no build alternative are under consideration. The No Build Alternative assumes that no additional improvements would be constructed at the LPOE, and the LPOE would continue to operate under its current configuration.

Alternative 1 would include the northbound/southbound pedestrian crossing at Virginia Avenue and six southbound vehicular lanes on the proposed southbound roadway that would connect the terminus of Interstate 5 to the El Chaparral LPOE in Mexico.

Alternative 2 would include the northbound/southbound pedestrian crossing facility and 10 southbound vehicle lanes on the proposed southbound roadway.

**Scoping Process**

Scoping will be accomplished through a public scoping meeting, direct mail correspondence to appropriate federal, state, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in the Project. A public scoping meeting will be held on Thursday, May 9, 2013 from 4:30 p.m. to 7:30 p.m. at The Front, 147 West San Ysidro Boulevard, San Ysidro, CA

92173. The meeting will be an informal open house, where visitors may come, receive information, and provide written comments. Agencies and the public are encouraged to provide written comments regarding the scope of the SEIS. Written comments must be received by June 9, 2013, and sent to the General Services Administration, Attention: Osmahn Kadri, NEPA Project Manager, 450 Golden Gate Avenue, 3rd Floor East, San Francisco, CA 94102, or via email to *osmahn.kadri@gsa.gov*.

Dated: April 19, 2013.

**Matthew Jear,**

*Director, Portfolio Management Division, Pacific Rim Region, Public Buildings Service.*

[FR Doc. 2013–09816 Filed 4–30–13; 8:45 am]

**BILLING CODE 6820–YF–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Establishment of the Discretionary Advisory Committee on Heritable Disorders in Newborns and Children and Notice of Meeting

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice of establishment of the Discretionary Advisory Committee on Heritable Disorders in Newborns and Children and Notice of Meeting.

**Authority:** The Committee is governed by Public Health Service Act (PHS), 42 U.S.C. 217a: Advisory councils or committees as well as provisions of Public Law 92–463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees.

**SUMMARY:** The U.S. Department of Health and Human Services announces the establishment of the Discretionary Advisory Committee on Heritable Disorders in Newborns and Children. This notice also announces the Committee's first meeting.

**FOR FURTHER INFORMATION CONTACT:** Debi Sarkar, Health Resources and Services Administration, Maternal and Child Health Bureau; Telephone: 301–443–1080; Email: *dsarkar@hrsa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Background and Authority

Under the Public Health Service Act (PHS), 42 U.S.C. 217a, the Secretary of Health and Human Services directed that the Discretionary Advisory Committee on Heritable Disorders in Newborns and Children (DACHDNC) shall be established within the Department of Health and Human Services (HHS). To comply with the authorizing directive and guidelines under the Federal Advisory Committee Act (FACA), a charter was filed with the Committee Management Secretariat in the General Services Administration (GSA), the appropriate committees in the Senate and U.S. House of Representatives, and the Library of Congress to establish the Committee as a discretionary federal advisory committee.

The purpose of the Discretionary Advisory Committee on Heritable Disorders in Newborns and Children (DACHDNC) is to advise the Secretary of Health and Human Services about aspects of newborn and childhood screening and technical information for the development of policies and priorities that will enhance the ability of the State and local health agencies to provide for newborn and child screening, counseling and health care services for newborns and children having, or at risk for, heritable disorders. The DACHDNC will review and report regularly on newborn and childhood screening practices, recommend improvements for newborn and childhood screening programs, as well as fulfill the list of requirements stated in the original authorizing legislation.

### II. Structure

The Committee consists of fifteen (15) voting members, including the Chair. The members of the Committee were appointed by the Secretary. Membership is composed of the Chair, Special Government Employees (SGEs) and federal ex-officio members. Federal ex-officio members include the Administrator of the Health Resources and Services Administration; the Directors of the Centers for Disease Control and Prevention; the National Institutes of Health; the Agency for Healthcare Research and Quality; and the Commissioner of the Food and Drug Administration—or their designees. The Chair and other members are (a) medical, technical, public health or scientific professionals with special expertise in the field of heritable disorders or in providing screening, counseling, testing, or specialty services for newborns and children at risk for heritable disorders; (b) experts in ethics and heritable disorders who have worked and published material in the area of public health and genetic conditions; and (c) members from the public sector who have expertise, either professional or personal, about or concerning heritable disorders in order to achieve a fairly balanced membership.

The DACHDNC also includes nonvoting liaisons or representatives from Federal Agencies, public health constituencies, advocacy organizations and medical professional societies, as determined to be necessary by the Chair and/or the Designated Federal Official, to fulfill the duties of the DACHDNC. In addition, the DACHDNC is encouraged to work closely with other relevant HHS entities that focus on reviewing scientific evidence and making recommendations on clinical preventive services.

### III. First Meeting of the DACHDNC

*Dates and Times:* May 16, 2013, 10:00 a.m. to 2:00 p.m.

May 17, 2013, 10:00 a.m. to 2:00 p.m.

*Place:* Virtual via Webinar.

*Status:* The meeting is open to the public. For more information on registration and webinar details, please visit the Committee's Web site: *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

*Purpose:* The Discretionary Advisory Committee on Heritable Disorders in Newborns and Children (Committee), as authorized by Public Health Service Act (PHS), 42 U.S.C. 217a: Advisory councils or committees, was established to advise the Secretary of the Department of Health and Human Services regarding the development of newborn screening activities, technologies, policies, guidelines, and programs for effectively reducing morbidity and mortality in newborns and children having, or at risk for, heritable disorders. The Committee's recommendations regarding additional conditions/inherited disorders for screening that have been adopted by the Secretary are included in the Recommended Uniform Screening Panel (RUSP) that constitutes part of the comprehensive guidelines supported by the Health Resources and Services Administration. Pursuant to section 2713 of the Public Health Service Act, codified at 42 U.S.C. 300gg–13, non-grandfathered health plans are required to cover screenings included in the HRSA-supported comprehensive guidelines without charging a co-payment, co-insurance, or deductible for plan years (i.e., policy years) beginning on or after the date that is one year from the Secretary's adoption of the condition for screening.

*Agenda:* The meeting will include: (1) A final report on the Pompe Condition Nomination for inclusion in the RUSP, and (2) updates on priority projects from the Committee's subcommittees on Laboratory Standards and Procedures, Follow-up and Treatment, and Education and Training.

The Committee is expected to vote on whether or not to recommend to the

Secretary the addition of Pompe Disease to the Recommended Uniform Screening Panel (RUSP).

Certain proposed agenda items may be subject to change as necessary or appropriate. The agenda, webinar information, Committee Roster, Charter, presentations, and meeting materials are located on the Committee's Web site at *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

*Public Comments:* Members of the public can submit written comments and/or register to present oral comments during the public comment period of the meeting. All comments, whether oral or written, are part of the official Committee record and will be available for public inspection and copying. Advance registration is required to present oral comments or submit written comments. Individuals who wish to make public comments are required to email Lisa Vasquez (*lvasquez@hrsa.gov*) by Tuesday, May 7, 2013. The public comment period is scheduled for the morning of May 17, 2013.

Written comments should identify the individual's name, address, email, telephone number, professional or business affiliation, type of expertise (i.e., parent, researcher, clinician, public health, etc.), and the topic/subject matter of comment. To ensure that all individuals who have registered to make oral comments can be accommodated, the allocated time may be limited. Individuals who are associated with groups or have similar interests may be requested to combine their comments and present them through a single representative. No audiovisual presentations are permitted.

*Contact Person:* Anyone interested in obtaining other relevant information should contact Debi Sarkar, Maternal and Child Health Bureau, Health Resources and Services Administration, Room 18A–19, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: (301) 443–1080; email: *dsarkar@hrsa.gov.* The logistical challenges of coordinating this meeting hindered an earlier publication of this meeting notice.

More information on the Committee is available at *http://www.hrsa.gov/advisorycommittees/mchbadvisory/heritabledisorders.*

Dated: April 25, 2013.

**Mary K. Wakefield,**

*Administrator.*

[FR Doc. 2013–10241 Filed 4–30–13; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Announcement of Requirements and Registration for "Crowds Care for Cancer: Supporting Survivors Challenge"

**AGENCY:** Office of the National Coordinator for Health Information Technology, HHS.

*Award Approving Official:* Farzad Mostashari, National Coordinator for Health Information Technology.

**ACTION:** Notice.

**SUMMARY:** The number of cancer survivors in the United States is currently estimated at 14 million and is expected to increase significantly with the aging of the United States population. Cancer survivors may experience a host of long-term and late effects that require coordinated follow-up care after completion of primary treatment for cancer. Despite significant progress in cancer treatment, the complex, often fragmented state of end-of-treatment care may lead to harmful breakdowns in patient-provider communication and follow-up care for cancer survivors. Enabling better communication, exchange of data, and care coordination can help improve end-of-treatment consultations and care planning for cancer survivors. Innovative new approaches are needed to assist patients and their support networks use information from their providers and care plans to facilitate cancer follow-up care that is comprehensive, coordinated, and of high-quality.

To address the needs of cancer survivors, the Office of the National Coordinator for Health Information Technology (ONC) is launching the *Crowds Care for Cancer: Supporting Survivors Challenge* in conjunction with the National Cancer Institute (NCI) as part of the Investing in Innovation (i2) program. This challenge aims to incentivize the development of innovative information management tools and applications that help survivors manage their transition from specialty to primary care; for example, by facilitating activities such as coordinating recommendations, appointments, and resources from patient support networks and healthcare providers involved in their care. Submissions should help survivors use information from their providers and survivorship care plans to improve communication and coordination within their care networks that can help facilitate the planning and delivery of coordinated, high-quality, and patient-centered follow-up care. These networks often include families, friends, and members of their primary and specialty care teams. The ultimate goal of this challenge is to develop applications that will better meet the needs of cancer survivors. Finalists from Phase I will garner seed funding and publicity from ONC and NCI to assist qualified entrants in developing applications ready for solicitation of additional development resources.

**DATES:**

**Phase I:**

April 29, 2013: Crowds Care for Cancer: Supporting Survivors Challenge launch.

May 28, 2013, 11:59 p.m. PDT: Deadline for Phase I Submissions.

June 3, 2013: Up to three finalists announced, and launch of Phase II.

**Phase II:**

June 10, 2013: Crowdfunding portal opens platform for finalists to receive feedback and support/backing.

July 5, 2013: End of Crowdfunding phase.

July 12, 2013 11:59 p.m. PDT: Deadline for final development and submission of application.

July–August, 2013: Announce grand prize winner.

**FOR FURTHER INFORMATION CONTACT:** Abdul Shaikh, Ph.D., MHSc, Program Director, National Cancer Institute, National Institutes of Health (email: *shaikhab@mail.nih.gov;* 301–594–6690); Adam Wong, Office of the National Coordinator for Health Information Technology (*adam.wong@hhs.gov,* 202–720–2866).

**SUPPLEMENTARY INFORMATION:**

**Subject of Challenge Competition**

To address the needs of cancer survivors, the Office of the National Coordinator for Health Information Technology (ONC) is launching the *Crowds Care for Cancer: Supporting Survivors Challenge* in conjunction with the National Cancer Institute (NCI) as part of the Investing in Innovation (i2) program. This challenge aims to incentivize the development of innovative information management tools and applications that help survivors manage their transition from specialty to primary care, for example, by facilitating activities such as coordinating recommendations, appointments, and resources from patient support networks and healthcare providers involved in their care. Submissions should help survivors use information from their providers and survivorship care plans to improve

communication and coordination within their care networks that can help facilitate the planning and delivery of coordinated, high-quality, and patient-centered follow-up care. These networks often include families, friends, and members of their primary and specialty care teams. The ultimate goal of this challenge is to develop applications that will better meet the needs of cancer survivors. Finalists from Phase I will garner seed funding and publicity from ONC and NCI to assist qualified entrants in developing applications ready for solicitation of additional development resources.

As part of this goal, submissions could improve transitional and follow-up care after cancer treatment by optimizing patient-provider communication and customizing management of survivor care. Innovations could also address follow-up care needs such as medication tracking and adherence, health promotion, appointment and symptom tracking. Communication across survivor care networks will also be improved by utilizing key sources of health data and interoperability standards such as Blue Button+ (*bluebuttonplus.org*). Entries will also be assessed on their ability to adapt to the evolving care needs of survivors, including the potential for integration with electronic care platforms and between members of their care networks (e.g., family, friends, and healthcare providers).

The challenge will consist of two phases. In the first phase, entrants will submit wireframes and supporting documentation detailing the proposed functionality of their tool or application addressing the goals of the challenge. At the end of Phase I eligible entries will be judged according to the challenge criteria, with up to three entrants being awarded $5,000 each and receiving additional support to optimize their application proposal for promotion on a crowdfunding portal as they transition to Phase II. The second phase requires the Phase I finalists to post relevant details of their tool or application on a crowdfunding portal for public feedback and support in developing the application. At the end of Phase II the finalists will submit a functioning application to be judged for the $25,000 grand prize.

**Eligibility Rules for Participating in the Competition**

To be eligible to win a prize under this challenge, an individual or entity—

(1) Shall have registered to participate in the competition under the rules promulgated by the Department of Health and Human Services (HHS), Office of the National Coordinator for Health Information Technology (ONC), and National Cancer Institute (NCI), and Health 2.0;

(2) Shall have complied with all the requirements under this section;

(3) In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States and be 18 years of age or older;

(4) May not be a federal entity or federal employee acting within the scope of their employment;

(5) Shall not be a HHS employee working on their applications or submissions during assigned duty hours;

(6) Shall not be an employee of ONC or the National Institutes of Health (NIH); The immediate family members (spouse, parents and step-parents, siblings and step-siblings, and children and step-children) and household members (people who share the same residence at least three (3) months out of the year) of employees of ONC, NIH, the judges, or any other company or individual involved with the design, production, execution, or distribution of the challenge are not eligible to participate.

(7) Federal grantees may not use federal funds to develop COMPETES Act challenge applications unless consistent with the purpose of their grant award;

(8) Federal contractors may not use federal funds from a contract to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge submission;

(9) Each applicant retains title and full ownership in and to their submission. Applicant expressly reserves all intellectual property rights not expressly granted under this agreement. Applicants must agree to irrevocably grant to federal government a non-exclusive, royalty free, perpetual, irrevocable, worldwide license and right, with the right to sublicense, under entrant's intellectual property rights, in the event that an entrant wins, to use, reproduce, publicly perform, publicly display, and freely distribute the submission provided by such entrant (with or without any modifications or derivative works thereto), or any portion or feature thereof, for a period of one (1) year following the date that the challenge winner is selected.

An individual or entity shall not be deemed ineligible because the individual or entity used federal facilities or consulted with federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis.

Challenge entrants will be expected to sign a liability release as part of the contest registration process and agree to indemnify the Federal Government against third party claims. The liability release and indemnification agreement will use the following language:

By participating in this competition, I agree to assume any and all risks and waive claims against the federal government and its related entities, except in the case of willing misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from my participation in this prize contest, whether the injury, death, damage, or loss arises through negligence or otherwise. By participating in this competition, Entrants agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities.

Based on the subject matter of the competition, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from competition participation, Entrants are not required to obtain liability insurance or demonstrate financial responsibility in order to participate in this competition.

**Registration Process for Participants**

To register for this challenge entrants should either:

- Access the *www.challenge.gov* Web site and search for the Crowds Care for Cancer: Supporting Survivors Challenge; or
- Access the ONC Investing in Innovation (i2) Challenge Web site at *http://www.health2con.com/devchallenge/challenges/onc-i2-challenges/*

**Amount of the Prize**

Up to three Phase I finalists will be awarded a monetary cash prize totaling $5,000 each, and receive additional support to optimize their application proposal for promotion on a crowdfunding portal for Phase II. The single grand prize winner will be awarded a monetary cash prize totaling $25,000. The applications developed by the finalists and grand prize winner will be promoted by NCI and ONC.

Awards may be subject to Federal income taxes and HHS will comply with IRS withholding and reporting requirements, where applicable.

**Payment of the Prize**

Prize will be paid by contractor.

Basis upon which Phase I finalists and Phase II grand prize winner will be selected:

Challenge submissions will be judged by a panel selected by ONC and NCI with relevant expertise based on the following criteria:

1. The submission is an innovative information management tool or application deployable on any personal computing platform widely available to consumers;
2. The tool or application addresses the needs of cancer survivors managing their transition from specialty to primary care;
3. Usability and design;
4. Evidence of co-design with, and support from users of proposed tool or application (e.g., patients, families, primary/specialty caregivers, insurers, and/or hospital systems);
5. Innovation and differentiation from existing technologies and products;
6. Functionality, accuracy, integration with electronic care platforms, and use of Blue Button+ standards (bluebuttonplus.org) and other sources of health-related information; and,
7. Customizability and ability to adapt to evolving survivorship care needs including primary/specialist care interactions.

In order for an entry to be eligible to win this Challenge, it must meet the following requirements:

1. *General*—Entrants must provide continuous access to the application to judges during the evaluation period, a detailed description of the application, instructions on how to install and operate the application, and system requirements required to run the application (collectively, ''Submission'').
2. *Acceptable platforms*—The tool must be designed for use with any personal computing platform widely available to the average consumer.
3. *No HHS, ONC, NIH, or NCI logos*—The application must not use HHS', ONC's, or NCI's logos or official seals in the Submission, and must not claim endorsement.
4. *Section 508 Compliance*—Entrants must acknowledge that they understand that, as a pre-requisite to any subsequent acquisition by FAR contract or other method, they may be required to make their proposed solution compliant with Section 508 accessibility and usability requirements at their own expense. Any electronic information technology that is ultimately obtained by HHS for its use, development, or maintenance must meet Section 508 accessibility and usability standards. Past experience has demonstrated that it can be costly for solution-providers to ''retrofit'' solutions if remediation is later needed. The HHS Section 508 Evaluation Product Assessment Template, available at *http://www.hhs.gov/web/508/contracting/technology/vendors.html*, provides a useful roadmap for developers to review. It is a simple, web-based checklist utilized by HHS officials to allow vendors to document how their products do or do not meet the various Section 508 requirements.
5. *Functionality/Accuracy*—A Submission may be disqualified if the application fails to function as expressed in the description provided by the user, or if the application provides inaccurate or incomplete information.
6. *Security*—Submissions must be free of malware. Entrant agrees that the ONC may conduct testing on the application to determine whether malware or other security threats may be present. ONC may disqualify the application if, in ONC's judgment, the application may damage government or others' equipment or operating environment.

**Additional Information**

*Online Resources*

Blue Button: *http://www.healthit.gov/bluebutton*

Blue Button+ Implementation Guide: *http://bluebuttonplus.org/*

Follow-up Care After Cancer Treatment: *http://www.cancer.gov/cancertopics/factsheet/Therapy/followup*

Transitional Care Planning: *http://www.cancer.gov/cancertopics/pdq/supportivecare/transitionalcare/Patient/page2*

A Tough Transition: Survivorship Care Plans Slow to Take Hold: *http://www.cancer.gov/ncicancerbulletin/062612/page5*

NCI funding announcement on ''Examination of Survivorship Care Planning Efficacy and Impact''

PA–12–274: *http://grants.nih.gov/grants/guide/pa-files/PA-12-274.html*

PA–12–275: *http://grants.nih.gov/grants/guide/pa-files/PA-12-275.html*

*Intellectual Property*

Ownership of intellectual property is determined by the following:

- Each entrant retains title and full ownership in and to their submission. Entrants expressly reserve all intellectual property rights not expressly granted under the Challenge agreement.
- By participating in the Challenge, each entrant hereby irrevocably grants to ONC and NCI (Sponsors) and Health 2.0 (Administrator) a limited, non-exclusive, royalty-free, worldwide license and right to reproduce, publically perform, publically display, and use the Submission to the extent necessary to administer the Challenge, and to publically perform and publically display the Submission, including, without limitation, for advertising and promotional purposes relating to the Challenge.

General Conditions: ONC and NCI reserve the right to cancel, suspend, and/or modify non-prize elements of the Contest, or any part of it, for any reason, at ONC and NCI's discretion. Participation in this Contest constitutes an entrant's full and unconditional agreement to abide by the Contest's Official Rules found at *www.challenge.gov.*

Privacy Policy: ChallengePost collects personal information from you when you register on *Challenge.gov*. The information collected is subject to the ChallengePost privacy policy located at *www.challengepost.com/privacy*

**Authority:** 15 U.S.C. 3719.

Dated: April 24, 2013.

**Farzad Mostashari,**

*National Coordinator for Health Information Technology.*

[FR Doc. 2013–10192 Filed 4–30–13; 8:45 am]

BILLING CODE 4150–45–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Agency Information Collection Activities; Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project: ''Patient-Reported Health Information Technology and Workflow.'' In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection.

This proposed information collection was previously published in the **Federal Register** on February 13th, 2013 and allowed 60 days for public comment. No comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by May 31, 2013.

**ADDRESSES:** Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *dorislefkowitz@AHRO.hhs.gov.*

**SUPPLEMENTARY INFORMATION:**

## Proposed Project

Patient-Reported Health Information Technology and Workflow.

Health IT can improve quality of care by arraying relevant information, displaying clinical guidelines, highlighting test values of concern, calculating medication doses, and supporting clinical decisionmaking in many ways (Chaudhry et al., 2006). Successful health IT implementation requires careful attention to the workflow of clinicians and others involved in care delivery. However, few studies have examined how health IT can change workflow in ambulatory physician practices. Further, in most studies that address health IT in ambulatory settings, workflow is not the main focus of the research (Unertl, Weinger, Johnson et al., 2009, Carayon, Karsh, Cartmill et al., 2010a). The health IT literature has not focused on sociotechnical factors, such as patient or provider characteristics, physical environment and layout; technical training and support; functionality and usability of health IT; worker roles, staff workload, stress, and job satisfaction; and communication flows. Important work that does address such factors comes mainly from inpatient settings, or from other countries where the health care system is quite different than in the U.S. (Tjora and Scambler, 2009; Ammenwerth, filer, and Mahler, 2006; Niazkhani, Pirnejad, de Bont et al., 2008; Niazkhani, Pirnejad, Berg et al., 2009). Although many of these studies have concluded that changes in workflow occur when implementing different health IT applications, few studies have actually examined how workflow changes.

In recent years there has been an increase in the use of health IT to capture patient reporting of medical histories, symptoms, results of self-testing (e.g., blood glucose levels, blood pressure), weight questions and concerns, over-the-counter medication use, and other information that patients need to share with their care providers. Health IT can elicit such information from patients, and help incorporate it into the flow of information within a physician's practice so that the information is detailed, actionable, timely, and can be used to meet patients' treatment goals. Gathering and integrating information from patients using health IT can include:

- Patient portals, sometimes referred to as (electronic) personal health records or PHRs, allow patients to view portions of their medical records (e.g., laboratory test results), and support other health-related tasks such as making appointments or requesting medication refills. Some patient portal applications exist as standalone Web sites; other portal applications are integrated into an existing electronic health record [ERR] system;
- Secure messaging with patients (use of secure email between patients and clinicians, typically using the secure messaging functionality in the ERR and/or patient portal) (Byrne, Elliott, and Firek, 2009; Bergmo, Kummervold, Gammon et al., 2005); and
- E-forms (surveys that are administered using computerized media [e.g., tablets, laptops] to collect information from patients using pre-formatted forms before or during patient visits).

The use of patient-reported information is not yet widely integrated into health IT. This project will fill the gaps in the current literature by exploring the influence of sociotechnical factors—for clinicians and their office staff, and for patients—in capturing and using patient-reported information in ambulatory health IT systems and associated workflows. The goal of the project is to answer the following research questions:

- How does the use of health IT to capture and use patient-reported information support or hinder the workflow from the viewpoints of clinicians, office staff, and patients?
- How does the sociotechnical context influence workflow related to the capture and use of patient-reported information?
- How do practices redesign their workflow to incorporate the capture and use of patient-reported information?

The study will consist of rigorous mixed-methods case studies of six ambulatory care physician practices including three small practices (1–4 physicians and the other clinicians and office staff in their practices) and three medium-sized practices (5–10 physicians, and the other clinicians and office staff in their practices). These case studies will be conducted during multiday (3 to 4 days) site visits to collect information for this exploratory research. The multiple case study research approach of Eisenhardt and colleagues (Brown & Eisenhardt, 1997; Eisenhardt, 1989) will guide data collection and data analysis, to elucidate health IT workflows and important sociotechnical factors (for patients, clinicians, and office staff) in the capture and use of patient-reported information.

A focus of the case studies will be to identify current workflows related to patient-reported information, and determine the work system factors that influence workflows (barriers and facilitators). In particular, data collected from the six practices will help identify bottlenecks and sources of delay, unnecessary steps or duplication, rework to correct errors or inconsistencies, role ambiguity, missing information, and lack of data quality controls or reconciliation of inconsistencies. The focus is not on the content of information reported by patients, or how it alters clinicians' diagnostic or treatment decisions. Rather, the focus is on the workflows required to capture, process, and make use of information that patients report to their care providers.

This study is being conducted by AHRQ through its contractor, Abt Associates Inc., and subcontractors University of Wisconsin-Madison and University of Alabama-Birmingham, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to health care technologies and the quality, effectiveness, efficiency, appropriateness and value of health care services including quality measurement and improvement. 42 U.S.C. 299a(a)(1), (2) and (5).

## Method of Collection

To achieve the goal of this project the following activities will be conducted at each of six participating ambulatory physician practices (referred to herein as 'study sites'):

(1) Preliminary Conference Call: The Practice Manager (the individual in each practice who manages day-to-day operations) and the Physician Leader (the physician in each practice who is most knowledgeable about health IT and health IT implementation) will be asked to participate in a preliminary conference call to learn about the study site and what will be expected of their practice as a study site. This call will last approximately one hour and will be completed by up to 2 participants per site for a total of up to 12 participants across sites.

(2) Pre-Visit Questionnaire: The Practice Manager will be asked to complete a brief questionnaire prior to the site visit, describing the practice size, health IT installed, patient population served, and other general contextual information about the practice and use of health IT. The Pre-Visit Questionnaire will take approximately one hour to complete and will be completed by up to one respondent per study site.

(3) Practice Tour: Each of the six site visits will begin with a one-hour tour of the practice and discussion with the Practice Manager to observe the physical layout and computer work stations, clarify the purpose of the study and the site visit, and clarify information from the Pre-Visit Questionnaire.

(4) Interviews with Practice Manager and Physician Leader: Following the tour at each study site, the Practice Manager and Physician Leader will be asked to participate in a one hour interview. The interview with the Practice Manager will focus on the sociotechnical context of the practice, with an emphasis on the social context of the practice. The interview with the Physician Leader will also focus on the sociotechnical context of the practice, and, in particular, the technical aspects of clinicians using the health IT system. The focus will be on the workflow across the practice, not the workflow of these two individuals. This information will be used to create the basic outline or structure of a Workflow Process Map(s), a diagram that shows the temporal sequencing of tasks in relation to other work system elements (person, organization, environment, and tools and technologies). It will also be used to begin to identify potential variation or flexibility in individuals' workflows, and provide context regarding multiple IT systems that may be in use in the practice. The information obtained from these interviews will be augmented by observation of workflows in the practice and interviews with others in the practice, as described in #5 and #6.

(5) Observations of Clinicians and Office Staff: Researchers will observe between 8 to 20 clinicians (including physicians, nurse practitioners, physician assistants, nurses, medical assistants, and ancillary staff) and between 3 to 7 office staff (including the front desk receptionist, IT staff, clerks, and other non-clinical staff) per study site, depending on site size for a total of up to 84 clinicians and up to 30 office staff observations across the study sites. Observations will take place as clinicians and office staff work to elicit, integrate and work with patient-reported information. Each clinician will be observed for up to two hours and each office staff person will be observed for up to 30 minutes. These observations periods are different because clinicians' work is more complex and varies more from one patient to the next, while office staff work varies less. Observations will focus on processes, bottlenecks, facilitators, workarounds, and points in the workflow when paper information supplements electronic information. Observations of both clinicians and office staff will be recorded on the Observation Form. The observations will be used to create a detailed Workflow Process Map(s). This data collection will not burden the clinic staff and is not included in the burden estimates in Exhibit 1.

(6) Interviews with Clinicians and Office Staff: Following observations of the workflow, each clinician and office staff person who was observed will be interviewed for up to one hour, for a total of up to 84 clinicians and up to 30 office staff interviews. If there are more clinicians or office staff than can be interviewed during the site visit, those with the most extensive experience with patient-reported information will be selected for interviews. These interviews will include discussion about the sociotechnical context, the workflow observed (see above), facilitators and barriers to capturing and using patient-reported information, and whether there are uncommon workflow patterns that arise occasionally but were not observed. Unlike the interviews with the Physician Leader and Practice Manager, these interviews will focus on the workflow of each individual, not the workflow across the entire practice. The same interview guide will be used for both clinician and office staff interviews.

(7) Survey of Clinicians and Office Staff: All clinicians and office staff in the six study sites will be invited to respond to a survey. Although there may not be sufficient time on site to observe and interview every clinician and office staff person in the medium-sized practices, all of them will be asked to complete the survey questionnaire. Therefore, the number of survey respondents is greater than the number of observed and interviewed individuals. Up to 11 surveys will be completed at each small-sized study site and up to 35 surveys will be completed at each medium-sized study site, for a total of up to 138 respondents across the six sites. The surveys will be used to collect data regarding attitudes about and perceptions of the health IT workflows staff engage in related to patient-reported information and the impact of health IT on workload, stress, and job satisfaction, because workflow can impact workload and job satisfaction which have been shown to impact quality of care. The survey will also be used to collect data on barriers and facilitators associated with capturing and using patient-reported information.

(8) Patient Interviews: Patients will be interviewed to the understand the workflow of entering or reporting information from the patient's perspective; the extent and adequacy of training or instruction patients received in using the health IT; attitudes about the time it takes to report information; and whether there are challenges, barriers, facilitators, or workarounds commonly used by patients as they report information requested by their cue providers. Five patients will be interviewed at each small practice and up to seven at each medium-sized practice, for a total of up to 36 across the six study sites. More patients will be interviewed in the medium-sized practices because there are more clinicians in these practices, and each may have different patterns of interacting with their patients. Interviewing more patients will enhance the ability to capture information about variation in the clinician-patient information sharing and interaction. These interviews will help researchers understand the range of patient experiences.

(9) Post-Visit Follow-up to Review the Workflow Process Map(s): Following each site visit, researchers will complete the Workflow Process Map(s) for the study-site and send it to the Practice Manager and Physician Leader, requesting confirmation that the understanding of their workflows is correct.

The lessons learned from this research may be used in a variety of ways:

(1) To identify additional workflow components that ambulatory practices should consider when implementing health IT to capture and use patient-reported information;

(2) To identify issues relevant to best practice guidelines for health IT implementation;

(3) To identify issues for consideration in the design and evaluation of other patient-centered health IT tools.

The study findings will be widely disseminated to health IT researchers and implementers via AHRQ's National Resource Center for Health IT Web site. The study will enhance the existing knowledge about sociotechnical factors that impact health IT workflow, and how small and medium-sized ambulatory practices employ health IT to capture and use patient-reported information as they redesign their workflow to deliver patient-centered care.

**Estimated Annual Respondent Burden**

Exhibit 1 shows the estimated annual burden hours for the respondents' time to participate in this research. The Preliminary Conference Call with each site will involve two people, the Practice Manager and the Physician Leader, and will require up to one hour per site. A total of 12 people across the six study sites will be involved.

The Pre-Visit Questionnaire and the Practice Tour will be completed by the Practice Manager at each site and will require up to one hour each. The Practice Manager and the Physician Leader at each site (12 individuals in total across the 6 sites) will be separately interviewed to gather in depth information about the sociotechnical context of the practice. The interviews will each take up to one hour to complete.

Interviews with Clinicians and Office Staff will be completed with a maximum of 114 clinicians and office staff across the six study sites, and each interview will last up to one hour. A maximum of 138 clinicians and office staff combined (up to 11 for each of three small-sized sites and 35 for each of 3 medium-sized sites) will be asked to complete the clinician and office staff survey, which will take approximately 15 minutes for each respondent to complete.

Up to 36 patients will be interviewed (5 in each of the small sites and up to 7 in each of the medium-sized sites). Each interview will take no more than 30 minutes to complete. A total of 12 persons (the Practice Manager and the Physician Leader at each site) will be involved in the Post-Visit Follow-up to Review the Workflow Process Map(s), which will take one hour. The total annual burden hours, is estimated to be 215 hours.

Exhibit 2 shows the estimated annual cost burden associated with the study sites' time to participate in the research. The total annual cost burden is estimated to be $10,815.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

| Form name | Number of respondents | Number of responses per respondent | Hours per response | Total burden hours |
|---|---|---|---|---|
| Preliminary Conference Call | 12 | 1 | 1 | 12 |
| Pre-Visit Questionnaire | 6 | 1 | 1 | 6 |
| Practice Tour | 6 | 1 | 1 | 6 |
| Interviews with Practice Manager and Physician Leader | 12 | 1 | 1 | 12 |
| Interviews with Clinicians and Office Staff | 114 | 1 | 1 | 114 |
| Survey of Clinicians and Office Staff | 138 | 1 | 15/60 | 35 |
| Patient Interviews | 36 | 1 | 30/60 | 18 |
| Post Visit Follow-up to Review the Workflow Process Map(s) | 12 | 1 | 1 | 12 |
| Total | 336 | N/A | N/A | 215 |

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

| Form name | Number of respondents | Total burden hours | Average hourly wage rate * | Total cost burden |
|---|---|---|---|---|
| Preliminary Conference Call | 12 | 12 | [a] $67.15 | $806 |
| Pre-Visit Questionnaire | 6 | 6 | [b] 46.17 | 277 |
| Practice Tour | 6 | 6 | [b] 46.17 | 277 |
| Interviews with Practice Manager and Physician Leader | 12 | 12 | [a] 67.15 | 806 |
| Interviews with Clinicians and Office Staff | 114 | 114 | [c] 50.97 | 5,811 |
| Survey of Clinicians and Office Staff | 138 | 35 | 46.89 | 1,641 |
| Patient Interviews | 36 | 18 | [e] 21.74 | 391 |
| Review of the Workflow Process Map(s) | 12 | 12 | [a] 67.15 | 806 |
| Total | 336 | 215 | N/A | 10,815 |

*Based upon the mean of the average hourly wages, National Compensation Survey: Occupational wages in the United States May 2011, ''U.S. Department of Labor, Bureau of Labor Statistics.

[a] The average wage for Practice Managers ($46.17 per hour) and Physician Leaders ($88.12 per hour) [$88.12 reflects the average for Family and General Practitioners ($85.26 per hour) and Internists, General ($90.97 per hour)].

[b] The average U.S. wage for Practice Managers is $46.17 per hour.

[c] The weighted average wage for physicians ($88.12 per hour) [$88.12 reflects the average for Family and General Practitioners ($85.26 per hour) and Internists, General ($90.97 per hour)], nurse practitioners and physician assistants ($41.63 per hour) [$41.63 reflects the average for Physician Assistants ($43.01 per hour) and Health Diagnosing and Treating Practitioners, All ($40.24 per hour)], nurses ($33.23 per hour), and Office Staff ($17.94) [reflects the average for Receptionists and Information Clerks ($12.85 per hour), Office and Administration Support Workers, All Other ($16.07 per hour), and Computer Support Specialists ($24.91 per hour)].

[d] The weighted average wage for physicians ($88.12), nurse practitioners and physician assistants ($41.63), nurses ($33.23) and office staff ($17.94).

[e] The average U.S. hourly wage ($21.74).

**Request for Comments**

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: April 15, 2013.

**Carolyn M. Clancy,**

*Director.*

[FR Doc. 2013–09741 Filed 4–30–13; 8:45 am]

**BILLING CODE 4160–90–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[Docket Number NIOSH–161–A]**

### Issuance of Final Guidance Publication

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of issuance of final guidance publication.

**SUMMARY:** The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), announces the availability of the following publication: ''NIOSH Current Intelligence Bulletin 65: Occupational Exposure to Carbon Nanotubes and Nanofibers'' [2013–145].

**ADDRESSES:** This document may be obtained at the following link: Web site: *http://www.cdc.gov/niosh/docs/2013–145/.*

**FOR FURTHER INFORMATION CONTACT:** Charles Geraci, NIOSH, Robert A. Taft Laboratories, MS–C14, 4676 Columbia Parkway, Cincinnati, OH 45226, telephone (513) 533–8339.

Dated: April 25, 2013.

**John Howard,**

*Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.*

[FR Doc. 2013–10244 Filed 4–30–13; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* Community Services Block Grant (CSBG) Program Model Plan Application.

*OMB No.:* 0970–0382.

*Description:* Sections 676 and 677 of the Community Services Block Grant Act require States, including the District of Columbia and the Commonwealth of Puerto Rico, Tribes, Tribal organizations and U.S. territories applying for Community Services Block Grant (CSBG) funds to submit an application and plan (Model Application Plan). The application plan must meet statutory requirements prior to being funded with CSBG funds. Applicants have the option to submit a detailed application annually or biannually. Entities that submit a biannual application must provide an abbreviated application the following year if substantial changes to the initial application will occur. OMB approval is being sought.

*Respondents:* State Governments, including the District of Columbia and the Commonwealth of Puerto Rico, Tribal Governments, Tribal Organizations, and U.S. territories.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| Model State CSBG Application | 56 | 1 | 10 | 560 |
| Model Indian Tribes & Tribal Organizations CSBG Application | 30 | 1 | 10 | 300 |

*Estimated Total Annual Burden Hours:* 860.

*Additional Information:* Copies of the proposed collection may be obtained 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. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov*.

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2013–10235 Filed 4–30–13; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Submission for OMB Review; Comment Request

*Title:* ANA Project Impact Assessment Survey.

*OMB No.:* 0970–0379.

*Description:* The information collected by the Project Impact Assessment Survey is needed for two main reasons: (1) To collect crucial information required to report on the Administration for Native Americans' (ANA) established Government Performance and Results Act (GPRA) measures, and (2) to properly abide by ANA's congressionally-mandated statute (42 United States Code 2991 et seq.) found within the Native American Programs Act of 1974, as amended, which states that ANA will evaluate projects assisted through ANA grant dollars ''including evaluations that describe and measure the impact of such projects, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services.'' The information collected with this survey will fulfill ANA's statutory requirement and will also serve as an important planning and performance tool for ANA.

The ANA Project Impact Assessment Survey, previously approved under information collection number OMB CN: 0970–0379, expires on 7/31/2013. This notice is issued to support ANA's continued use of the survey, with minor changes to eliminate duplication of reporting and improve the clarity and content of questions. These minor changes will not result in additional reporting burden on ANA grantees.

*Respondents:* Tribal Governments, Native American nonprofit organizations, and Tribal Colleges and Universities.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|
| ANA Project Impact Assessment Survey | 85 | 1 | 6 | 510 |

Estimated Total Annual Burden Hours: 510.

**Additional Information**

Copies of the proposed collection may be obtained 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. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

**OMB Comment**

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Fax: 202–395–7285, Email: *OIRA_SUBMISSION@OMB.EOP.GOV.* Attn: Desk Officer for the Administration for Children and Families.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2013–10252 Filed 4–30–13; 8:45 am]

BILLING CODE 4184–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

**[CFDA Number: 93.676]**

### Announcement of the Award of Three Urgent Single-Source Grants To Support Shelter Care for Unaccompanied Alien Children

**AGENCY:** Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services.

**ACTION:** The Office of Refugee Resettlement (ORR) announces the award of three urgent single-source grants from the Unaccompanied Alien Children's Program to KidsPeace in Bethlehem, PA, St. Peter and Joseph Children's Home in San Antonio, TX, and Seton Home in San Antonio, TX.

**SUMMARY:** The Administration for Children and Families (ACF), Office of Refugee Resettlement (ORR) announces the award of three urgent single awards to the following organizations.

| Organization | Location | Amount |
|---|---|---|
| KidsPeace | Bethlehem, PA | $3,105,096 |
| St. Peter and Joseph Children's Home | San Antonio, TX | 1,630,000 |
| Seton Home | San Antonio, TX | 650,000 |

These urgent awards will support the expansion of bed capacity and supportive services to meet the number of unaccompanied alien children referrals from the Department of Homeland Security (DHS). The funding program is mandated by section 462 of the Homeland Security Act to ensure appropriate placement of all referrals from the DHS. The program is tied to DHS apprehension strategies and to the sporadic numbers of border crossers.

**DATES:** The period of support provided by these awards is April 15, 2013 through September 30, 2013.

**FOR FURTHER INFORMATION CONTACT:** Jallyn Sualog, Acting Director, Division of Children's Services, Office of Refugee

Resettlement, 901 D Street SW., Washington, DC 20447, Telephone (202) 401–4997. Email: *jallyn.sualog@acf.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** Since the beginning of FY 2013, the Unaccompanied Alien Children (UAC) program has seen a dramatic increase in the number of DHS referrals. The influx of border crossers referred by DHS has grown beyond anticipated rates resulting in the need for a significant increase in the number of shelter beds and supportive services for the children.

The UAC program has specific requirements for the provision of services to unaccompanied alien children. The named organizations were chosen for the noncompetitive awards because they already have the infrastructure, licensing, and appropriate levels of trained staff to meet service requirements and the urgent need for expanded services in order to respond to the increased numbers of unaccompanied children. The immediate provision of services will alleviate the buildup of children held in border patrol stations while awaiting placement in shelter care.

**Statutory Authority:** Section 462 of the Homeland Security Act, (6 U.S.C. 279) and sections 235(c) and 235(d) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, (8 U.S.C. 1232(c) and 1232(d)).

**Eskinder Negash,**

*Director, Office of Refugee Resettlement.*

[FR Doc. 2013–10311 Filed 4–30–13; 8:45 am]

**BILLING CODE 4184–45–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2012–N–0427]**

### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Medical Devices; Inspection by Accredited Persons Program

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Medical Devices; Inspection by Accredited Persons Program'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** Daniel Gittleson, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–5156, *daniel.gittleson@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** On January 31, 2013, the Agency submitted a proposed collection of information entitled ''Medical Devices; Inspection by Accredited Persons Program'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0510. The approval expires on April 30, 2016. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: April 26, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–10248 Filed 4–30–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2012–N–0976]**

### Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Guidance: Emergency Use Authorization of Medical Products

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Emergency Use Authorization of Medical Products'' has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** Ila S. Mizrachi, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, 301–796–7726, *ila.mizrachi@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:** On January 8, 2013, the Agency submitted a proposed collection of information entitled ''Emergency Use Authorization of Medical Products'' to OMB for review and clearance under 44 U.S.C. 3507. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. OMB has now approved the information collection and has assigned OMB control number 0910–0595. The approval expires on March 31, 2016. A copy of the supporting statement for this information collection is available on the Internet at *http://www.reginfo.gov/public/do/PRAMain.*

Dated: April 26, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–10247 Filed 4–30–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2012–N–0867]**

### Ashley Brandon Foyle: 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) debarring Ashley Brandon Foyle for 5 years from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Foyle was convicted of introducing and delivering for introduction into interstate commerce a misbranded drug, which relates to the development or approval, including the process for development or approval, of drug products and to the regulation of drug products under the FD&C Act. In addition, FDA determined that the type of conduct that served as the basis for Mr. Foyle's conviction undermines the process for the regulation of drugs. Mr. Foyle was given notice of the proposed debarment and an opportunity to request a hearing within the prescribed timeframe by regulation but failed to respond. Mr. Foyle's failure to respond constitutes a waiver of his right to a hearing concerning this action.

**DATES:** This order is effective May 1, 2013.

**ADDRESSES:** Submit applications for 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, 12420 Parklawn Dr., Rockville, MD 20857, 301–796–4640.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Section 306(b)(2)(B)(i)(I) of the FD&C Act (21 U.S.C. 335a(b)(2)(B)(i)(I)) permits FDA to debar an individual if it finds that the individual has been convicted of a misdemeanor under Federal law for conduct relating to the development or approval, including the process for development or approval, of any drug product or otherwise relating to the regulation of drug products under the FD&C Act, and if FDA finds that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs.

On May 5, 2010, Mr. Foyle pleaded guilty to a misdemeanor offense of introducing and delivering for introduction into interstate commerce a misbranded drug in violation of 21 U.S.C. 352(o), 331(a), and 333(a)(1). On July 7, 2011, the U.S. District Court for the District of Nevada entered judgment against Mr. Foyle for the misdemeanor offense of misbranding.

FDA's finding that debarment is appropriate is based on the misdemeanor conviction referenced herein. The factual basis for the conviction is as follows: On July 23, 2008, Agents from Customs and Border Protection found two express mail packages at JFK International Mail Facility, each with a return address of Muhi Trading Corporation, Bahadur Manzil. A border search was conducted on both packages, which revealed 1,000 capsules labeled as the prescription drug omeprazole in each package. The pills were in blister packs on which was written ''Omega Biotech LTD.'' Mr. Foyle and his co-defendant, David Freeman, were the importers of record for the packages. At all relevant times, neither Muhi Trading Corporation nor Omega Biotech LTD. were registered to manufacture, prepare, propagate, compound, or process drugs.

On January 20, 2009, an Agent with the Office of Criminal Investigations at FDA (OCI) conducted an undercover purchase of omeprazole through a Web site Mr. Foyle and Mr. Freeman used to sell their misbranded drugs. Mr. Foyle and Mr. Freeman repackaged omeprazole in their apartment and mailed it to the undercover Agent. Laboratory testing of the tablets confirmed that the tablets contained omeprazole. On February 24, 2009, OCI Agents searched Mr. Foyle and Mr. Freeman's residence and found unapproved drugs. The omeprazole pills that Mr. Foyle and Mr. Freeman imported, repackaged, and sold had not been approved by or registered with FDA. At no time was Mr. Foyle and Mr. Freeman's apartment registered as a location where drugs could be manufactured, prepared, propagated, compounded, or processed.

As a result of his convictions, on October 31, 2012, FDA sent Mr. Foyle a notice by certified mail proposing to debar him for 5 years 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(b)(2)(B)(i)(I) of the FD&C Act that Mr. Foyle was convicted of a misdemeanor under Federal law for conduct relating to the development or approval, including the process for development or approval, of drug products and to the regulation of drug products under the FD&C Act, and the conduct that served as the basis for Mr. Foyle's conviction undermines the process for the regulation of drugs because the introduction of misbranded drugs into interstate commerce is prohibited by the FD&C Act. The proposal also offered Mr. Foyle 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. Mr. Foyle failed to respond within the timeframe prescribed by regulation and has, therefore, waived his opportunity for a hearing and waived any contentions concerning his debarment (21 CFR part 12).

## II. Findings and Order

Therefore, the Director, Office of Enforcement and Import Operations, Office of Regulatory Affairs, under section 306(b)(2)(B)(i)(I) of the FD&C Act under authority delegated to him (Staff Manual Guide 1410.35), finds that Ashley Brandon Foyle has been convicted of a misdemeanor under Federal law for conduct relating to the development or approval, including the process for development or approval, of drug products and relating to the regulation of drug products under the FD&C Act, and that the type of conduct that served as the basis for the conviction undermines the process for the regulation of drugs.

As a result of the foregoing finding, Mr. Foyle is debarred for 5 years 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)(iii), and 201(dd) of the FD&C Act (21 U.S.C. 335a(c)(1)(B), (c)(2)(A)(iii), 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. Foyle, in any capacity during Mr. Foyle's debarment, will be subject to civil money penalties (section 307(a)(6) of the FD&C Act). If Mr. Foyle 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. Foyle during his period of debarment (section 306(c)(1)(B) of the FD&C Act).

Any application by Mr. Foyle for termination of debarment under section 306(d)(1) of the FD&C Act should be identified with Docket No. FDA–2012–N–0867 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: April 3, 2013.

**Melinda K. Plaisier,**

*Acting Associate Commissioner for Regulatory Affairs, Office of Regulatory Affairs.*

[FR Doc. 2013–10313 Filed 4–30–13; 8:45 am]

**BILLING CODE 4160–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Health Center Program

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice of Administrative Supplement to West End Medical Center, Inc. for provision of services in Gwinnett County, Georgia.

**SUMMARY:** The Health Resources and Services Administration (HRSA) will be issuing a non-competitive award of $250,000 under the Health Center Program (section 330 of the Public

Health Service Act.) that will be awarded to West End Medical Center, Inc. (WEMC), Atlanta, Georgia, during the budget period June 1, 2012, through May 31, 2013. This award will support the delivery of primary care services in Gwinnett County, Georgia, to prevent a disruption in services.

**SUPPLEMENTARY INFORMATION:**

*Original Period of Grant Support:* June 1, 2012, to May 31, 2013 (Budget Period).

*Amount of Supplemental Award:* $250,000.

*Period of Supplemental Funding:* June 1, 2012, to May 31, 2013.

**Authority:** Section 330 of the Public Health Service Act, 42 U.S.C. 245b.

CFDA Number: 93.224.

*Justification for the Exception to Competition:* The former grantee, Gwinnett County Board of Health (GCBH), relinquished the grant and its responsibilities. WEMC has been a HRSA funded Health Center grantee since 2002 and is a well-established organization with sound fiscal and grants management operations.

As a means of providing continued services in the Gwinnett County service area (formerly served by the GCBH), WEMC has arranged for the provision of services via an agreement with an existing health care provider in this area until the competitive award is announced.

**FOR FURTHER INFORMATION CONTACT:** Darrin Bowden via phone at (301) 594–4420 or via email at *dbowden@hrsa.gov.*

Dated: April 25, 2013.

**Mary K. Wakefield,**

*Administrator.*

[FR Doc. 2013–10294 Filed 4–30–13; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

### Ryan White HIV/AIDS Program, Part C Early Intervention Services Grant Under the Ryan White HIV/AIDS Program

**AGENCY:** Health Resources and Services Administration (HRSA), HHS.

**ACTION:** Notice of Ryan White HIV/AIDS Program Part C Early Intervention Services One-Time Noncompetitive Award to Ensure Continued HIV Primary Medical Care.

**SUMMARY:** To prevent a lapse in comprehensive primary care services for persons living with HIV/AIDS, HRSA will provide a one-time noncompetitive Ryan White HIV/AIDS Program Part C funds award to the Bartz-Altadonna Community Health Center (BACHC), Lancaster, California.

**SUPPLEMENTARY INFORMATION:** The amount of the award to ensure ongoing HIV medical services is $402,187.

**Authority:** Section 2651 of the Public Health Service (PHS) Act, 42 U.S.C. 300ff–51.

*CFDA Number:* 93.918.

*Project period:* The period of support for this award is 15 months, explained below in further detail.

*Justification for the Exception to Competition:* The Catalyst Foundation, Lancaster, California (Grant Number: H76HA00784) announced the relinquishment of their Part C grant on February 14, 2013. To prevent a lapse in HIV medical care, grant funds of $402,187 are to be awarded to BACHC to provide interim HIV medical care. BACHC is a Federally Qualified Health Center under section 330 of the PHS Act (H80CS22686), and the sub-grantee to Catalyst that is already providing the clinical care for the Ryan White HIV/AIDS Program Part C clients. The Catalyst Foundation has identified BACHC as a successor for the Part C grant. The $402,187 represents a proportional share of the last award to the Catalyst Foundation to cover 15 months of HIV primary medical care services until the service area is competed by July 1, 2014.

**FOR FURTHER INFORMATION CONTACT:** John Fanning, Public Health Analyst, Division of Community Based Programs, HIV/AIDS Bureau, Health Resources and Services Administration, by email at *jfanning@hrsa.gov,* or by phone at (301) 443–0493.

Dated: April 25, 2013.

**Mary K. Wakefield,**

*Administrator.*

[FR Doc. 2013–10304 Filed 4–30–13; 8:45 am]

**BILLING CODE 4165–15–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Eye Institute; Notice of 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 National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the 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 Advisory Eye Council.

*Date:* June 13, 2013.

*Open:* 8:30 a.m. to 2:00 p.m.

*Agenda:* Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs.

*Place:* National Institutes of Health, 45 Center Drive, Bethesda, MD 20892.

*Closed:* 2:00 p.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 45 Center Drive, Bethesda, MD 20892.

*Contact Person:* Lore Anne McNicol, Ph.D., Director, Division of Extramural Research, National Eye Institute, National Institutes of Health, 301–451–2020, *lam@nei.nih.gov.*

Any person interested may file written comments with the committee by forwarding the 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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nei.nih.gov*, where an agenda and any additional information will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: April 25, 2013

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–10201 Filed 4–30–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Cancer 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 Cancer Institute Special Emphasis Panel; Cancer Therapy (Omnibus).

*Date:* June 27–28, 2013.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

*Contact Person:* Caron A Lyman, Ph.D., Scientific Review Officer, National Cancer Institute, Division of Extramural Activities, Research Programs Review Branch, 9609 Medical Center Dr., Rm 7W412, Bethesda, MD 20892–975, 240–276–6348, *lymanc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 25, 2013.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–10199 Filed 4–30–13; 8:45 am]

**BILLING CODE 4140–01–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Cancer 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 Cancer Institute Special Emphasis Panel; National Clinical Trial Network Groups.

*Date:* July 16–17, 2013.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Shamala K. Srinivas, Ph.D., Scientific Review Officer, National Cancer Institute, Division of Extramural Activities, Research Programs Review Branch, 9609 Medical Center Dr., Room 7W530, Bethesda, MD 20892–975, 240–276–6442 *ss537t@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 25, 2013.

**Melanie J. Gray,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–10200 Filed 4–30–13; 8:45 am]

**BILLING CODE 4140–01–P**

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## 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 May 23, 2013 from 1:00 to 3:30 p.m. at the Lister Hill Center Auditorium (Building 38A), National Library of Medicine, on the NIH Campus at 8600 Rockville Pike, Bethesda, MD 20894. The meeting is open to the public.

**DATES:** The meeting will be held on May 23, 2013 from 1:00 to 3:30 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 Lister Hill Center Auditorium (Building 38A), National Library of Medicine, on the NIH Campus at 8600 Rockville Pike, Bethesda, MD 20894.

**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) comprising 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 May 23, 2013 DMICC meeting will focus on ''Long-term Outcomes of Bariatric Surgery.''

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-serve 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: April 25, 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. 2013–10307 Filed 4–30–13; 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

Member Conflict: Cardiovascular Epidemiology and Infectious Disease.

*Date:* May 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 20892, (Telephone Conference Call).

*Contact Person:* Mary Ann Guadagno, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7770, Bethesda, MD 20892, (301) 451–8011, *guadagma@csr.nih.gov.*

*Name of Committee:* Center for Scientific Review Special Emphasis Panel

Member Conflict: Eye Diseases #4.

*Date:* May 28, 2013.

*Time:* 12:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* James P Harwood, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5168, MSC 7840, Bethesda, MD 20892, 301–435–1256, *harwoodj@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: April 25, 2013.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–10198 Filed 4–30–13; 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 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; NIDA I/START Small Grant Review.

*Date:* June 19, 2013.

*Time:* 9:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Virtual Meeting).

*Contact Person:* Gerald L. McLaughlin, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4238, MSC 9550, Bethesda, MD 20892–9550, 301–402–6626, *gm145a@nih.gov.*

*Name of Committee:* National Institute on Drug Abuse Special Emphasis Panel; Cohort Studies of HIV/AIDS and Substance Abuse (U01).

*Date:* July 17, 2013.

*Time:* 11:00 a.m. to 3:00 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:* Nadine Rogers, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Blvd., Room 4229, MSC 9550, Bethesda, MD 20892–9550, 301–402–2105, *rogersn2@nida.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: April 25, 2013.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–10202 Filed 4–30–13; 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 USC, 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; Biomarker Study for Creatine Transporter Defect Disorders (Topic 002, SBIR Phase I, NCATS).

*Date:* May 14, 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, Scientific Review Officer, 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; SBIR Phase II Contract Review—Recovery Warrior: Behavioral Activation Video Game for Substance Abuse (Topic 141).

*Date:* May 20, 2013.

*Time:* 2:00 p.m. to 4:00 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:* Scott A. Chen, Ph.D., Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4234, MSC 9550, 6001 Executive Blvd., Bethesda, MD 20892–9550, 301–443–9511, *chensc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: April 25, 2013.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–10203 Filed 4–30–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Current List of Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

**AGENCY:** Substance Abuse and Mental Health Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) notifies Federal agencies of the Laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

A notice listing all currently certified Laboratories and Instrumented Initial Testing Facilities (IITF) is published in the **Federal Register** during the first week of each month. If any Laboratory/IITF's certification is suspended or revoked, the Laboratory/IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any Laboratory/IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.workplace.samhsa.gov* and *http://www.drugfreeworkplace.gov.*

**FOR FURTHER INFORMATION CONTACT:** Mrs. Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 2–1042, One Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

**SUPPLEMENTARY INFORMATION:** The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs'', as amended in the revisions listed above, requires strict standards that Laboratories and Instrumented Initial Testing Facilities (IITF) must meet in order to conduct drug and specimen validity tests on urine specimens for Federal agencies.

To become certified, an applicant Laboratory/IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a Laboratory/IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and Instrumented Initial Testing Facilities (IITF) in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A Laboratory/IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following Laboratories and Instrumented Initial Testing Facilities (IITF) meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

**Instrumented Initial Testing Facilities (IITF)**

None.

*Laboratories*

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016. (Formerly: Bayshore Clinical Laboratory.)

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264.

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150.

Aegis Analytical Laboratories, 345 Hill Ave., Nashville, TN 37210, 615–255–2400. (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc.)

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823. (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130. (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783. (Formerly: Forensic Toxicology Laboratory Baptist Medical Center.)

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

Doctors Laboratory, Inc., 2906 Julia Drive, Valdosta, GA 31602, 229–671–2281.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Fortes Laboratories, Inc.,25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023.

Gamma-Dynacare Medical Laboratories*, A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869. 908–526–2400/800–437–4986. (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984. (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group.)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.;

MedExpress/National Laboratory Center.)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845. (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295, Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774. (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory.)

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942. (Formerly: Centinela Hospital Airport Toxicology Laboratory.)

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.

Phamatech, Inc., 10151 Barnes Canyon Road, San Diego, CA 92121, 858–643–5555.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432. (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories.)

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216. (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories.)

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370. (Formerly: SmithKline Beecham Clinical Laboratories.)

Redwood Toxicology Laboratory, 3650 Westwind Blvd., Santa Rosa, CA 95403, 707–570–4434.

South Bend Medical Foundation, Inc., 530 N. Lafayette Blvd., South Bend, IN 46601, 574–234–4176 x1276.

Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027.

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438.

Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, Suite 208, Columbia, MO 65203, 573–882–1273.

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085.

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 30, 2010 (75 FR 22809). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

**Janine Denis Cook,**

*Chemist, Division of Workplace Programs, Center for Substance Abuse Prevention, SAMHSA.*

[FR Doc. 2013–10233 Filed 4–30–13; 8:45 am]

**BILLING CODE 4160–20–P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Internal Agency Docket No. FEMA–4109–DR; Docket ID FEMA–2013–0001]**

### Oklahoma; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–4109–DR), dated April 8, 2013, and related determinations.

**DATES:** *Effective Date:* April 8, 2013.

**FOR FURTHER INFORMATION CONTACT:** Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated April 8, 2013, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from a severe winter storm and snowstorm during the period of February 24–26, 2013, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq. (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. You are further authorized to provide snow assistance under the Public Assistance program for a limited period of time during or proximate to the incident period. Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Sandy Coachman, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Oklahoma have been designated as adversely affected by this major disaster:

Alfalfa, Beaver, Beckham, Blaine, Custer, Dewey, Ellis, Garfield, Grant, Kay, Kingfisher, Major, Noble, Roger Mills, Washita, Woods, and Woodward Counties for Public Assistance.

Dewey and Ellis Counties for snow assistance under the Public Assistance program for any continuous 48-hour period during or proximate to the incident period.

All counties within the State of Oklahoma are eligible to apply for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

**W. Craig Fugate,**

*Administrator, Federal Emergency Management Agency.*

[FR Doc. 2013–10273 Filed 4–30–13; 8:45 am]

**BILLING CODE 9111–23–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–EA–2013–N093; FF09D00000–FXGO1664091HCC0–134]**

### Wildlife and Hunting Heritage Conservation Council

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce a public meeting of the Wildlife and Hunting Heritage Conservation Council (Council).

**DATES:** *Meeting:* Wednesday June 5, 2013, from 8:00 a.m. to 5:00 p.m., and Thursday June 6, 2013, from 8:00 a.m. to 1:00 p.m. (Central daylight time). For deadlines and directions on registering to attend, submitting written material, and giving an oral presentation, please see ''Public Input'' under **SUPPLEMENTARY INFORMATION.**

**ADDRESSES:** The meeting will be held in the Room 105 (Prairie Rose Room) at the Bismarck Civic Center, 315 South 5th Street, Bismarck, ND 58504.

**FOR FURTHER INFORMATION CONTACT:** Joshua Winchell, Council Coordinator, 4401 North Fairfax Drive, Mailstop 3103–AEA, Arlington, VA 22203; telephone (703) 358–2639; fax (703) 358–2548; or email *joshua_winchell@fws.gov.*

**SUPPLEMENTARY INFORMATION:** In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., we announce that Wildlife and Hunting Heritage Conservation Council will hold a meeting.

### Background

Formed in February 2010, the Council provides advice about wildlife and habitat conservation endeavors that:

1. Benefit wildlife resources;
2. Encourage partnership among the public, the sporting conservation organizations, the states, Native American tribes, and the Federal Government;
3. Benefit recreational hunting.

The Council advises the Secretary of the Interior and the Secretary of Agriculture, reporting through the Director, U.S. Fish and Wildlife Service (Service), in consultation with the Director, Bureau of Land Management (BLM); Director, National Park Service (NPS); Chief, Forest Service (USFS); Chief, Natural Resources Service (NRCS); and Administrator, Farm Services Agency (FSA). The Council's duties are strictly advisory and consist of, but are not limited to, providing recommendations for:

1. Implementing the Recreational Hunting and Wildlife Resource Conservation Plan—A Ten-Year Plan for Implementation;
2. Increasing public awareness of and support for the Wildlife Restoration Program;
3. Fostering wildlife and habitat conservation and ethics in hunting and shooting sports recreation;
4. Stimulating sportsmen and women's participation in conservation and management of wildlife and habitat resources through outreach and education;
5. Fostering communication and coordination among State, tribal, and Federal governments; industry; hunting and shooting sportsmen and women; wildlife and habitat conservation and management organizations; and the public;
6. Providing appropriate access to Federal lands for recreational shooting and hunting;
7. Providing recommendations to improve implementation of Federal conservation programs that benefit wildlife, hunting, and outdoor recreation on private lands; and
8. When requested by the Designated Federal Officer in consultation with the Council Chairperson, performing a variety of assessments or reviews of policies, programs, and efforts through the Council's designated subcommittees or workgroups.

Background information on the Council is available at *http://www.fws.gov/whhcc.*

### Meeting Agenda

The Council will convene to consider:

1. The Recreational Hunting and Wildlife Resource Conservation Plan—A Ten-Year Plan for Implementation;
2. Conservation titles of the Farm Bill
3. Energy production and wildlife conservation; and
4. Other Council business.

The final agenda will be posted on the Internet at *http://www.fws.gov/whhcc.*

### Public Input

| If you wish to | You must contact the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) no later than |
|---|---|
| Attend the meeting | May 27, 2013. |
| Submit written information or questions before the meeting for the council to consider during the meeting | May 27, 2013. |
| Give an oral presentation during the meeting | May 27, 2013. |

*Attendance*

To attend this meeting, register by close of business on the dates listed in ''Public Input'' under **SUPPLEMENTARY INFORMATION**. Please submit your name, time of arrival, email address, and phone number to the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**).

*Submitting Written Information or Questions*

Interested members of the public may submit relevant information or questions for the Council to consider during the public meeting. Written

statements must be received by the date above, so that the information may be made available to the Council for their consideration prior to this meeting. Written statements must be supplied to the Council Coordinator in both of the following formats: One hard copy with original signature, and one electronic copy via email (acceptable file formats are Adobe Acrobat PDF, MS Word, MS PowerPoint, or rich text file).

*Giving an Oral Presentation*

Individuals or groups requesting to make an oral presentation at the meeting will be limited to 2 minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact the Council Coordinator, in writing (preferably via email; see **FOR FURTHER INFORMATION CONTACT**), to be placed on the public speaker list for this meeting. Nonregistered public speakers will not be considered during the meeting. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Council Coordinator up to 30 days subsequent to the meeting.

**Meeting Minutes**

Summary minutes of the conference will be maintained by the Council Coordinator (see **FOR FURTHER INFORMATION CONTACT**) and will be available for public inspection within 90 days of the meeting and will be posted on the Council's Web site at *http://www.fws.gov/whhcc.*

**Rowan W. Gould,**

*Deputy Director.*

[FR Doc. 2013–10267 Filed 4–30–13; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLWYP00000–L51100000–GA0000–LVEMK09CK380; WYW172684]**

### Notice of Availability of the Record of Decision for the Final Environmental Impact Statement for the Buckskin Mine Hay Creek II Coal Lease Application, WY

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, the Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) for the Hay Creek II Coal Lease-by-Application (LBA) included in the Buckskin Mine Hay Creek II Coal Lease Application Final Environmental Impact Statement (EIS).

**ADDRESSES:** The document is available electronically on the following Web site: *http://www.blm.gov/pgdata/content/wy/en/info/NEPA/documents/hpd/HayCreekII.html*. Paper copies of the ROD are also available at the following BLM office locations:

- Bureau of Land Management, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; and
- Bureau of Land Management, Wyoming High Plains District Office, 2987 Prospector Drive, Casper, Wyoming 82604.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Muller Ogle, Wyoming Coal Coordinator, at 307–775–6206, or Ms. Teresa Johnson, EIS Project Manager, at 307–261–7600. Ms. Ogle's office is located at the BLM Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009. Ms. Johnson's office is located at the BLM Wyoming High Plains District Office, 2987 Prospector Drive, Casper, WY 82604. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individuals during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individuals. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The ROD covered by this Notice of Availability (NOA) is for the Hay Creek II coal tract and addresses leasing Federal coal about 12 miles north of Gillette, Wyoming, in Campbell County, administered by the BLM Wyoming High Plains District Office. The BLM approves Alternative 2, which is the preferred alternative of the Final EIS for the Buckskin Mine Hay Creek II Coal Lease Application. Under Alternative 2, the Hay Creek II Coal LBA area, as modified by the BLM, includes 1,253.27 acres, more or less, and contains an estimated 167 million tons of mineable Federal coal. The BLM will announce a competitive coal lease sale in the **Federal Register** at a later date. The Environmental Protection Agency published a **Federal Register** notice announcing the Final EIS was publicly available on July 29, 2011 (76 FR 45554).

This decision is subject to appeal to the Interior Board of Land Appeals (IBLA), as provided in 43 CFR part 4, within thirty (30) days from the date of publication of this NOA in the **Federal Register**. The ROD contains instructions for filing an appeal with the IBLA.

**Mary Jo Rugwell,**

*Associate State Director, Wyoming.*

[FR Doc. 2013–10249 Filed 4–30–13; 8:45 am]

**BILLING CODE 4310–22–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLMT926000–L142000000–BJ0000]**

### Notice of Filing of Plats of Survey; South Dakota

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of filing of plats of survey.

**SUMMARY:** The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM Montana State Office, Billings, Montana, on May 31, 2013.

**DATES:** Protests of the survey must be filed before May 31, 2013 to be considered.

**ADDRESSES:** Protests of the survey should be sent to the Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669.

**FOR FURTHER INFORMATION CONTACT:** Marvin Montoya, Cadastral Surveyor, Branch of Cadastral Survey, Bureau of Land Management, 5001 Southgate Drive, Billings, Montana 59101–4669, telephone (406) 896–5124 or (406) 896–5009, *Marvin_Montoya@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** This survey was executed at the request of the Regional Director, Bureau of Indian Affairs, Great Plains Region, Aberdeen, South Dakota and was necessary to determine trust and tribal lands.

The lands we surveyed are:

**Sixth Principal Meridian, South Dakota**

T. 45 N., R. 31 W.

The plat, in one sheet, representing the dependent resurvey of a portion of the subdivisional lines, the adjusted original meanders of the former right bank of the White River, downstream, through sections 20, 28, and 29, and the subdivision of sections 20, 28, and 29, and the survey of the

meanders of the present right bank of the White River, downstream, through portions of sections 28 and 29, the limits of erosion in sections 28 and 29, the right bank of an abandoned channel, through sections 20 and 29, the medial line of an abandoned channel of the White River, through sections 20 and 29, certain division of accretion lines and certain partition lines, Township 45 North, Range 31 West, Sixth Principal Meridian, South Dakota, was accepted April 18, 2013.

We will place a copy of the plat, in one sheet, and related field notes we described in the open files. They will be available to the public as a matter of information. If the BLM receives a protest against this survey, as shown on this plat, in one sheet, prior to the date of the official filing, we will stay the filing pending our consideration of the protest. We will not officially file this plat, in one sheet, until the day after we have accepted or dismissed all protests and they have become final, including decisions or appeals.

**Authority:** 43 U.S.C. Chap. 3.

**James D. Claflin,**

*Chief Cadastral Surveyor, Division of Resources.*

[FR Doc. 2013–10189 Filed 4–30–13; 8:45 am]

**BILLING CODE 4310–DN–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLAK–941000–L1410000–ET0000; AA–45553]**

### Notice of Proposed Withdrawal and Opportunity for Public Meeting; AK

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The United States Forest Service (USFS) has filed an application with the Bureau of Land Management (BLM) to extend Public Land Order (PLO) No. 7177 for an additional 20-year term. This order withdrew approximately 22.51 acres of National Forest System land from settlement, sale, location, or entry under the general land laws, including the United States mining laws, for protection of the Glacier Loop Administrative Site in Alaska. The withdrawal created by PLO No. 7177 will expire on December 20, 2015, unless extended. This notice provides the public an opportunity to comment on the proposed withdrawal extension and to request a public meeting.

**DATES:** Comments and requests for a public meeting must be received by July 30, 2013.

**ADDRESSES:** Comments and meeting requests should be sent to the Alaska State Director, Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, No. 13, Anchorage, Alaska 99513–7504.

**FOR FURTHER INFORMATION CONTACT:** Gina Kendall, Land Law Examiner; Bureau of Land Management (BLM) telephone, 907–271–5688; or email, *gkendall@blm.gov.* Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual. In addition, the FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the BLM. You will receive a reply from the BLM during normal business hours.

**SUPPLEMENTARY INFORMATION:** The USFS filed an application with the BLM requesting that the Secretary of the Interior extend PLO No. 7177 (60 FR 66510, December 21, 1995), which withdrew 22.51 acres of public land from settlement, sale, location, or entry under the general land laws, including the United States mining laws, for an additional 20-year period to continue the protection of the Glacier Loop Administrative Site. PLO No. 7177 is incorporated herein by reference.

A complete description, along with all other records pertaining to the extension, can be examined in the BLM Alaska State Office at the address shown above.

The extended withdrawal would not alter the applicability of those public land laws governing the use of land under lease, license, or permit or governing the disposal of the mineral or vegetative resources other than under the mining laws.

The use of a right-of-way or interagency or cooperative agreement would not adequately protect the Federal interest in the Glacier Loop Administrative Site in Alaska.

There are no suitable alternative sites available that could be substituted for the above described public land since the Glacier Loop Administrative Site includes the Juneau Ranger District Office, shop, warehouse, and housing facilities. The site also includes the Juneau Forecast Office of the National Weather Service (authorized under a USFS Special Use Permit).

No water rights would be needed to fulfill the purpose of the requested withdrawal extension.

For a period until July 30, 2013, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal extension may present their views in writing to the BLM Alaska State Director at the address indicated above. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

We hereby give notice that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested parties who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the BLM Alaska State Director at the address indicated above. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** and at least one local newspaper at least 30 days before the scheduled date of the meeting.

The withdrawal extension application will be processed in accordance with the regulations set forth in 43 CFR 2310.4 and subject to Section 810 of the Alaska National Interest Lands Conservation Act, (16 U.S.C. 3120).

**Robert L. Lloyd,**

*Chief, Branch of Lands and Realty.*

[FR Doc. 2013–10300 Filed 4–30–13; 8:45 am]

**BILLING CODE 4310–JA–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNVL01000. L158480000.EU0000 241A; N–86674; 12–08807; MO#4500046714; TAS: 14X5232]**

### Notice of Realty Action: Modified Competitive Auction of Public Lands in Lincoln County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to offer three parcels of land in one sale totaling approximately 26.39 acres in Lincoln County, Nevada, by modified competitive sale. Bidding on the subject parcels will begin at not less than the appraised fair market value (FMV) of $15,800. The BLM has examined these parcels and found them suitable for disposal by modified competitive sale. The sale will be subject to the applicable provisions of Sections 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43

U.S.C. 1713, and the regulations at 43 CFR 2710.

**DATES:** Comments regarding the proposed sale must be received by the BLM on or before July 1, 2013. A sale would not be held prior to 60 days following publication of this Notice of Realty Action.

**ADDRESSES:** Written comments concerning the proposed sale should be sent to the BLM Field Manager, Schell Field Office, HC 33 Box 33500, 702 North Industrial Way, Ely, NV 89301, or email to *clongine@blm.gov*.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Longinetti at 775–289–1809 or *clongine@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The three parcels of land proposed as one sale total approximately 26.39 acres. The parcels are located approximately 35 miles northeast of Pioche, Nevada in Camp Valley. From U.S. Highway 93, take State Highway 322 (Mt. Wilson Back Country Byway) approximately 20 miles to Ursine, Nevada and Spring Valley State Park, and then travel an additional 15 miles (approximate) on a gravel road to the sale parcels. The parcels are legally described as:

**Mount Diablo Meridian**

T. 4 N., R. 69 E.,
Sec. 3, lots 7, 8, 9, and 12;
Sec. 10, lots 2 and 4.

The area described contains 26.39 acres, more or less, in Lincoln County, Nevada.

A map delineating the proposed sale is available for public review at the BLM Ely District Web site: *http://www.blm.gov/nv/st/en/fo/ely_field_office.html*, and at the BLM Ely District Office at 702 N. Industrial Way, Ely, Nevada 89301.

Consistent with Section 203 of FLPMA, these tracts of public land meet the disposal criteria in the approved land use plan and are in conformance with the BLM Ely District Final Environmental Impact Statement (EIS) and Record of Decision (ROD) approved on November 30, 2007, and Resource Management Plan (RMP), approved on August 20, 2008. The proposed actions conform to the RMP as referenced in the Lands and Realty objectives LR–8 and LR–16. The lands are also identified as suitable for disposal and are in compliance with Public Law 108–424, the Lincoln County Conservation, Recreation, and Development Act (LCCRDA), enacted on November 30, 2004. All of these documents, a map, and the approved appraisal report for the proposed sale are available for review at the BLM Ely District Office. An Environmental Preliminary Analysis Real Property was signed by the BLM Ely District Manager on July 20, 2010. A Determination of National Environmental Policy Act (NEPA) Adequacy was approved on November 8, 2010.

No significant resource values will be affected by the disposal of these parcels. These parcels are not required for any federal purposes.

The sale, as proposed, would be a public, oral auction and would be held at the BLM Caliente Field Office, 1400 South Front Street, Caliente, Nevada. Bidding on the sale parcel will begin at the established FMV.

The Lincoln County Commission supports a request by Lee Pearson for a modified-competitive sale of the 26.39 acre parcels. Mr. Pearson presently resides and conducts a cattle ranching operation on the private land that abuts the boundaries of the sale parcel. In consideration of the historical uses of the parcels, to protect on-going uses, assure compatibility of possible uses with adjacent lands, and to avoid dislocation of existing users, the BLM authorized officer has determined Lee Pearson as the designated bidder for the parcels.

The modified-competitive sale parcel has been examined and found to be consistent with and suitable for disposal using modified-competitive sale procedures at 43 CFR 2710.0–6(c)(1)(3)(ii), which allows an existing user to meet the high bid at the public sale. The procedure will allow for limited competitive sales to protect on-going uses, to assure compatibility of the possible uses with adjacent lands, and avoid dislocation of existing users. In accordance with 43 CFR 2711.3–2(a)(1)(i)(iii)(2)(c) the authorized officer has determined this method of sale for historical users. Modified-competitive bidding includes, but is not limited to, offering a designated bidder the right to meet the highest bid or the right of first refusal to purchase the lands at FMV. The highest bid among the qualified bids received for this sale will be declared. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

Modified-competitive sale procedures: The designated bidder or his authorized representative must be present at the oral bid sale. Should the designated bidder appoint a representative for this sale, they must submit in writing a notarized document identifying the level of capacity given to their designated representative. This document must be signed by both parties. The designated bidder or his authorized representative will have the opportunity to meet and accept the high bid as the purchase price of the parcel or to refuse that offer. Should the designated bidder or his authorized representative fail to exercise the preference consideration offered by the authorized officer to meet the high bid as the purchase price at the sale, the high bid will be declared the successful bid in accordance with regulations at 43 CFR 2711.3–2(c), using the procedures specified in 43 CFR 2711.3–1(d), competitive bidding procedures, where the highest qualifying bid received shall be publicly declared by the authorized officer. Acceptance or rejection of any offer to purchase will be in accordance with the procedures set forth in 43 CFR 2711.3–1(f) and (g) of this subpart.

The bid deposit payment and the final payment must be in the form of a bank draft, cashier's check, certified check or U.S. postal money order, or any combination thereof, and made payable in U.S. dollars to the Department of the Interior—Bureau of Land Management, immediately following the close of the sale. Personal or company checks will not be accepted. No contractual or other rights against the United States may accrue until BLM officially accepts the offer to purchase and the full bid price is paid.

Full payment must be made within 180 days from the date the sale offer is received. Failure to pay the full purchase price within 180 days of the sale will disqualify the sale offer. Failure to pay the full purchase price within the allotted time will result in forfeiture of the bid deposit in accordance with 43 CFR 2711.3–1(d). No exceptions will be made. The BLM cannot accept the full price at any time following the expiration of the 180th day after the sale offer(s). Arrangements for electronic fund transfer to BLM shall be made a minimum of two weeks prior to final payment.

The Camp Valley (Lincoln County) Mineral Report dated July 11, 2011, describes the mineral interests pertaining to these lands.

The LCCRDA Public Law 108–424, Section 102(g)(1), states that Federal land described in subsection (a) is withdrawn from all forms of entry and appropriation under the public land laws and mining laws and that the land segregation will terminate when the land is sold. Additionally, in accordance with 43 CFR 2807.15 and

2886.15, upon publication of this Notice of Realty Action and until completion of the sale, the BLM is no longer accepting land use applications affecting the identified public land, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants.

Terms and Conditions:

1. A right-of-way is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals, together with the right to prospect for, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe shall be reserved to the United States.

3. The parcels are subject to all valid existing rights.

4. All existing and valid land uses, including livestock grazing leases are reserved, unless waived.

5. By accepting this patent, the patentee agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee, its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee, its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) judgments, claims or demands of any kind assessed against the United States; (3) costs, expenses, or damages of any kind incurred by the United States; (4) releases or threatened releases of solid or hazardous waste(s) and/or hazardous substance(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) activities by which solid waste or hazardous substances or waste, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the patented real property, and may be enforced by the United States in a court of competent jurisdiction.

6. Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9620(h) (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1988, 100 Stat. 1670, notice is hereby given that the described lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for 1 year or more, nor had any hazardous substances been disposed of or released on the subject property.

No warranty of any kind, express or implied, is given by the United States, its officers or employees, as to title, access to or from the above described parcels of land, whether or to what extent the land may be developed, its physical condition, or past, present or future uses, or any other circumstances or condition. The conveyance of any such parcels will not be on a contingency basis. However, to the extent required by law, the parcels are subject to the requirements of Section 120(h) of the CERCLA.

Bidders must demonstrate to the satisfaction of the authorized officer that they meet the requirements of 43 CFR 2711.2 to hold real property in the United States. Failure to submit documentation to the BLM within 30 days from receipt of the high bidder letter shall result in the cancellation of the bid.

Parcels may be subject to land use applications received prior to publication of this notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcels. Encumbrances of record, appearing in the case files for the parcels proposed for sale, are available for review during business hours, 7:30 a.m. to 4:30 p.m., Pacific Time (PT), Monday through Friday, at the Ely District Office, except during federally recognized holidays.

The parcels are subject to limitations prescribed by law and regulation, and prior to patent issuance, a holder of any right-of-way within the parcels may be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable, or to an easement.

The BLM will notify valid existing right-of-way holders of their ability to convert their compliant rights-of-way to perpetual rights-of-way or easements. Each valid holder will be notified in writing of their rights and then must apply for the conversion of their current authorization.

Unless other satisfactory arrangements are approved in advance by a BLM authorized officer, conveyance of title shall be through the use of escrow. Designation of the escrow agent shall be through mutual agreement between the BLM and the prospective patentee, and costs of escrow shall be borne by the prospective patentee.

Requests for all escrow instructions must be received by the Ely District Office prior to 30 days before the scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the Ely District Office 30 days from the date on the high bidder letter by 4:30 p.m. Pacific Time. Name changes will not be accepted after that date. To submit a name change, the apparent high bidder(s) must submit the name change on the Certificate of Eligibility form to the Ely District Office in writing. Certificate of Eligibility forms are available at the Ely District Office and at the BLM Web site at: *http://www.blm.gov/nv* (click on the Ely District).

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of the exchange is the bidder's responsibility in accordance with Internal Revenue Service regulations. The BLM is not a party to any 1031 Exchange.

All sales are made in accordance with and subject to the governing provisions of law and applicable regulations.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale, if, in the opinion of the BLM authorized officer, consummation of the sale would be inconsistent with any law, or for other reasons.

If there are no acceptable bids, the parcel(s) may remain available for sale on a continuing basis in accordance with the competitive sale procedures described in 43 CFR 2711.3–1 without further legal notice.

In order to determine the FMV, certain assumptions may have been made concerning the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this notice, the BLM advises that these assumptions may not be endorsed or approved by units of local government. It is the buyer's

responsibility to be aware of all applicable Federal, State, and local government laws, regulations and policies that may affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of Federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It will be the responsibility of the purchaser to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should also make themselves aware of any Federal or State law or regulation that may impact the future use of the property. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Only written comments will be considered properly filed. 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.

Any adverse comments regarding the proposed sale will be reviewed by the BLM Nevada State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

(Authority: 43 CFR 2711)

**Michael E. Abel,**

*Acting Schell Field Manager.*

[FR Doc. 2013–10268 Filed 4–30–13; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–12739; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Inventory Completion for Native American Human Remains and Funerary Objects in the Possession of Big Cypress National Preserve, National Park Service, Ochopee, FL; Correction

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; correction.

**SUMMARY:** The U.S. Department of the Interior, National Park Service, Big Cypress National Preserve has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on February 26, 1996. This notice corrects the minimum number of individuals and number of associated funerary objects. Transfer of control of the items in this correction notice has occurred.

**ADDRESSES:** Pedro Ramos, Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, FL 34141, telephone (239) 695–1103, email *bicy_superintendent@nps.gov*.

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Big Cypress National Preserve, Ochopee, FL. The human remains and associated funerary objects were removed from Collier County, FL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Big Cypress National Preserve.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (61 FR 7120, February 26, 1996). A review of records found that the human remains and associated funerary objects from the Turner River #5 site were also described in another Notice of Inventory Completion published in the **Federal Register** (62 FR 18647, April 16, 1997). Transfer of control of the items in this correction notice has occurred.

### Correction

In the **Federal Register** (61 FR 7120, February 26, 1996), paragraph 2, sentence 1 is corrected by substituting the following sentence:
remains and funerary objects were collected from six sites by National Park Service archeologists in 1977.

In the **Federal Register** (61 FR 7120, February 26, 1996), paragraph 10 is corrected by deleting the entire paragraph.

In the **Federal Register** (61 FR 7120, February 26, 1996), paragraph 11 is corrected by substituting the following paragraph:

> Based on the above mentioned information, officials at Big Cypress National Preserve have determined that, pursuant to 43 CFR 10(d)(1), the human remains listed above represent the physical remains of at least three individuals of Native American ancestry. Officials of Big Cypress National Preserve have also determined that, pursuant to 25 U.S.C. 3001(3)(A) and (B), the 5,041 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Big Cypress National Preserve have determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between the human remains and funerary objects from the six sites and the Miccosukee Tribe of Indians.

### Additional Requestors and Disposition

Transfer of control of the human remains and associated funerary objects occurred after the 30-day waiting period expired for the original February 26, 1996, Notice of Inventory Completion. For questions related to this notice, contact Pedro Ramos, Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, FL 34141, telephone (239) 695–1103, email *bicy_superintendent@nps.gov*.

Big Cypress National Preserve is responsible for notifying the Miccosukee Tribe of Indians and Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) that this notice has been published.

Dated: April 2, 2013.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. 2013–10220 Filed 4–30–13; 8:45 am]

**BILLING CODE 4312–50–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–12759; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Inventory Completion: University of South Alabama Center for Archaeological Studies, Mobile, AL

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The University of South Alabama Center for Archaeological Studies has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the University of South Alabama Center for Archaeological Studies. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the University of South Alabama Center for Archaeological Studies at the address in this notice by May 31, 2013.

**ADDRESSES:** Dr. Gregory Waselkov, Director, University of South Alabama Center for Archaeological Studies, 6052 USA Drive South, Mobile, AL 36688, telephone (251) 460–6911.

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of South Alabama Center for Archaeological Studies, Mobile, AL. The human remains and associated funerary objects were removed from Clarke County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

#### Consultation

A detailed assessment of the human remains was made by the University of South Alabama Center for Archaeological Studies professional staff in consultation with representatives of the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the Tunica-Biloxi Indian Tribe.

#### History and Description of the Remains

At an unknown date, human remains representing, at minimum, five individuals were removed from site 1CK73 in Clarke County, AL. Ben Griffin, a resident of Jackson, AL, removed two burials from this site, without knowledge of state and Federal regulations prohibiting such activity. The Griffin collection was given to the University of South Alabama in 2003. No known individuals were identified.

The human remains from Burial 1 represent, at minimum, two individuals, consisting of 9 molars, 2 molar fragments, 8 pre-molars, 4 canines, 2 shovel-shaped incisors, 1 proximal tibia shaft, 1 ulna shaft fragment, 1 radius shaft fragment, and 22 unidentifiable skeletal fragments. The 6,172 associated funerary objects from Burial 1 are 5,976 glass beads or bead fragments, 1 sand-tempered aboriginal ceramic bowl base, 1 brass kettle, 11 brass bracelets, 20 brass button fragments, 7 unidentified copper fragments, 19 thin copper wire fragments, 38 or more dried vermilion paint fragments, 23 iron nail fragments, 68 or more unidentified iron fragments, 2 iron kettle handle fragments, 4 flat iron fragments, 1 iron knife blade, and 1 French blue-green cylindrical glass bottle in 88 fragments.

The human remains from Burial 2 represent, at minimum, three individuals, consisting of 16 molars, 10 premolars, 9 incisors, 7 canines, 61 unidentifiable tooth fragments, 1 rib fragment, and 25 unidentifiable skeletal fragments. The 81 associated funerary objects from Burial 2 are 11 glass beads/bead fragments, 2 plain shell-tempered ceramic jars, 1 small brass kettle, 1 iron kettle handle fragment, 6 unidentified flat iron fragments, 4 copper button fragments, 1 bird bone, 1 gastropod shell, 4 flat glass fragments, and 50 or more dried vermilion paint fragments.

Site 1CK73 is located on the east bank of the lower Tombigbee River, at a place that Halbert and Ball ([1895]1969:113) called the ''delightful West Bend neighborhood'' in the late 1800s. Cultural materials from site 1CK73 indicate use of the site during the Late Woodland period (approximately A.D. 700–1100) by people of the late Weeden Island and McLeod cultural traditions. Based on the presence of one sherd of Chickachae Combed pottery, Ben Coblentz and John Blitz concluded that the site may be the remnants of ''Fikitchipunta'' (Coblentz and Blitz 1978), one of the last Choctaw villages on the east side of the Tombigbee River (John Blitz, personal communication, April 2005). Support for Coblentz and Blitz's identification of Fikitchipunta is found in Halbert and Ball ([1895]1969), who assert that the area of site 1CK73 represents a Choctaw reservation called ''Fakit Chipunta,'' translated as ''Little Turkeys'' and ''Turkey Town'' by English speakers. The artifacts associated with both Burial 1 and Burial 2 indicate interment dates in the historical period. Glass beads associated with both burials date the burials to circa 1750–1785, when the region was occupied and controlled by Choctaws.

#### Determinations Made by the University of South Alabama Center for Archaeological Studies

Officials of the University of South Alabama Center for Archaeological Studies have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of five individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 6,253 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains associated funerary objects and the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the Tunica-Biloxi Indian Tribe.

**Additional Requestors and Disposition**

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Gregory Waselkov, Director, University of South Alabama Center for Archaeological Studies, 6052 USA Drive South, Mobile, AL 36688, telephone (251) 460–6911, by May 31, 2013. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the Tunica-Biloxi Indian Tribe may proceed.

The University of South Alabama Center for Archaeological Studies is responsible for notifying the Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Coushatta Tribe of Louisiana; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)); The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the Tunica-Biloxi Indian Tribe that this notice has been published.

Dated: April 3, 2013.

**Sherry Hutt,**

*Program Manager, National NAGPRA Program.*

[FR Doc. 2013–10219 Filed 4–30–13; 8:45 am]

**BILLING CODE 4312–50–P**

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## DEPARTMENT OF THE INTERIOR

## National Park Service

**[NPS–WASO–NAGPRA–12738; PPWOCRADN0–PCU00RP14.R50000]**

## Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Natchez Trace Parkway, Tupelo, MS; Correction; Correction

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; correction.

**SUMMARY:** The U.S. Department of the Interior, National Park Service, Natchez Trace Parkway has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion Correction in the **Federal Register** on April 1, 2005. This notice corrects the number of additional associated funerary objects from the Bynum Mounds site. Transfer of control of the items in this correction notice has occurred.

**ADDRESSES:** Dale Wilkerson, Acting Superintendent, Natchez Trace Parkway, 2680 Natchez Trace Parkway, Tupelo, MS 38803, telephone (662) 680–4025, email *Dale_Wilkerson@nps.gov.*

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Natchez Trace Parkway, Tupelo, MS. The human remains and associated funerary objects were removed from Chickasaw County, MS.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Natchez Trace Parkway.

This notice corrects the number of associated funerary objects published in a Notice of Inventory Completion Correction in the **Federal Register** (70 FR 16838, April 1, 2005). A review of records found a typographical error in the number of additional associated funerary objects from the Bynum Mounds site. The total number of associated funerary objects is unchanged. Transfer of control of the items in this correction notice has occurred.

*Correction*

In the **Federal Register** (70 FR 16838, April 1, 2005), paragraph 3, sentence 2 is corrected by substituting the following sentence:

> A review of Natchez Trace Parkway collections resulted in the identification of 27 additional associated funerary objects from the Alton's Chickasaw Village site, 1 incorrectly identified associated funerary object from the Ackia Village site, and 610 additional associated funerary objects from the Bynum Mounds site, all culturally affiliated with the same tribe as described in the original notice.

**Additional Requestors and Disposition**

Transfer of control of the human remains and associated funerary objects occurred after the 30-day waiting period expired for the original April 1, 2005, Notice of Inventory Completion. For questions related to this notice, contact Dale Wilkerson, Acting Superintendent, Natchez Trace Parkway, 2680 Natchez Trace Parkway, Tupelo, MS 38803, telephone (662) 680–4025, email *Dale_Wilkerson@nps.gov.*

Natchez Trace Parkway is responsible for notifying the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Chickasaw Nation; Chitimacha Tribe of Louisiana; Choctaw Nation of Oklahoma; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Jena Band of Choctaw Indians; Kialegee Tribal Town; Miccosukee Tribe of Indians; Mississippi Band of Choctaw Indians; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations));

Shawnee Tribe; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; Tunica-Biloxi Indian Tribe; and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: April 2, 2013.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. 2013–10221 Filed 4–30–13; 8:45 am]

**BILLING CODE 4312–50–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–WASO–NAGPRA–11978; PPWOCRADN0–PCU00RP14.R50000]**

### Notice of Inventory Completion: University of Washington, Department of Anthropology, Seattle, WA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The University of Washington, Department of Anthropology, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes, and has determined that there is no cultural affiliation between the remains and any present-day Indian tribe. Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary objects may contact the Burke Museum acting on behalf of the University of Washington, Department of Anthropology. Disposition of the human remains and associated funerary objects to the Indian tribes stated below may occur if no additional requestors come forward.

**DATES:** Representatives of any Indian tribe that believes it has a cultural affiliation with the human remains and associated funerary objects should contact the University of Washington at the address below by May 31, 2013.

**ADDRESSES:** Dr. Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849.

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the University of Washington, Department of Anthropology and in the physical custody of the Burke Museum. The human remains and associated funerary objects were removed from King County, WA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

#### Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Burke Museum and University of Washington professional staff in consultation with representatives of the Lummi Tribe of the Lummi Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nooksack Indian Tribe; Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Sauk-Suiattle Indian Tribe; Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe. In 1995, as part of the NAGPRA compliance process, these remains were reported to the Confederated Tribes and Bands of the Yakama Nation; Confederated Tribes of the Chehalis Reservation; Confederated Tribes of the Colville Reservation; Hoh Indian Tribe (previously listed as the Hoh Indian Tribe of the Hoh Indian Reservation, Washington); Jamestown S'Klallam Tribe; Kalispel Indian Community of the Kalispel Reservation; Lower Elwha Tribal Community (previously listed as the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington); Lummi Tribe of the Lummi Reservation; Makah Indian Tribe of the Makah Indian Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nisqually Indian Tribe (previously listed as the Nisqually Indian Tribe of the Nisqually Reservation, Washington); Nooksack Indian Tribe; Port Gamble Band of S'Klallam Indians (previously listed as the Port Gamble Indian Community of the Port Gamble Reservation, Washington); Puyallup Tribe of the Puyallup Reservation; Quileute Tribe of the Quileute Reservation; Quinault Indian Nation (previously listed as the Quinault Tribe of the Quinault Reservation, Washington); Sauk-Suiattle Indian Tribe; Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation (previously listed as the Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington); Skokomish Indian Tribe (previously listed as the Skokomish Indian Tribe of the Skokomish Reservation, Washington); Spokane Tribe of the Spokane Reservation; Squaxin Island Tribe of the Squaxin Island Reservation; Stillaguamish Tribe of Indians of Washington (previously listed as Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe (hereafter all tribes listed in this section are referred to as ''The Consulted and Notified Tribes'').

#### History and Description of the Remains

In 1964, human remains representing, at minimum, one individual (Specimen #9) were removed from Kent, WA. No known individuals were identified. The one associated funerary object is one lot of non-human bone.

#### Determinations Made by the University of Washington, Department of Anthropology

Officials of the University of Washington, Department of Anthropology, have determined that:

- Based on cranial and dental morphology, the human remains are Native American.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission, the land from which the Native American human remains and associated funerary objects were removed is the aboriginal land of the Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington).
- The Point Elliot Treaty of January 22, 1855, was signed by representatives from the Lummi Tribe of the Lummi Reservation; Muckleshoot Indian Tribe (previously listed as the Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington); Nooksack

Indian Tribe; Samish Indian Nation (previously listed as the Samish Indian Tribe, Washington); Sauk-Suiattle Indian Tribe; Stillaguamish Tribe of Indians of Washington (previously listed as the Stillaguamish Tribe of Washington); Suquamish Indian Tribe of the Port Madison Reservation; Swinomish Indians of the Swinomish Reservation of Washington; Tulalip Tribes of Washington (previously listed as the Tulalip Tribes of the Tulalip Reservation, Washington); and the Upper Skagit Indian Tribe (hereafter referred to as ''The Aboriginal Tribes''). The Point Elliot Treaty provided an agreement between The Aboriginal Tribes and the United States Government for land in western Washington. The land from which the Native American human remains and associated funerary objects were removed was a part of the aboriginal land ceded by the Point Elliot Treaty.

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the one object described above is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains and associated funerary objects may be to The Aboriginal Tribes.

**Additional Requestors and Disposition**

Representatives of any Indian tribe that believes itself to be culturally affiliated with the human remains and associated funerary object or any other Indian tribe that believes it satisfies the criteria in 43 CFR 10.11(c)(1) should contact Peter Lape, Burke Museum, University of Washington, Box 353010, Seattle, WA 98195, telephone (206) 685–3849, before May 31, 2013. Disposition of the human remains and associated funerary object to The Aboriginal Tribes may proceed after that date if no additional requestors come forward.

The University of Washington, Department of Anthropology is responsible for notifying The Consulted and Notified Tribes that this notice has been published.

Dated: April 2, 2013.

**Sherry Hutt,**

*Manager, National NAGPRA Program.*

[FR Doc. 2013–10218 Filed 4–30–13; 8:45 am]

**BILLING CODE 4312–50–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

**[OMB Control Number 1010–0106]**

### Information Collection: Oil Spill Financial Responsibility for Offshore Facilities; Proposed Collection for OMB Review; Comment Request MMAA104000

**ACTION:** 60-day notice.

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) concerns the paperwork requirements for 30 CFR 553, Oil Spill Financial Responsibility for Offshore Facilities.

**DATES:** Submit written comments by July 1, 2013.

**ADDRESSES:** Please send your comments on this ICR to the BOEM Information Collection Clearance Officer, Arlene Bajusz, Bureau of Ocean Energy Management, 381 Elden Street, HM–3127, Herndon, Virginia 20170 (mail); or *arlene.bajusz@boem.gov* (email); or 703–787–1209 (fax). Please reference ICR 1010–0106 in your comment and include your name and return address.

**FOR FURTHER INFORMATION CONTACT:** Arlene Bajusz, Office of Policy, Regulations, and Analysis at (703) 787–1025 to request additional information about this ICR.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 1010–0106.

*Title:* 30 CFR Part 553, Oil Spill Financial Responsibility for Offshore Facilities.

*Forms:* BOEM–1016, 1017, 1018, 1019, 1020, 1021, and 1022.

*Abstract:* This information collection request addresses the regulations at 30 CFR part 553, Oil Spill Financial Responsibility (OSFR) for Offshore Facilities, including any supplementary notices to lessees and operators that provide clarification, description, or explanation of these regulations, and forms BOEM–1016 through BOEM–1022.

The BOEM uses the information collected under 30 CFR part 553 to verify compliance with section 1016 of the Oil Pollution Act. The information is necessary to confirm that applicants can pay for cleanup and damages from oil-spill discharges from Covered Offshore Facilities (COFs).

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2) and under regulations at 30 CFR 550.197, ''Data and information to be made available to the public or for limited inspection.'' No items of a sensitive nature are collected. Responses are mandatory.

*Frequency:* On occasion or annual.

*Description of Respondents:* Holders of leases, permits, and rights of use and easement in the Outer Continental Shelf and in State coastal waters who will appoint designated applicants. Other respondents will be the designated applicants' insurance agents and brokers, bonding companies, and indemnitors. Some respondents may also be claimants.

*Estimated Reporting and Recordkeeping Hour Burden:* The currently approved annual reporting burden for this collection is 21,319 hours. The following table details the individual components and respective hour burden estimates of this ICR.

| Citation 30 CFR 553 | Reporting requirement* | Hour burden |
|---|---|---|
| Various sections | The burdens for all references to submitting evidence of OSFR, as well as required or supporting information, are covered with the forms below. | 0 |
| **Applicability and Amount of OSFR** | | |
| 11(a)(1); 40; 41 | Form BOEM–1016—Designated Applicant Information Certification | 1 |
| 11(a)(1); 40; 41 | Form BOEM–1017—Designation of Applicant | 9 |
| 12 | Request for determination of OSFR applicability. Provide required and supporting information. | 2 |
| 15 | Notify BOEM of change in ability to comply | 1 |
| 15(f) | Provide claimant written explanation of denial | 1 |

| Citation 30 CFR 553 | Reporting requirement* | Hour burden |
|---|---|---|
| **Methods for Demonstrating OSFR** | | |
| 21; 22; 23; 24; 26; 27; 30; 40; 41; 43 | Form BOEM–1018—Self-Insurance or Indemnity Information, including renewals | 1 |
| 29; 40; 41; 43 | Form BOEM–1019—Insurance Certificate | 120 |
| 31; 40; 41; 43 | Form BOEM–1020—Surety Bond | 24 |
| 32 | Proposal and supporting information for alternative method to evidence OSFR (anticipate no proposals, but regulations provide the opportunity). | 120 |
| **Requirements for Submitting OSFR Information** | | |
| 40; 41; 43 | Form BOEM–1021—Covered Offshore Facilities | 3 |
| 40; 41; 42 | Form BOEM–1022—Covered Offshore Facility Changes | 1 |
| **Claims for Oil-Spill Removal Costs and Damages** | | |
| Subpart F | Claims: BOEM is not involved in the claims process. Assessment of burden for claims against the Oil Spill Liability Trust Fund (30 CFR parts 125, 136, 137) falls under the responsibility of the U.S. Coast Guard. | 0 |
| 60(d) | Claimant request for BOEM assistance to determine whether a guarantor may be liable for a claim. | 2 |

* In the future, BOEM may require electronic filing of certain submissions.

*Estimated Reporting and Recordkeeping Non-Hour Cost Burden:* We have identified no reporting and recordkeeping non-hour cost burdens for this collection.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

*Comments:* Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency ''. . . to provide notice . . . and otherwise consult with members of the public and affected agencies concerning each proposed collection of information . . .'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the non-hour cost burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

*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 review, we cannot guarantee that we will be able to do so.

Dated: February 20, 2013.

**Deanna Meyer-Pietruszka,**

*Chief, Office of Policy, Regulations, and Analysis.*

[FR Doc. 2013–10309 Filed 4–30–13; 8:45 am]

BILLING CODE 4310–MR–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Ocean Energy Management

**[OMB Number 1010–0184]**

### Information Collection: Northern Alaska Native Community Surveys; Proposed Collection for OMB Review; Comment Request MMAA104000

**ACTION:** 60-day notice.

**SUMMARY:** To comply with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Ocean Energy Management (BOEM) is inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) pertains to two surveys conducted in northern coastal Alaska communities.

**DATES:** Submit written comments by July 1, 2013.

**ADDRESSES:** Please send your comments on this ICR to the BOEM Information Collection Clearance Officer, Arlene Bajusz, Bureau of Ocean Energy Management, 381 Elden Street, HM–3127, Herndon, Virginia 20170 (mail); or *arlene.bajusz@boem.gov* (email); or 703–787–1209 (fax). Please reference ICR 1010–0184 in your comment and include your name and return address.

**FOR FURTHER INFORMATION CONTACT:** Arlene Bajusz, Office of Policy, Regulations, and Analysis at (703) 787–1025. You may also request a free copy of the surveys. For more information on the surveys, contact Chris Campbell in the BOEM Alaska Regional Office at (907) 334–5264.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 1010–0184.

*Title:* Northern Alaska Native Community Surveys.

*Abstract:* With this information collection renewal, the Bureau of Ocean Energy Management (BOEM) is updating the target communities for the original survey and requesting approval of a second survey. The BOEM conducts these surveys because the Outer Continental Shelf (OCS) Lands Act (OCSLA) [Pub. L. 95–372, Sec. 20], and its subsequent amendments, requires the Secretary of the Department of the Interior (DOI) to monitor and assess the impacts of resource development activities in Federal waters on human, marine, and coastal environments. The OCSLA amendments authorize the Secretary of the Interior to conduct studies in areas or regions of lease sales to ascertain the ''environmental impacts on the marine and coastal environments of the outer Continental shelf and the coastal areas which may be affected by oil and gas development'' (43 U.S.C. 1346).

The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347) requires that all Federal agencies use a systematic, interdisciplinary approach to ensure the integrated use of the natural and social sciences in any planning and decision making that may have an effect on the human environment. The Council on Environmental Quality's Regulations for Implementing Procedural Provisions of NEPA (40 CFR 1500–1508) state that the ''human environment'' is to be ''interpreted comprehensively'' to include ''the natural and physical environment and the relationship of people with that environment'' (40 CFR 1508.14). An action's ''aesthetic, historic, cultural, economic, social or health'' effects must be assessed, ''whether direct, indirect, or cumulative'' (40 CFR 1508.8).

The BOEM is the DOI agency that conducts OCS lease sales and monitors and mitigates adverse impacts that might be associated with offshore resource development. The BOEM Environmental Studies Program implements and manages the responsibilities of research. The surveys in this collection will facilitate the meeting of DOI/BOEM information needs on subsistence food harvest and sharing activities in various coastal Alaska areas, with specific focus on the coastal Alaska communities in the North Slope area.

This information collection (IC) request involves two data collection surveys. The first survey, Study of Sharing to Assess Community Resilience (Resiliency Study), will assess the vulnerabilities of North Slope coastal communities to the potential effects of offshore oil and gas development on subsistence food harvest and sharing activities. It will investigate the resilience of local sharing networks that structure contemporary subsistence-cash economies using survey research methods that involve residents of four communities most proximate to proposed exploration areas (Barrow, Nuiqsut, Point Lay, Point Hope). The second survey, Social Indicators in Coastal Alaska: Arctic Communities (Social Indicators Study), will assess the well-being and living conditions of residents in six North Slope coastal communities (Barrow, Point Hope, Wainwright, Nuiqsut, Kaktovik, Point Lay).

The BOEM will use the information collected to learn about local social systems and well-being in a way that may shape development strategies and serve as an interim baseline for impact monitoring to compare against future research in these areas. Without these data, BOEM will not have sufficient information to make informed oil and gas leasing and development decisions for these areas. The studies will help BOEM identify and mitigate impacts of offshore oil and gas exploration and development on Native communities.

*Survey Instruments:* The research will be collected from two voluntary surveys. The Resilience Study will be given to each head of household in the study communities to collect information about the subsistence (harvest data) and sharing networks of the communities. The Social Indicators Study will be given to a randomly selected adult in each selected household in the study communities to collect information about well-being and living conditions. Survey questions are tailored to each community as appropriate, depending on the location of the community and surrounding plants and animals.

*Interview Methods:* The interviews for each survey will be conducted in person in a setting most comfortable for the respondents. This personal method is more expensive and time consuming for the researchers, but these drawbacks are outweighed by improvements in the quality of information obtained and the rapport established between the surveyor and the person interviewed. Telephone interviews have not been successful on the North Slope. Each respondent will be paid an honorarium for taking part in the study. Responses are voluntary.

*Frequency:* One-time event for each study.

*Description of Respondents:* Respondents are members of the Alaskan coastal communities in the North Slope area.

*Estimated Reporting and Recordkeeping Hour Burden:* With this renewal, we are updating the target communities for the Resiliency Survey and requesting approval of the second survey, Social Indicators Study.

BURDEN TABLE

| Survey | Estimated hour burden | Number of households/ respondents | Estimated annual burden hours |
|---|---|---|---|
| Resiliency Survey | 1.25 | 782 | 978* |
| Social Indicators Survey | 1 | 1,001 | 1,001 |
| Total | | 1,783 | 1,979 |

* Rounded.

*Estimated Reporting and Recordkeeping Non-Hour Cost Burden:* We have identified no non-hour paperwork cost burdens for this collection.

*Public Disclosure Statement:* The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

*Comments:* We invite comments on: (1) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether

the information is useful; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (4) ways to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

We will summarize written responses to this notice and address them in our submission for OMB approval. As a result of your comments, we will make any necessary adjustments to the burden in our submission to OMB.

*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 review, we cannot guarantee that we will be able to do so.

Dated: April 25, 2013.

**Deanna Meyer-Pietruszka,**

*Chief, Office of Policy, Regulations, and Analysis.*

[FR Doc. 2013–10312 Filed 4–30–13; 8:45 am]

**BILLING CODE 4310–MR–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 337–TA–879]**

## Certain Sleep-Disordered Breathing Treatment Systems and Components Thereof: Institution of Investigation Pursuant to 19 U.S.C. 1337

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 28, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of ResMed Corporation of San Diego, California; ResMed Incorporated of San Diego, California; and ResMed Limited of Australia. A letter supplementing the Complaint was filed on April 19, 2013. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,216,691 (''the '691 patent''), U.S. Patent No. 6,935,337 (''the '337 patent''), U.S. Patent No. 7,159,587 (''the '587 patent''), U.S. Patent No. 7,487,772 (''the '772 patent''), U.S. Patent No. 7,614,398 (''the '398 patent''), U.S. Patent No. 7,743,767 (''the '767 patent''), and U.S. Patent No. 7,997,267 (''the '267 patent''). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2012).

### Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on April 24, 2013, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain sleep-disordered breathing treatment systems and components thereof that infringe one or more of claims 1, 2, 4, 5, 17 and 28 of the '691 patent; claims 1 and 20 of the '337 patent; claim 15 of the '587 patent; claims 1, 5, 6, 11, 12, 18–20, 35 and 36 of the '772 patent; claims 1–7 of the '398 patent; claims 59, 60, 63, 72–75 of the '767 patent; and claims 17, 21–24, 29, 32–37 of the '267 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

ResMed Corporation, 9001 Spectrum Center Drive, San Diego, CA 92123.

ResMed Incorporated, 9001 Spectrum Center Drive, San Diego, CA 92123.

ResMed Limited, 1 Elizabeth Macarthur Drive, Bella Vista NSW 2153, Australia.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Apex Medical Corporation, No. 9, Min Sheng Street, Tu-Cheng, New Taipei City, 23679, Taiwan.

Apex Medical USA Corporation, 615 North Berry Street, Suite D, Brea, California 92821.

Medical Depot Incorporated, d/b/a Drive Medical Design & Manufacturing, 99 Seaview Boulevard, Suite 210, Port Washington, New York 11050.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the

right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

Issued: April 25, 2013.

By order of the Commission.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013–10216 Filed 4–30–13; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

**[OJP (BJA) Docket No. 1623]**

### Meeting of the Public Safety Officer Medal of Valor Review Board

**AGENCY:** Bureau of Justice Assistance (BJA), Department of Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** This is an announcement of a meeting (via conference call-in) of the Public Safety Officer Medal of Valor Review Board to consider a range of issues of importance to the Board, to include but not limited to: membership/terms; approval process for meeting minutes; applicant eligibility; 2011–2012 recommendations; 2012–2013 application submissions and review; outreach efforts; and to vote on the position of Board Chairperson. The meeting/conference call date and time is listed below.

**DATES:** June 5, 2013, 2:00 p.m. to 3:00 p.m. ET.

**ADDRESSES:** This will be a virtual meeting which will take place via video conference and/or conference call.

**FOR FURTHER INFORMATION CONTACT:** Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street NW., Washington, DC 20531, by telephone at (202) 514–1369, toll free (866) 859–2687, or by email at *gregory.joy@usdoj.gov.*

**SUPPLEMENTARY INFORMATION:** The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

The purpose of this meeting/conference call is to consider a range of issues of importance to the Board, to include but not limited to: membership/terms; approval process for meeting minutes; applicant eligibility; 2011–2012 recommendations; 2012–2013 application submissions and review; outreach efforts; and to vote on the position of Board Chairperson.

This meeting/conference call is open to the public at the offices of the Bureau of Justice Assistance. For security purposes, members of the public who wish to participate must register at least seven (7) days in advance of the meeting/conference call by contacting Mr. Joy. All interested participants will be required to meet at the Bureau of Justice Assistance, Office of Justice Programs; 810 7th Street NW., Washington, DC and will be required to sign in at the front desk. Note: Photo identification will be required for admission. Additional identification documents may be required.

Access to the meeting/conference call will not be allowed without prior registration. Anyone requiring special accommodations should contact Mr. Joy at least seven (7) days in advance of the meeting. Please submit any comments or written statements for consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

**Gregory Joy,**

*Policy Advisor/Designated Federal Officer, Bureau of Justice Assistance.*

[FR Doc. 2013–10185 Filed 4–30–13; 8:45 am]

**BILLING CODE 4410–18–P**

## DEPARTMENT OF JUSTICE

### Parole Commission

### Sunshine Act Meeting

**TIME AND DATE:** 12:00 p.m., Tuesday, May 7, 2013.

**PLACE:** U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Determination on four original jurisdiction cases.

**CONTACT PERSON FOR MORE INFORMATION:** Patricia W. Moore, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: April 29, 2013.

**Helen Krapels,**

*Assistant General Counsel, U.S. Parole Commission.*

[FR Doc. 2013–10415 Filed 4–29–13; 4:15 pm]

**BILLING CODE 4410–31–P**

## DEPARTMENT OF JUSTICE

### Parole Commission

### Sunshine Act Meeting

**TIME AND DATE:** 10:00 a.m., Tuesday, May 7, 2013.

**PLACE:** U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Approval of February 12, 2013 minutes; reports from the Chairman, the Commissioners, and senior staff; Comments received on revision of the Rules on Conditions of Release.

**CONTACT PERSON FOR MORE INFORMATION:** Patricia W. Moore, Staff Assistant to the Chairman, U.S. Parole Commission, 90 K Street NE., 3rd Floor, Washington, DC 20530, (202) 346–7001.

Dated: April 29, 2013.

**Helen Krapels,**

*Assistant General Counsel, U.S. Parole Commission.*

[FR Doc. 2013–10409 Filed 4–29–13; 4:15 pm]

**BILLING CODE 4410–31–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Benzene Standard

**ACTION:** Notice.

**SUMMARY:** On April 30, 2013, the Department of Labor (DOL) will submit the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Benzene Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

**DATES:** Submit comments on or before May 30, 2013.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the

RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* as of May 1, 2013, or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** The Benzene Standard requires employers to monitor worker exposure, to provide medical surveillance, and to maintain accurate records of worker exposure to benzene. Employers, workers, physicians and the Government use these records to ensure exposure to benzene in the workplace does not harm workers.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0129. The current approval is scheduled to expire on April 30, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on February 28, 2013 (78 FR 13707).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section by May 30, 2013. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0129. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the 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.

*Agency:* DOL–OSHA.

*Title of Collection:* Benzene Standard.

*OMB Control Number:* 1218–0129.

*Affected Public:* Private Sector—businesses or other for profits.

*Total Estimated Number of Respondents:* 13,498.

*Total Estimated Number of Responses:* 267,385.

*Total Estimated Annual Burden Hours:* 126,183.

*Total Estimated Annual Other Costs Burden:* $8,984,612.

Dated: April 24, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013–10230 Filed 4–30–13; 8:45 am]

**BILLING CODE 4510–26–P**

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## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Trade Act Participant Report

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Trade Act Participant Report,'' (TAPR) to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain,* on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** The TAPR is a data collection and reporting system that supplies critical information on the operation of the Trade Adjustment Assistance program and the outcomes for its participants. Information is required to be collected by State, and is used by Federal, State, and local, agencies to report program management information to the Congress and other Federal agencies, and to improve the effectiveness of job training programs. This ICR requests minor technological changes to the current TAPR. For additional information, see the related notice published in the **Federal Register** on January 15, 2013 (78 FR 3029).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0392. The current approval is scheduled to expire on April 30, 2013; however, it should be noted that existing information collection requirements submitted to the OMB

receive a month-to-month extension while they undergo review.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0392. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the 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.

*Agency:* DOL–ETA.

*Title of Collection:* Trade Act Participant Report.

*OMB Control Number:* 1205–0392.

*Affected Public:* Individuals or households and State, Local and Tribal Governments.

*Total Estimated Number of Respondents:* 450,050.

*Total Estimated Number of Responses:* 450,200.

*Total Estimated Annual Burden Hours:* 18,500.

*Total Estimated Annual Other Costs Burden:* $0.

Dated: April 23, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013–10232 Filed 4–30–13; 8:45 am]

**BILLING CODE 4510–FN–P**

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## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Walking-Working Surfaces Standard

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Walking-Working Surfaces Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et seq.).

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained from the RegInfo.gov Web site, *http://www.reginfo.gov/public/do/PRAMain*, on the day following publication of this notice or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503, Fax: 202–395–6881 (this is not a toll-free number), email: *OIRA_submission@omb.eop.gov.*

**FOR FURTHER INFORMATION CONTACT:** Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** The information collection requirements in the Walking-Working Surfaces Standard protect workers by making them aware of load limits of the floors of buildings, defective portable metal ladders, and the specifications of outrigger scaffolds used. Specifically, regulations 29 CFR 1910.22(d)(1) requires that in every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approved design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent. Under § 1910.26(c)(2)(vii), portable metal ladders having defects are to be marked and taken out of service until repaired by either the maintenance department or the manufacturer. Section 1910.28(e)(3) specifies that, unless outrigger scaffolds are designed by a licensed professional engineer, they shall be constructed and erected in accordance with table D–16 of this section. It is mandatory that a copy of the detailed drawings and specifications showing the sizes and spacing of members be kept on the job.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0199. The current approval is scheduled to expire on April 30, 2013; however, it should be noted that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional information, see the related notice published in the **Federal Register** on February 13, 2013.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0199. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the 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.

*Agency:* DOL–OSHA.

*Title of Collection:* Walking-Working Surfaces Standard.

*OMB Control Number:* 1218–0199.

*Affected Public:* Private sector—businesses or other for profits.

*Total Estimated Number of Respondents:* 41,540.

*Total Estimated Number of Responses:* 75,408.

*Total Estimated Annual Burden Hours:* 6,125.

*Total Estimated Annual Other Costs Burden:* $0.

Dated: April 24, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013–10231 Filed 4–30–13; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of March 25, 2013 through March 29, 2013.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) The sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) Imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) Imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) Imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) Imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) The increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) A significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) There has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) There has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) The shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) A significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).

**Affirmative Determinations for Worker Adjustment Assistance**

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 82,438 | Hatteras and CABO Yachts, A Division of Brunswick Corporation, Aerotek. | New Bern, NC | February 6, 2012. |
| 82,511 | Dow Kokam MI LLC, Elite Leasing and Staffing, ITH Staffing Solutions, Talascend & Adecco, etc. | Midland, MI | February 27, 2012. |
| 82,514 | Genon Energy Services, LLC, 1000 Main Street, dba NRG Energy, Inc. | Houston, TX | February 28, 2012. |

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 82,192 | NAVTEQ North America, LLC, Nokia Corporation, Location and Commerce, Belline, Subcontractors Beeline. | Chicago, IL | November 15, 2011. |
| 82,340 | YP Midwest Publishing LLC, Publishing Operations Group, YP Holdings LLC, Zero Chaos, Inc., etc. | Detroit, MI | January 13, 2012. |
| 82,340A | YP Midwest Publishing LLC, Publishing Operations Group, YP Holdings LLC, Aerotek, etc. | Southfield, MI | January 13, 2012. |
| 82,386 | Mahle Engine Components USA, Inc | McConnelsville, OH | January 29, 2012. |
| 82,436 | Arrow International Incorporated, Teleflex Incorporated, Vascular Division. | Reading, PA | January 31, 2012. |
| 82,499 | RR Donnelley, Digitial Services Center (DSC), Book Group, Spherion Staffing Services. | Willard, OH | January 8, 2013. |
| 82,526 | Elopak Inc., Elopak A.S., Venteon Technical, ITS Technologies, etc. | Wixom, MI | March 5, 2012. |
| 82,526A | Elopak Inc., Elopak A.S | New Hudson, MI | November 19, 2012. |
| 82,559 | Jackson Safety, Kimberly-Clark, Kelly OCG & Stafflogix | Belmont, MI | March 12, 2012. |
| 82,565 | Debusk Knitting Mill, A Subsidiary of DeRoyal Industries | New Tazewell, TN | February 28, 2012. |

The following certifications have been issued. The requirements of Section 222(c) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 82,083 | NetCracker, Teksystems and Booksource, Convergys Information Management (IM). | Cincinnati, OH | October 15, 2011. |
| 82,545 | Oerlikon Fairfield, OC Oelikon Corporation AG | Lafayette, IN | March 7, 2012. |

**Negative Determinations for Worker Adjustment Assistance**

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 82,292 | Umicore Thin Film Products, Division of Umicore USA, Inc., Workersmania. | Providence, RI. | |

**Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance**

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 82,523 | CEMEX USA | West Palm Beach, FL. | |

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

| TA–W No. | Subject firm | Location | Impact date |
|---|---|---|---|
| 82,398 | YP Southeast Advertising & Publishing LLC, Tucker, Georgia Division, YP Subsidiary Holdings LLC, YP Holdings LLC, etc. | Tucker, GA. | |
| 82,501 | G4 Products, LLC, G4 Holdings, CPS Ventures, Crestline, OSW and Maine Staffing Group, etc. | Lewiston, ME. | |

I hereby certify that the aforementioned determinations were issued during the period of March 25, 2013 through March 29, 2013. These determinations are available on the Department's Web site tradeact/taa/taa_search_form.cfm under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Dated: April 2, 2013.

**Elliott S. Kushner**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2013–10228 Filed 4–30–13; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 13, 2013.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 13, 2013.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 3rd day of April 2013.

**Elliott S. Kushner,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

## APPENDIX

[29 TAA petitions instituted between 3/25/13 and 3/29/13]

| TA–W | Subject firm (petitioners) | Location | Date of institution | Date of petition |
|---|---|---|---|---|
| 82589 | Ames True Temper, Inc. (Workers) | Falls City, NE | 03/25/13 | 03/25/13 |
| 82590 | Cinram Wireless LLC (Company) | Fort Worth, TX | 03/25/13 | 03/12/13 |
| 82591 | CIBA Vision (State/One-Stop) | Des Plaines, IL | 03/25/13 | 03/22/13 |
| 82592 | JP Morgan Chase—Accounts Reconciliation Processing (State/One-Stop). | Los Angeles, CA | 03/25/13 | 03/22/13 |
| 82593 | Matheson Tri-Gas (Workers) | Newark, CA | 03/26/13 | 03/14/13 |
| 82594 | BioTec Industries, Inc. (Company) | Newton, NC | 03/26/13 | 03/25/13 |
| 82595 | AIG Global Services, Inc. (Workers) | Livingston, NJ | 03/26/13 | 03/25/13 |
| 82596 | Corning Inc. (Workers) | Wilmington, NC | 03/26/13 | 03/21/13 |
| 82597 | BTI Coopermatics Inc. (Workers) | Northampton, PA | 03/26/13 | 03/13/13 |
| 82598 | Amphenol Backplane Systems (Workers) | Nashua, NH | 03/26/13 | 03/16/13 |
| 82599 | Aerial Machine and Tool Inc. (Workers) | Meadows Of Dan, VA | 03/26/13 | 03/22/13 |
| 82600 | One Source Engines (State/One-Stop) | Fort Smith, AR | 03/26/13 | 03/25/13 |
| 82601 | Kindel Furniture (State/One-Stop) | Grand Rapids, MI | 03/26/13 | 03/25/13 |
| 82602 | Wells Fargo Bank (Workers) | Beaverton, OR | 03/26/13 | 03/25/13 |
| 82603 | GE Ravenna Lamp (Company) | Ravenna, OH | 03/27/13 | 03/26/13 |
| 82604 | Steiner Film (Union) | Williamstown, MA | 03/27/13 | 03/22/13 |
| 82605 | Kern-Liebers USA, Inc. (Union) | Holland, OH | 03/27/13 | 03/25/13 |
| 82606 | Peptisyntha Incorporated (State/One-Stop) | Torrance, CA | 03/27/13 | 03/26/13 |

APPENDIX—Continued

[29 TAA petitions instituted between 3/25/13 and 3/29/13]

| TA–W | Subject firm (petitioners) | Location | Date of institution | Date of petition |
|---|---|---|---|---|
| 82607 | Teleperformance, USA (Workers) | Pocatello, ID | 03/27/13 | 03/14/13 |
| 82608 | Sew & So Embroidery, Inc. (Company) | Boone, NC | 03/28/13 | 03/27/13 |
| 82609 | Tesoro (Union) | Kapolei, HI | 03/28/13 | 03/27/13 |
| 82610 | Cooper Bussmann (Workers) | Ellisville, MO | 03/28/13 | 03/20/13 |
| 82611 | Mid-Atlantic Manufacturing & Hydraulics Inc. (Workers) | Rural Retreat, VA | 03/28/13 | 03/21/13 |
| 82612 | Biomas Energy, LLC (Workers) | Bumpass, VA | 03/28/13 | 03/22/13 |
| 82613 | Nestaway (State/One-Stop) | Beaver Dam, KY | 03/29/13 | 03/28/13 |
| 82614 | SAP America, Inc. (State/One-Stop) | Newton Square, PA | 03/29/13 | 03/28/13 |
| 82615 | Bank of America/Merrill Lynch (State/One-Stop) | Jersey City, NJ | 03/29/13 | 03/19/13 |
| 82616 | Higher Plain Staffing (Company) | Jacksonville, IL | 03/29/13 | 03/26/13 |
| 82617 | YP Holdings LLC (Workers) | Tucker, GA | 03/29/13 | 03/27/13 |

[FR Doc. 2013–10229 Filed 4–30–13; 8:45 am]

**BILLING CODE 4510–FN–P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

**[TA–W–81,145; TA–W–81,145A; TA–W–81,145B]**

### Notice of Revised Determination on Reconsideration

[TA–W–81,145]

SUNOCO, INC., R&M REFINING DIVISION INCLUDING ON–SITE LEASED WORKERS FROM ACCREDITED ENVIRONMENTAL TECHNOLOGIES, AMQUIP CORPORATION, ANDERSON CONSTRUCTION SERVICES, BAKER PETROLITE, BAKERCORP, BELL–FAST FIRE PROTECTION INC., BOLTTECH INC., BRAND INSULATION SERVICES, BRAND SCAFFOLD BUILDERS INC. (AKA BRAND INSULATION SERVICES), CATALYST HANDLING SERVICE CO., CHALMERS & KUBECK, CHEF'E CATERING, CINTAS, CLEAN VENTURES, INC., CM TOWERS, INC., COMPU–COM, DELAWARE BAY AND RIVER COOPERATIVE, DEVON PROPERTY SERVICES LLC, EISCO–NJ, FISHER TANK COMPANY, GE ENERGY SERVICES, GODWIN PUMPS OF AMERICA INC., HAGEMEYER NORTH AMERICA, HRI INCORPORATED, INTEGRITY TEST LAB, INTERTEK–CALEB BRETT USA, JJ WHITE, JR METZGER, JOY SERVICES, MATRIX SVC. INDUSTRIAL CONTRACTORS, MADISON LTD, MISTRAS SERVICES GROUP, MOBILE DREDGING AND PUMPING CO., MOTT TANK INSPECTION, O'BRIENT & GERE ENGINEERS INC., PRESIDIO NETWORKED SOLUTIONS, INC., PSC INDUSTRIAL OUTSOURCING, LP, PSCI–PROGRESSIVE SOFTWARE COMPUTING, QUALITY TESTING SERVICES, INC., RAILROAD CONSTRUCTION CO. OF SOUTH JERSEY, INC., REPUBLIC SERVICES OF PENNSYLVANIA, SAGE ENVIRONMENTAL CONSULTING, SAYBOLT, INC., SEALTEC–DIVISION OF SEALCO, INC., SECURITY SERVICES & TECH/AKA ADT ADVANCE INTEGRATION, SERVICE PAINTING, INC., SGS NORTH AMERICA, INC., SHARED SYSTEMS TECHNOLOGY, INC., SERVICE PAINTING INC., SGS NORTH AMERICA, INC., SHARED SYSTEMS TECHNOLOGY, INC., STANTEC CONSULTING CORPORATION, SUNSTATES SECURITY, LLC, TEAM INDUSTRIAL SERVICES, INC., TEKSOLV, INC., THYSSENKRUPP SAFWAY, INC. (DBA SAFWAY SERVICES, INC.), TRICO EQUIPMENT, UNION TANK CAR CO/UTLX, UNITED STATES ROOFING CORPORATION, WILSON, INC., WIRELESS COMMUNICATIONS & ELECTRONICS, XEROX GLOBAL SERVICES, AND ZEROCHAOS 100 GREEN STREET MARCUS HOOK, PENNSYLVANIA

TA–W–81,145A

SUNOCO, INC., R&M 10 INDUSTRIAL HWY, MS4 BUILDING G LESTER, PENNSYLVANIA

TA–W–81,145B

SUNOCO, INC., R&M 3144 PASSYUNK AVENUE PHILADELPHIA, PENNSYLVANIA

On September 14, 2012, the Department of Labor issued a Notice of Affirmative Determination Regarding Application for Reconsideration applicable to workers and former workers of Sunoco, Inc., R&M, Refining Division, Marcus Hook, Pennsylvania (TA–W–81,145), Sunoco, Inc., R&M, Lester, Pennsylvania (TA–W–81,145A), and Sunoco, Inc., R&M, Philadelphia, Pennsylvania (TA–W–81,145B) (hereafter collectively referred to as ''Sunoco'' or ''subject firm''). The subject firm is engaged in activities related to the production of refined petroleum products. Workers are not separately identifiable by product line.

The worker group at the Marcus Hook facility includes on-site leased workers from Accredited Environmental Technologies, Amquip Corporation, Anderson Construction Services, Baker Petrolite, BakerCorp, Bell-Fast Fire Protection Inc., Bolttech Inc., Brand Insulation Services, Brand Scaffold Builders Inc. (aka Brand Insulation Services), Catalyst Handling Service Co., Chalmers & Kubeck, Chef'e Catering, Cintas, Clean Ventures, Inc., CM Towers, Inc., Compu-Com, Delaware Bay and River Cooperative, Devon Property Services LLC, Eisco-NJ, Fisher Tank Company, GE Energy Services, Godwin Pumps of America Inc., Hagemeyer North America, HRI Incorporated, Integrity Test Lab, Intertek-Caleb Brett USA, JJ White, JR Metzger, Joy Services, Matrix Svc. Industrial Contractors, Madison LTD, Mistras Services Group, Mobile Dredging and Pumping Co., Mott Tank Inspection, O'Brient & Gere Engineers Inc., Presidio Networked Solutions, Inc., PSC Industrial Outsourcing, LP, PSCI-Progressive Software Computing, Quality Testing Services, Inc., Railroad Construction Co. of South Jersey, Inc., Republic Services of Pennsylvania, Sage Environmental Consulting, Saybolt, Inc., Sealtec-Division of Sealco, Inc., Security Services & Tech/AKA ADT Advance Integration, Service Painting, Inc., SGS North America, Inc., Shared Systems

Technology, Inc., Service Painting Inc., SGS North America, Inc., Shared Systems Technology, Inc., Stantec Consulting Corporation, Sunstates Security, LLC, Team Industrial Services, Inc., Teksolv, Inc., ThyssenKrupp Safway, Inc. (dba Safway Services, Inc.), Trico Equipment, Union Tank Car Co/UTLX, United States Roofing Corporation, Wilson, Inc., Wireless Communications & Electronics, Xerox Global Services, and ZeroChaos.

The worker groups at the Lester and Philadelphia facilities do not include leased workers.

Based on a careful review and clarification of previously-submitted information and additional information obtained during the reconsideration investigation, the Department determines that increased imports of articles like or directly competitive with the refined petroleum products produced by Sunoco contributed importantly to workers' separations and to the decline in sales or production at the afore-identified facilities.

Section 222(a)(1) has been met because a significant number or proportion of the workers at Sunoco have become totally or partially separated, or are threatened with such separation.

Section 222(a)(2)(A)(i) has been met because Sunoco sales and/or production of refined petroleum products have decreased.

Section 222(a)(2)(A)(ii) has been met because aggregate imports of articles like or directly competitive with the refined petroleum products produced by Sunoco have increased during the period of Sunoco's sales and/or production decline.

Finally, Section 222(a)(2)(A)(iii) has been met because increased aggregate imports contributed importantly to the worker group separations and sales/production declines at Sunoco.

**Conclusion**

After careful review of previously-submitted facts and the additional facts obtained during the reconsideration investigation, I determine that workers of Sunoco, Inc., R&M, Refining Division, including on-site leased workers, Marcus Hook, Pennsylvania (TA–W–81,145), Sunoco, Inc., R&M, Lester, Pennsylvania (TA–W–81,145A), and Sunoco, Inc., R&M, Philadelphia, Pennsylvania (TA–W–81,145B), who were engaged in employment related to the production of refined petroleum products, meet the worker group certification criteria under Section 222(a) of the Act, 19 U.S.C. 2272(a). In accordance with Section 223 of the Act, 19 U.S.C. 2273, I make the following certification:

All workers of Sunoco, Inc., R&M, Refining Division, including on-site leased workers from Accredited Environmental Technologies, Amquip Corporation, Anderson Construction Services, Baker Petrolite, BakerCorp, Bell-Fast Fire Protection Inc., Bolttech Inc., Brand Insulation Services, Brand Scaffold Builders Inc. (aka Brand Insulation Services), Catalyst Handling Service Co., Chalmers & Kubeck, Chef'e Catering, Cintas, Clean Ventures, Inc., CM Towers, Inc., Compu-Com, Delaware Bay and River Cooperative, Devon Property Services LLC, Eisco-NJ, Fisher Tank Company, GE Energy Services, Godwin Pumps of America Inc., Hagemeyer North America, HRI Incorporated, Integrity Test Lab, Intertek-Caleb Brett USA, JJ White, JR Metzger, Joy Services, Matrix Svc. Industrial Contractors, Madison LTD, Mistras Services Group, Mobile Dredging and Pumping Co., Mott Tank Inspection, O'Brient & Gere Engineers Inc., Presidio Networked Solutions, Inc., PSC Industrial Outsourcing, LP, PSCI-Progressive Software Computing, Quality Testing Services, Inc., Railroad Construction Co. of South Jersey, Inc., Republic Services of Pennsylvania, Sage Environmental Consulting, Saybolt, Inc., Sealtec-Division of Sealco, Inc., Security Services & Tech/AKA ADT Advance Integration, Service Painting, Inc., SGS North America, Inc., Shared Systems Technology, Inc., Service Painting Inc., SGS North America, Inc., Shared Systems Technology, Inc., Stantec Consulting Corporation, Sunstates Security, LLC, Team Industrial Services, Inc., Teksolv, Inc., ThyssenKrupp Safway, Inc. (dba Safway Services, Inc.), Trico Equipment, Union Tank Car Co/UTLX, United States Roofing Corporation, Wilson, Inc., Wireless Communications & Electronics, Xerox Global Services, and ZeroChaos, Marcus Hook, Pennsylvania (TA–W–81,145), Sunoco, Inc., R&M, Lester, Pennsylvania (TA–W–81,145A), and Sunoco, Inc., R&M, Philadelphia, Pennsylvania (TA–W–81,145B), who became totally or partially separated from employment on or after February 13, 2010, through two years from the date of this certification, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 28th day of March 2013.

**Del Min Amy Chen,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2013–10227 Filed 4–30–13; 8:45 am]

BILLING CODE 4510–FN–P

## LEGAL SERVICES CORPORATION

### Notice of Proposed Revisions for the LSC Grant Assurances for Calendar Year 2014 Funding

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice of proposed changes and request for comments.

**SUMMARY:** The Legal Services Corporation (''LSC'') intends to revise the LSC Grant Assurances for calendar year 2014 funding since the last publication of the LSC Grant Assurances for 2013 funding and is soliciting public comment on the proposed changes. The proposed revisions affect Grant Assurances 13 and 17. The proposed LSC grant assurances for calendar year 2014 funding, in redline format indicating the proposed changes to the current ''LSC 2013 Grant Assurances,'' are at *http://grants.lsc.gov/sites/default/files/Grants/ReferenceMaterials/2014-GrantAssurances-Proposed.pdf*.

**DATES:** All comments and recommendations must be received on or before the close of business on May 31, 2013.

**ADDRESSES:** Written comments may be submitted by mail, email, or fax to Reginald J. Haley, Office of Program Performance, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; *LSCGrantAssurances@lsc.gov*; or (202) 337–6813 (fax). Comments may also be submitted online at *http://www.lsc.gov/contact-us*.

**FOR FURTHER INFORMATION CONTACT:** Reginald J. Haley, *haleyr@lsc.gov*, (202) 295–1545.

**SUPPLEMENTARY INFORMATION:** The purpose of the LSC grant assurances is to delineate the rights and responsibilities of LSC and the recipient pursuant to the provisions of the grant. As a grant making agency created by Congress, LSC has grant assurances that are intended to reiterate and/or clarify the responsibilities and obligations already applicable through existing law and regulations and/or obligate the recipient to comply with specific additional requirements in order to effectuate the purposes of the Legal Services Corporation Act, as amended, and other applicable law. A summary of the changes proposed follows.

Grant Assurance #13 bars recipients from taking or threatening to take disciplinary action against employees or volunteers for cooperating with or releasing appropriate information to LSC. The grant assurance requires each grantee to notify its staff and volunteers that it will not take retaliatory actions

for any appropriate cooperation with LSC or other entity authorized to receive such cooperation. The proposed change to the grant assurance requires recipients to provide the notification to staff and volunteers in writing.

Grant Assurance #17 requires LSC recipients to maintain all records pertaining to the grant and supporting documents sufficient for LSC to audit those records. The proposed change to the grant assurance requires recipients to follow the record retention requirements provided in Appendix II of the Accounting Guide for LSC Recipients (2010 Edition).

The proposed LSC grant assurances for calendar year 2014 funding, in redline format indicating the proposed changes to the current ''LSC 2013 Grant Assurances,'' are at *http://grants.lsc.gov/sites/default/files/Grants/ReferenceMaterials/2014-GrantAssurances-Proposed.pdf*. Interested parties are requested to provide comments concerning the proposed grant assurances for 2014 grant awards within a period of thirty (30) days from the date of publication of this notice.

Dated: April 25, 2013.

**Lynn A. Jennings,**

*Vice President for Grants Management.*

[FR Doc. 2013–10243 Filed 4–30–13; 8:45 am]

**BILLING CODE 7050–01–P**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Engineering; Notice of Meeting; Correction

This document corrects a notice that was published in the **Federal Register** on April 24, 2013 on page 24239. The subject heading of the document should read as follows:

Advisory Committee for Computer and Information Science and Engineering, #1115; Notice of Meeting

All other information in the April 24, 2013 notice remains the same.

Dated: April 25, 2013.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 2013–10197 Filed 4–30–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Public Access to Federally Supported Research and Development Data and Publications: Two Planning Meetings

**AGENCIES:** National Science Foundation, Department of Agriculture, National Institute of Standards and Technology, National Technical Information Service, National Oceanic and Atmospheric Administration, Department of Defense, Department of Education, Department of Energy, Department for Health and Human Services, Agency for Healthcare Research and Quality, Centers for Disease Control and Prevention, National Institutes of Health, United States Food and Drug Administration, United States Geological Survey, Department of Homeland Security, Department of Transportation, Department of Veterans Affairs, Environmental Protection Agency, Institute of Museum and Library Services, National Aeronautics and Space Administration, National Endowment for the Humanities, Office of the Director of National Intelligence, Smithsonian Institution, United States Agency for International Development.

**ACTION:** Notice of Open Meetings.

**SUMMARY:** This notice announces meetings organized by the National Science Foundation with the cooperation of other agencies (listed above).

**DATES:** May 14, 2013, 9 a.m.–5 p.m.; May 15, 2013, 9 a.m.–12 p.m.; May 16, 2013, 9 a.m.–5 p.m.; May 17, 2013, 9 a.m.–12 p.m.

**ADDRESSES:** Auditorium, NATIONAL ACADEMY OF SCIENCES, 2101 Constitution Avenue NW., Washington, DC 201418 (*http://sites.nationalacademies.org/DBASSE/CurrentProjects/DBASSE_082378*).

**FOR FURTHER INFORMATION CONTACT:** Dr. Myron Gutmann, National Science Foundation, Directorate for Social, Behavioral and Economic Sciences, 4201 Wilson Boulevard, Arlington, Virginia 22230. Phone (703) 292–8700, fax (703) 292–9803; Dr. Clifford J. Gabriel, National Science Foundation, Office of the Director, 4201 Wilson Boulevard, Arlington, Virginia 22230. Phone (703) 292–8002, fax (703) 292–9232. The most current information concerning these meetings can be found on the Web site: *http://sites.nationalacademies.org/DBASSE/CurrentProjects/DBASSE_082378*.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Meetings:* To seek broad input from concerned stakeholder groups concerning issues related to expanding public access to the results of Federally funded R&D, including peer-reviewed journal articles and digital scientific data, as part of the planning process called for in the Memorandum on Expanding Public Access to the Results of Federally Funded Research, released by the Office of Science and Technology Policy on February 22, 2013 (Section 2).

*Summary:* On behalf of a group of agencies, the National Academy of Sciences has organized 2 two-day meetings, one on public and a second on data, to allow members of the public and representatives of concerned stakeholder groups and communities to voice their concerns about issues related to public access to the results Federally funded R&D and thus to allow agencies which are covered by the February 22, 2013 memorandum and others which are complying with its terms voluntarily to consider these views as the agencies develop their respective plans, which are due to OSTP on August 22, 2013.

*Public Participation:* The meetings are open to the public. However, registration is required through the Web site: *http://sites.nationalacademies.org/DBASSE/CurrentProjects/DBASSE_082378*.

*Transcript:* A transcript of the meetings and written comments will be posted to the Web site within 60 days: *http://sites.nationalacademies.org/DBASSE/CurrentProjects/DBASSE_082378*.

Issued in Washington, DC on April 26, 2013.

**Suzanne Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2013–10298 Filed 4–30–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No.: 40–8452; NRC–2012–0095]**

### License Amendment for Anadarko Petroleum Corporation, Bear Creek Facility, Converse County, Wyoming

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Environmental assessment and finding of no significant impact; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Source Materials License SUA–1310 issued to Anadarko Petroleum Corporation (APC or the licensee) to authorize alternate concentration limits (ACLs) at its point of compliance (POC) wells and the deletion of License Condition (LC) No. 47 for its Bear Creek Uranium Mill facility in Converse County, Wyoming. The NRC has prepared an environmental assessment (EA) for this proposed action in accordance with its regulations. Based

on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued following the publication of this document.

**ADDRESSES:** Please refer to Docket ID NRC–2012–0095 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0095. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession numbers for the referenced documents are: The licensee's license amendment request and environmental evaluation dated November 28, 2011 (ADAMS Accession Nos. ML12046A858, ML12046A857, ML12046A856, and ML12046A854); and EA for License Amendment No. 51 dated February 27, 2013 (ADAMS Accession No. LML12145A264).
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Thomas McLaughlin, Project Manager, Materials Decommissioning Branch, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5869; email: *Thomas.McLaughlin@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Background

The Bear Creek Uranium Mill operated from September 1977 until January 1986, and generated 4.7 million tons of uranium ore ''tailings'' that were placed in an onsite earthen impoundment. Decommissioning of the mill occurred between August 1987 and March 1989. Reclamation of the tailings impoundment began in June 1997 and was completed in November 1999. Following a final inspection of the completed tailings reclamation activities, in July 2001, the NRC staff concluded that reclamation of the facility had been completed in accordance with the requirements of part 40, Appendix A of Title 10 of the *Code of Federal Regulations* (10 CFR) and the licensee's approved tailings reclamation plan (ADAMS Accession No. ML011910515). The licensee addressed, and the NRC approved, the remaining site-wide reclamation plan elements through separate licensing actions, including mill demolition, relocation of lined evaporation pond sediments, soil decommissioning plan, and ground water remediation. In November 2010, the NRC staff notified APC that assumptions contained in APC's 1997 ACL application were incorrect, and requested that a new ACL application be submitted (ADAMS Accession No. ML103280165). On November 28, 2011, APC submitted the license renewal application. The current licensing action is in preparation for the termination of the license and transfer of the site to the U.S. Department of Energy (DOE) for Long-Term Care and Surveillance.

## II. Environmental Assessment Summary

The purpose of the proposed amendment is to prepare the site for transfer to DOE. By letter dated November 28, 2011, the licensee submitted a request to the NRC for approval of ACLs for nickel, radium, and uranium for its POC wells and to establish new point of exposure (POE) wells at the northern edge of its boundary which will be part of the Long-Term Surveillance Boundary (LTSB). The elimination of LC No. 47 is a necessary step for the transfer of the license to DOE. On April 26, 2012, NRC issued a Federal Register Notice (77 FR 24993) requesting comments on the licensee's proposed amendment. No comments were received.

The NRC staff, in coordination with the Wyoming Department of Environmental Quality, has prepared the EA in support of the proposed license amendment. The EA assessed the potential environmental impacts associated with this request for a license amendment to establish ACLs at the POC wells and designate new POE wells at the LTSB, and documented the results of the assessment in this EA. The NRC staff performed this assessment in accordance with the requirements of part 51 of 10 CFR, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.''

In conducting the assessment, the NRC staff considered the following:

- Information in the ACL application and supporting documentation;
- Information in modeling reports and NRC staff review reports;
- Information in land use and environmental monitoring reports;
- Personal communications with licensee staff, the State of Wyoming, and Federal agencies;
- Information from NRC staff site visits and inspections;
- 10 CFR Part 40, Appendix A, ''Criteria Relating to the Operation of Uranium Mills and the Disposition of Tailings or Wastes Produced by the Extraction or Concentration of Source Material From Ores Processed Primarily for Their Source Material Content'';
- NUREG–1620, Rev. 1, ''Standard Review Plan for the Review of a Reclamation Plan for Mill Tailings Sites Under Title II of the Uranium Mill Tailings Radiation Control Act of 1978'' (ADAMS Accession No. ML031550522); and
- NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs, Final Report'' (ADAMS Accession No. ML032540811).

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the ''no-action alternative''). Denial of the proposed license amendment would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action, both of which involve ground water quality, are similar since the ACLs in both alternatives are the same, as the licensee has requested the same values for nickel, radium, and uranium at the POCs. For the proposed action, only the POE well locations (i.e., monitoring locations relocated to the northern site boundary) are changed. In either alternative, offsite ground water quality is either at or below the designated POE compliance values.

## III. Finding of No Significant Impact

Based on the analysis contained in the EA, the NRC staff concluded that there are no significant environmental impacts from the proposed action, and that the preparation of an Environmental Impact Statement is not

warranted. Accordingly, the NRC determined that a Finding of No Significant Impact is appropriate.

Dated at Rockville, Maryland, this 22nd day of April 2013.

For the Nuclear Regulatory Commission.

**Andrew Persinko,**

*Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2013–10265 Filed 4–30–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos.: 52–034 and 52–035; NRC–2008–0594]**

## Luminant Generation Company, LLC., Combined License Application for Comanche Peak Nuclear Power Plant, Units 3 and 4, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Section 50.71(e)(3)(iii) of Title 10 of the *Code of Federal Regulations* (10 CFR), for the Comanche Peak Nuclear Power Plant (CPNPP), Units 3 and 4, Combined License (COL) Application, Docket Numbers 52–034 and 52–035, submitted by Luminant Generation Company, LLC. (Luminant) for the proposed facility to be located in Somervell County, Texas. In accordance with 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

### Environmental Assessment—Identification of the Proposed Action

The proposed action is a one-time schedule exemption from the requirements of 10 CFR 50.71(e)(3)(iii). During the period from the docketing of a COL application until the NRC makes a finding under 10 CFR 52.103(g) pertaining to facility operation, Luminant must, pursuant to 10 CFR 50.71(e)(3)(iii), submit an annual update to the Final Safety Analysis Report (FSAR). The proposed exemption would allow Luminant to submit its COL application FSAR update, scheduled for June 2013, on or before November 30, 2013, and to submit the subsequent FSAR annual update in November 2014. The current FSAR update schedule could not be changed, absent the exemption. The NRC is authorized to grant the exemption pursuant to 10 CFR 50.12.

The proposed action is in accordance with Luminant's request dated January 28, 2013, and can be found in the Agencywide Documents Access and Management System (ADAMS) under Accession No. ML13031A041.

### Need for the Proposed Action

Since the CPNPP, Units 3 and 4, COL application references the US–APWR DCD, the proposed action is needed in order to provide Luminant sufficient time to fully incorporate into the COL application (COLA) FSAR, Revision 4 of the United States—Advanced Pressurized Water Reactor (US–APWR) Design Control Document (DCD), which Mitsubishi Heavy Industries Ltd. plans to submit to the NRC on or before August 31, 2013. Luminant has requested a one-time exemption from the requirements specified in 10 CFR 50.71(e)(3)(iii) in order to reduce the burden associated with identifying all committed changes that were made to the DCD, since Revision 3 to the US–APWR DCD.

The only alternative would be not issuing the exemption. Because this alternative would require Luminant to issue COLA FSAR, Revision 4 between US–APWR DCD, Revisions 3 and 4, Luminant would need to identify all changes made since the issuance of US–APWR DCD, Revision 3, and revise the COLA FSAR to account for any changes that have not yet been incorporated into US–APWR DCD, Revision 4. Additionally, the NRC reviewers would need to review US–APWR DCD, Revision 3, identify all committed changes to the COLA FSAR, and review all Updated Tracking Reports in order to understand how COLA Revision 4 is linked to the latest US–APWR DCD revision.

### Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no environmental impacts associated with the proposed exemption. The proposed exemption is solely administrative in nature in that it pertains to the schedule for submittal to the NRC of revisions to a COL application under 10 CFR Part 52.

The proposed action will not increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no increase in the amount of any effluent released offsite. There is no increase in occupational or public radiation exposure. Therefore, there are no radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are also no known socioeconomic or environmental justice impacts associated with the proposed action. Therefore, there are no non-radiological environmental impacts associated with the proposed action. Accordingly, the NRC concludes that there are no environmental impacts associated with the proposed action.

### Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

### Alternative Use of Resources

The proposed action does not involve the use of any different resources than those previously considered in NUREG–1943, ''Final Environmental Impact Statement for Combined Licenses (COLs) for Comanche Peak Nuclear Power Plant, Units 3 and 4,'' dated May 13, 2011.

### Agencies and Persons Consulted

On March 11, 2013, the NRC staff consulted with an official from the Texas Department of State Health Services (DSHS), Radiation Inspection Branch regarding the environmental impact of the proposed action. The representative from the Texas DSHS had no comments.

### Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have an effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see Luminant's letter dated January 28, 2013. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet

at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or via email at *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 12th day of April 2013.

For the Nuclear Regulatory Commission.

**Stephen R. Monarque,**

*Senior Project Manager, Licensing Branch 2, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2013–10256 Filed 4–30–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2012–0170]**

## Final License Renewal Interim Staff Guidance LR–ISG–2012–01: Wall Thinning Due to Erosion Mechanisms

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Interim staff guidance; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing the final License Renewal Interim Staff Guidance (LR–ISG), LR–ISG–2012–01, ''Wall Thinning Due to Erosion Mechanisms.'' This LR–ISG revises an NRC staff-recommended aging management program (AMP) in NUREG–1801, Revision 2, ''Generic Aging Lessons Learned (GALL) Report,'' and the NRC staff's aging management review procedure and acceptance criteria contained in NUREG–1800, Revision 2, ''Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants'' (SRP–LR), to address wall thinning due to various erosion mechanisms for piping and components within the scope of the Requirements for Renewal of Operating Licenses for Nuclear Power Plants. This LR–ISG changes the recommendations in GALL Report, Revision 2, AMP XI.M17, ''Flow-Accelerated Corrosion,'' based on the staff's review of several license renewal applications' flow-accelerated corrosion AMPs and stakeholder input.

**ADDRESSES:** Please refer to Docket ID NRC–2012–0170 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0170. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov.*
- *NRC's Agencywide Document Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Document'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. The final LR–ISG–2012–01 is available under ADAMS Accession No. ML12352A057. The GALL Report and SRP–LR are available under ADAMS Accession Nos. ML103490041 and ML103490036, respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Interim Staff Guidance Web site:* LR–ISG documents are also available online under the ''License Renewal'' heading at *http://www.nrc.gov/reading-rm/doc-collections/#int*.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Gavula, telephone: 630–829–9755, email: *James.Gavula@nrc.gov;* or Ms. Evelyn Gettys, telephone: 301–415–4029; or email: *Evelyn.Gettys@nrc.gov.* Both of the Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

### Background Information

The NRC issues LR–ISGs to communicate insights and lessons learned and to address emergent issues not covered in license renewal guidance documents, such as the GALL Report and SRP–LR. In this way, the NRC staff and stakeholders may use the guidance in an LR–ISG document before it is incorporated into a formal license renewal guidance document revision. The NRC staff issues LR–ISGs in accordance with the LR–ISG Process, Revision 2 (ADAMS Accession No. ML100920158), for which a notice of availability was published in the **Federal Register** on June 22, 2010 (75 FR 35510).

The NRC staff developed LR–ISG–2012–01 to: (a) Revise the definition of ''wall thinning'' to include erosion mechanisms; (b) revise the definition of ''flow-accelerated corrosion'' and ''erosion'' to align them with the definitions commonly used in industry; (c) allow applicants to monitor wall thinning caused by erosion mechanisms in the AMP for flow-accelerated corrosion by (i) ensuring that extent of condition reviews identify any other components susceptible to similar degradation, and (ii) verifying that corrective actions have either eliminated the erosion mechanism, precluding the need for ongoing aging management activities, or included periodic wall thickness measurements in an AMP; and (d) make miscellaneous and editorial changes.

On July 13, 2012 (77 FR 41457), the NRC requested public comments on draft LR–ISG–2012–01. In response, the Nuclear Energy Institute (NEI) provided comments by letter dated August 27, 2012 (ADAMS Accession No. ML12244A004), which integrated multiple industry comments on the subject LR–ISG, including those submitted separately by Wolf Creek Nuclear Operating Corporation in a letter dated August 23, 2012 (ADAMS Accession No. ML12250A668). No other comments were submitted.

NEI's comments broadly recommended that the NRC create a separate AMP for mechanical erosion mechanisms, rather than mixing these phenomena into the existing Flow-Accelerated Corrosion program. The industry believed that the change proposed by the NRC would cause confusion in the current Flow-Accelerated Corrosion programs because of different susceptibility criteria and inspection selection methods and strategies for erosion mechanisms.

The NRC considered these comments in developing the final LR–ISG, but ultimately determined that the LR–ISG should be published in its current format. The staff notes that no applicant for a renewed licensee has ever proposed a separate AMP to address erosion mechanisms, but they have included activities for managing erosion mechanisms in either the Flow-Accelerated Corrosion or the Open-Cycle Cooling Water System AMPs. The NRC staff has approved both approaches, and in that regard, LR–ISG–2012–01 is consistent with existing industry and NRC practice. The staff further notes that it has not detected any confusion, as postulated by the industry, on the part of licensees that have chosen to include erosion mechanisms in the Flow-Accelerated Corrosion program. Detailed responses to the comments can be found in Appendix E of the final LR–ISG.

The final LR–ISG–2012–01 is approved for NRC staff and stakeholder use and will be incorporated into the NRC's next formal license renewal guidance document revision.

**Congressional Review Act**

In accordance with the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of the Office of Management and Budget.

**Backfitting and Issue Finality**

Issuance of this final LR–ISG does not constitute backfitting as defined in Section 50.109 of Title 10 of the *Code of Federal Regulations (10 CFR),* (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR Part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' As discussed in the ''Backfitting and Issue Finality'' section of LR–ISG–2012–01, the LR–ISG is directed to holders of operating licenses or combined licenses who are currently in the license renewal process or plan to enter the process in the future. The LR–ISG is not directed to holders of operating licenses or combined licenses until they apply for license renewal. The LR–ISG is also not directed to licensees who already hold renewed operating or combined licenses.

Dated at Rockville, Maryland, this 22nd day of April 2013.

For the Nuclear Regulatory Commission.

**John W. Lubinski,**

*Director, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. 2013–10254 Filed 4–30–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2013–0079]**

## Qualification Tests for Safety-Related Actuators in Nuclear Power Plants

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft regulatory guide; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment draft regulatory guide (DG), DG–1235, ''Qualification Tests for Safety-Related Actuators in Nuclear Power Plants.'' DG–1235 is proposed Revision 1 of RG 1.73, dated January 1974. This revision endorses, with clarifications, the enhanced consensus practices for qualifying safety-related actuators, and actuator components, in Nuclear Power Generating Stations in order to demonstrate their ability to perform their intended safety functions under all required conditions as described in the Institute of Electrical and Electronics Engineers (IEEE) standard 382–2006, ''Standard for Qualification of Safety-Related Actuators for Nuclear Power Generating Stations.''

**DATES:** Submit comments by June 28, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

**ADDRESSES:** You may submit comment by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0079. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0079. Address questions about NRC dockets to Carol Gallagher; telephone: 301–492–3668; email: *Carol.Gallagher@nrc.gov*.
- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB–05–B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.
- *Fax comments to:* RADB at 301–492–3446.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Darrell Murdock, telephone: 301–251–7629, email: *Darrell.Murdock@nrc.gov*; or Mark Orr, telephone: 301–251–7495, email: *Mark.Orr@nrc.gov*. Both of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

**SUPPLEMENTARY INFORMATION:**

**I. Accessing Information and Submitting Comments**

*A. Accessing Information*

Please refer to Docket ID NRC–2013–0079 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly-available, by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0079.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The draft regulatory guide is available electronically under ADAMS Accession Number ML103120727. The regulatory analysis may be found in ADAMS under Accession No. ML103120737.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

*B. Submitting Comments*

Please include Docket ID NRC–2013–0079 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment

submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

## II. Further Information

The NRC is issuing for public comment a draft guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide entitled ''Qualification Tests for Safety-Related Actuators in Nuclear Power Plants'' is temporarily identified by its task number, DG–1235. The DG–1235 is proposed Revision 1 of RG 1.73, ''Qualification Tests of Electric Valve Operators Installed Inside the Containment of Nuclear Power Plants'' dated January 1974. The initial version of RG 1.73, endorsed IEEE Std. 382–1972, ''IEEE Trial-Use Guide for Type Test of Class I Electric Valve Operators for Nuclear Power Generating Stations.'' The IEEE standard was revised in 1985, again in 1996, and, most recently, in 2006. But RG 1.73 was not updated. This revision updates RG 1.73 to endorse the current version of IEEE Std. 382–2006, ''Standard for Qualification of Safety-Related Actuators for Nuclear Power Generating Stations.''

## III. Backfitting and Issue Finality

This draft regulatory guide, if finalized, does not constitute backfitting as defined in 10 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR Part 52, ''Licenses, Certifications and Approvals for Nuclear Power Plants.'' This regulatory guide provides guidance on one possible means for meeting NRC's regulatory requirements for environmental qualification of safety-related power-operated valve actuators in nuclear power plants as set forth in the regulations and the qualification testing requirements of Criterion III, ''Design Control'' of Appendix B to 10 CFR Part 50 to verify adequacy of design for service under design basis event conditions. Existing licensees and applicants of final design certification rules will not be required to comply with these new positions set forth in this draft regulatory guide, unless the licensee or design certification rule applicant seeks a voluntary change to its licensing basis with respect to safety-related power operated valve actuators, and where the NRC determines that the safety review must include consideration of the qualification of the valve actuators. Further information on the staff's use of the draft regulatory guide, if finalized, is contained in the RG under section D. Implementation.

Dated at Rockville, Maryland, this 24th day of April 2013.

For the Nuclear Regulatory Commission.

**Thomas H. Boyce,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2013–10255 Filed 4–30–13; 8:45 am]

BILLING CODE 7590–01–P

# PEACE CORPS

## Privacy Act of 1974: New System of Records

**AGENCY:** Peace Corps.

**ACTION:** Notice of a new system of records.

**SUMMARY:** Peace Corps proposes to add a new system of records to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency (5 U.S.C. 552a(e)(4)).

**DATES:** This action will be effective without further notice on June 10, 2013 unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send written comments to the Peace Corps, ATTN: Denora Miller, Privacy Act Officer, 1111 20th Street NW., Washington, DC 20526 or by email at *pcfr@peacecorps.gov.* Email comments must be made in text and not in attachments.

**FOR FURTHER INFORMATION CONTACT:** Denora Miller, Privacy Act Officer, 202–692–1236.

**SUPPLEMENTARY INFORMATION:** The purpose of this system of records is to record actions taken on complaints made under the Peace Corps Interim Policy Statement (IPS) 1–12 Procedures for Handling Complaints of Volunteer/Trainee Sexual Misconduct or the section of the Peace Corps Manual into which its provisions are subsequently incorporated.

Dated: April 25, 2013.

**Garry W. Stanberry,**

*Acting Associate Director, Management.*

## PC–34—PEACE CORPS

**SYSTEM NAME:**

Volunteer/Trainee Sexual Misconduct Complaint Files.

**SECURITY CLASSIFICATION:**

Not applicable.

**SYSTEM LOCATION:**

Office of the General Counsel, Peace Corps, 1111 20th St. NW., Washington, DC 20526.

**CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:**

Peace Corps Volunteers or Trainees who are complainants or accused under the Peace Corps IPS 1–12 Procedures for Handling Complaints of Volunteer/Trainee Sexual Misconduct, or the section of the Peace Corps Manual into which its provisions are subsequently incorporated.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names and contact information of participants, country of service, complaints, Office of Inspector General investigative report, waivers of confidentiality, confirmation of declinations from the Department of Justice as necessary, hearing panel or Regional Director records including but not limited to notices, evidentiary documents, transcripts, written submissions, witness lists, hearing panel reports, Regional Director decisions, requests for additional action, appeals and responses, Deputy Director decision, and any other records of the proceeding.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The Peace Corps Act, 22 U.S.C. 2501, et seq.

**PURPOSE(S):**

To record actions taken on complaints made under the Peace Corps IPS 1–12 Procedures for Handling Complaints of Volunteer/Trainee Sexual Misconduct or the section of the Peace Corps Manual into which its provisions are subsequently incorporated.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USERS:**

General routine use K applies to this system.

Information in a record of a particular proceeding will be releasable to the complainant and to the accused in that proceeding. Information will be released pursuant to a written consent by either the complainant or the accused only

where the written consent specifically references this system of records.

As set out in IPS–1–12 .10(d), any resignation in lieu of administrative separation and any final decision that the accused Volunteer/Trainee has been found to have engaged in Sexual Misconduct shall also be placed in the Trainee/Volunteer Service File of the accused Volunteer/Trainee.

Disclosure to agency staff will be only as set out in IPS 1–12 or the section of the Peace Corps Manual into which its provisions are subsequently incorporated.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

None.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

Storage: During the pendency of the proceeding, documents will be stored in a password-protected electronic file on a secure server accessible only to Peace Corps staff members with a formal role in the proceeding as described in IPS 1–12 or the section of the Peace Corps Manual into which its provisions are subsequently incorporated. At the termination of the proceeding, documents will be stored in a password-protected file on a secure server accessible only to the Office of the General Counsel. Documents may be stored in a locked file cabinet in a locked file room in the Office of the General Counsel.

Retrievability: By name of complainant and accused, and by country.

Safeguards: Access by agency staff will require permission of the Office of the General Counsel. Documents will be stored in a locked file cabinet in a locked file room or in digital form in a password-protected file on a secure server. Server access is limited to authorized personnel whose duties require such access.

Retention and disposal: Documents in this system of records will be retained for 30 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of the General Counsel, Peace Corps, 1111 20th St. NW., Washington, DC 20526.

**NOTIFICATION PROCEDURE:**

Any individual who wants notification that this system of records contains a record about him or her should make a written request to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying documentation. Additional identification may be required in some instances. Complete Peace Corps Privacy Act procedures are set out in 22 CFR Part 308. See also MS 897, Attachment B.

**RECORD ACCESS PROCEDURES:**

Any individual who wants access to his or her record should make a written request to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying documentation. Additional identification may be required in some instances. Complete Peace Corps Privacy Act procedures are set out in 22 CFR Part 308.

**CONTESTING RECORD PROCEDURES:**

Any individual who wants to contest the contents of a record should make a written request to the System Manager. Requesters will be required to provide adequate identification, such as a driver's license, employee identification card, or other identifying documentation. Additional identification may be required in some instances. Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete Peace Corps Privacy Act procedures are set out in 22 CFR Part 308.

**RECORD SOURCE CATEGORIES:**

Participants in the proceeding.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Documents originating from the Office of Inspector General will be handled under the applicable Office of Inspector General System of Records.

[FR Doc. 2013–10225 Filed 4–30–13; 8:45 am]

**BILLING CODE 6051–01–P**

## POSTAL SERVICE

### Board of Governors; Sunshine Act Meeting

**DATES AND TIMES:** Thursday, May 9, 2013, at 10:00 a.m.; and Friday, May 10, at 8:30 a.m. and 10:30 a.m.

**PLACE:** Washington, DC, at U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW., in the Benjamin Franklin Room.

**STATUS:** Thursday, May 9 at 10:00 a.m.—Closed; Friday, May 10 at 8:30 a.m.—Open; and at 10:30 a.m.—Closed

**Matters To Be Considered**

*Thursday, May 9, at 10:00 a.m. (Closed)*

1. Strategic Issues.
2. Financial Matters.
3. Pricing.
4. Personnel Matters and Compensation Issues.
5. Governors' Executive Session—Discussion of prior agenda items and Board Governance.

*Friday, May 10 at 8:30 a.m. (Open)*

1. Remarks of the Chairman of the Board.
2. Remarks of the Postmaster General and CEO.
3. Approval of Minutes of Previous Meetings.
4. Committee Reports.
5. Quarterly Report on Financial Performance.
6. Quarterly Report on Service Performance.
7. Tentative Agenda for the June 18, 2013, meeting in Washington, DC.

*Friday, May 10 at 10:30 a.m. (Closed—If Needed)*

1. Continuation of Thursday's closed session agenda.

**CONTACT PERSON FOR MORE INFORMATION:** Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1000. Telephone: (202) 268–4800.

**Julie S. Moore,**

*Secretary.*

[FR Doc. 2013–10344 Filed 4–29–13; 11:15 am]

**BILLING CODE 7710–12–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. IC–30494; File No. 812–13844]**

### Corporate Capital Trust, Inc., et al.; Notice of Application

April 25, 2013.

**AGENCY:** Securities and Exchange Commission (''Commission'').

**ACTION:** Notice of application for an order under sections 57(a)(4) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by section 57(a)(4) of the Act and rule 17d–1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit a business development company (''BDC'') to co-invest with certain affiliated investment funds and accounts in portfolio companies.

**APPLICANTS:** Corporate Capital Trust, Inc. (the ''Company''); CNL Fund Advisors Company (''CFA''); KKR Asset Management LLC (''KAM'' and together with CFA, the ''Advisers''); KKR Asset

Management LTD., KKR CS Advisors I LLC, KKR FI Advisors LLC, KKR FI Advisors IV LLC, KKR FI Advisors Cayman LTD., KKR Financial Advisors LLC, KKR Financial Advisors II LLC, and KKR Mezzanine I Advisors LLC (collectively, with KAM, the ''KAM Affiliated Advisers''); Kohlberg Kravis Roberts & Co. L.P. (''KKR & Co.''); KKR CS III Limited, KKR Associates CS III L.P., KKR Mezzanine GP LLC, KKR Associates Mezzanine I L.P., KKR CS II Limited, KKR Associates CS II L.P., KKR CS I Limited, and KKR Associates CS I L.P. (collectively, with KKR & Co., the ''KKR & Co. Affiliated Advisers'' and, together with the KAM Affiliated Advisers, the ''KKR Affiliated Advisers''); KKR Capital Markets Holdings L.P., KKR Capital Markets LLC, KKR Capital Markets Limited, KKR Capital Markets Asia Limited, KKR Corporate Lending LLC, KKR Corporate Lending (Cayman) Limited, and KKR Corporate Lending (UK) LLC (collectively, the ''KCM Companies''); and KKR Debt Investors II (2006) Ireland LP, KKR DI 2006 LP, 8 Capital Partners L.P., KKR Financial CLO 2005–1, LTD., KKR Financial CLO 2005–2, LTD., KKR Financial CLO 2006–1, LTD., KKR Financial CLO 2007–1, LTD., KKR Financial CLO 2007–A, LTD., KKR Financial CLO 2009–1, LTD., KKR Financial Holdings, Inc., KKR Financial Holdings, LTD., KKR Financial Holdings LLC (''KFN''), KKR Financial Holdings II, LLC, KKR Financial Holdings III, LLC, KKR Financial Holdings IV, LLC, KKR Corporate Credit Partners L.P., KKR Mezzanine Partners I L.P., KKR Mezzanine Partners I Side-By-Side L.P., KKR TRS Holdings, LTD., KKR-Keats Capital Partners L.P., KKR-Milton Capital Partners L.P., and KKR-Milton Co-Investments L.P. (collectively, and together with the Existing KKR Proprietary Accounts (defined below), the ''Existing Affiliated Investors'').

**FILING DATES:** The application was filed on November 15, 2010, and amended on May 13, 2011, October 21, 2011, April 6, 2012, July 17, 2012, November 16, 2012, and March 28, 2013. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief 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 May 20, 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:** Secretary, U.S. Securities and Exchange Commission, 100 F St. NE., Washington, DC 20549–1090. Applicants: the Company and CFA, 450 S. Orange Avenue, Orlando, FL; KAM, the KAM Affiliated Advisers, KKR & Co., the KKR & Co. Affiliated Advisers, the KCM Companies, and the Existing Affiliated Investors, 555 California Street, 50th Floor, San Francisco, CA 94104.

**FOR FURTHER INFORMATION CONTACT:** Christine Y. Greenlees, Senior Counsel, at (202) 551–6879 or David P. Bartels, Branch Chief, at (202) 551–6821 (Office of Investment Company Regulation, Division of Investment Management).

**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 Company is a closed-end management investment company that has elected to be regulated as a BDC under the Act.[1] The Company's investment objective is to provide shareholders with current income and, to a lesser extent, long-term capital appreciation. The Company has a five-member board of directors (the ''Board''), of which three members are not ''interested persons'' of the Company as defined in section 2(a)(19) of the Act (''Independent Directors'').

2. CFA, a subsidiary of CNL Financial Group, LLC, is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') and serves as the Company's investment adviser.

3. KKR & Co. L.P. (''KKR'') is an alternative asset manager that conducts its business through various subsidiaries, which include investment advisers and broker-dealers. KAM, a subsidiary of KKR, is registered as an investment adviser under the Advisers Act and serves as the Company's sub-adviser. CFA and KAM are not affiliated persons (as defined in the Act).

4. The KCM Companies are indirect, wholly- or majority-owned subsidiaries of KKR and, from time to time, may hold various financial assets in a principal capacity (in such capacity, the ''Existing KKR Proprietary Accounts'' and, together with any Future KKR Proprietary Account (as defined below), the ''KKR Proprietary Accounts'')

5. Applicants seek an order (''Order'') under sections 57(a)(4), and 57(i) of the Act and rule 17d–1 under the Act to permit the Company, on one hand, and one or more Affiliated Investors,[2] on the other hand, to participate in the same investment opportunities through a proposed co-investment program where such participation would otherwise be prohibited under section 57 of the Act (the ''Co-Investment Program''). For purposes of the application, a ''Co-Investment Transaction'' means any transaction in which the Company (or a Blocker Subsidiary, as defined below) participated together with one or more Affiliated Investors in reliance on the Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which the Company (or a Blocker Subsidiary) could not participate together with one or more Affiliated Investors without obtaining and relying on the Order.[3]

[1] Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

[2] ''Affiliated Investor'' means (a) any Existing Affiliated Investor (as defined above under ''Applicants''); (b) any Future KKR Proprietary Account; or (c) any Future Affiliated Fund. An Existing Affiliated Investor, other than KFN, is an entity (a) whose investment adviser is a KKR Affiliated Adviser; and (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. KFN is an exchange-listed specialty finance company that is externally advised by KAM. KFN is a holding company that engages in its specialty finance business through various wholly-owned subsidiaries that rely on one or more exemptions or exceptions from the definition of investment company. Thus, applicants state that KFN itself does not come within the definition of an investment company in section 3(a)(1) of the Act. Applicants do not believe that allowing the Company to co-invest with KFN raises any additional legal or policy issues because KFN is a client of KAM in the same way that Existing Affiliated Investors which rely on section 3(c)(1) or 3(c)(7) are clients of a KKR Affiliated Adviser. ''Future KKR Proprietary Account'' means an indirect, wholly- or majority-owned subsidiary of KKR that is formed in the future and, from time to time, may hold various financial assets in a principal capacity. ''Future Affiliated Fund'' means an entity (a) whose investment adviser is a KKR Affiliated Adviser or an investment adviser controlling, controlled by or under common control with KAM; and (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act.

[3] All existing entities that currently intend to rely on the Order have been named as applicants and

Continued

6. Applicants anticipate that KAM or another KKR Affiliated Adviser (as defined above under ''Applicants'') will periodically determine that certain investments KAM recommends for the Company would also be appropriate investments for one or more Affiliated Investors. Such a determination may result in the Company, on one hand, and one or more of the Affiliated Investors, on the other hand, co-investing in certain investment opportunities. When considering Potential Co-Investment Transactions for the Company, each of KAM and CFA (together, the ''Advisers''), will independently analyze and evaluate the investment opportunity as to its appropriateness for the Company taking into consideration the Company's Objectives and Strategies (as defined below).

7. KAM would notify CFA of the Potential Co-Investment Transaction and KAM's recommended allocation for the Company. CFA would review KAM's recommendation for the Company and would have the ability to ask questions of KAM and request additional information from KAM. If CFA approved the investment for the Company, the investment and all relevant allocation information would then be presented to the Company's Board for its approval in accordance with the conditions of the application.[4] Co-Investment Transaction will be consummated only upon approval by a required majority of the directors of the Company eligible to vote under section 57(o) of the Act (the ''Eligible Directors'') within the meaning of section 57(o) (''Required Majority'').[5] Applicants believe the investment process between KAM and CFA, prior to seeking approval from the Company's Board, is significant and provides for additional procedures and processes to ensure that the Company is being treated fairly in respect of Potential Co-Investment Transactions.

8. Applicants state that, in accordance with KAM's allocation policies and procedures, Potential Co-Investment Transactions will be offered to, and allocated among, KAM-advised funds, including the Company, based on each client's particular investment objective and strategies.[6] If the aggregate amount recommended by KAM to be invested by KAM-advised funds, including the Company, in a Potential Co-Investment Transaction were equal to or more than the amount of the investment opportunity, a KKR Proprietary Account would not participate in the investment opportunity. If the aggregate amount recommended by KAM to be invested by KAM-advised funds, including the Company, in a Potential Co-Investment Transaction were less than the amount of the investment opportunity, a KKR Proprietary Account would then have the opportunity to participate in the Potential Co-Investment Transaction in a principal capacity. Applicants note that a KKR Proprietary Account broker/dealer would generally seek to privately place such an investment opportunity to one or more unaffiliated third-parties before investing in the investment opportunity in a principal capacity.

9. With respect to the pro rata dispositions and follow-on investments provided in conditions 7 and 8, the Company may participate in a pro rata disposition or follow-on investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Affiliated Investor and the Company in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or follow-on investment, as the case may be; and (ii) the Company's Board has approved the Company's participation in pro rata dispositions and follow-on investments as being in the best interests of the Company. If the Board does not so approve, any such disposition or follow-on investment will be submitted to the Company's Eligible Directors. The Company's Board may at any time rescind, suspend or qualify its approval of pro rata dispositions and follow-on investments with the result that all dispositions and/or follow-on investments must be submitted to the Eligible Directors.

10. To allow for an independent review of co-investment activities, condition 4 states that the Board will receive, on a quarterly basis, a record of all investments made by Affiliated Investors during the preceding quarter that: (1) Were consistent with the Company's then current Objectives and Strategies, but (2) were not made available to the Company. This record will include an explanation of why such investment opportunities were not offered to the Company. Presently, KAM's allocation procedures prohibit the Company from participating in Potential Co-Investment Transactions. As a result, KAM's allocation system reports investments in which the Company would have been able to invest but for it not having been granted the requested relief. If the requested relief is granted, KAM will amend its allocation procedures to allow the Company to invest in Potential Co-Investment Transactions in accordance with the conditions below. Applicants represent that KAM's allocation process is capable of tracking all of the information required to be delivered to the Board by condition 4 (as described above), which will be presented to CFA and the Company's Board on a regular basis.

11. The Company may, from time to time, form a special purpose subsidiary (a ''Blocker Subsidiary'') (a) whose sole business purpose is to hold one or more investments on behalf of the Company; (b) that is wholly-owned by the Company (with the Company at all times holding, beneficially and of record, 100% of the voting and economic interests); (c) with respect to which the Company's Board has the sole authority to make all determinations with respect to the Blocker Subsidiary's participation under the conditions to this Application; (d) that does not pay a separate advisory fee, including any performance-based fee, to any person; and (e) that is an entity that would be an investment company but for Section 3(c)(1) or 3(c)(7) of the Act. A Blocker Subsidiary would be prohibited from investing in a Co-Investment Transaction with any Affiliated Investor because it would be a company controlled by the Company for purposes of Section 57(a)(4) and rule 17d–1. Applicants request that a Blocker Subsidiary be permitted to participate in Co-Investment Transactions in lieu of the Company and that the Blocker Subsidiary's participation in any such transaction be treated, for purposes of the Order, as though the Company were participating directly. Applicants represent that this treatment is justified

any existing or future entities that may rely on the Order in the future will comply with the terms and conditions of the application.

[4] Applicants state that both CFA and the Company's Board will be provided with all relevant information regarding KAM's proposed allocations to the Company and Affiliated Investors, including KKR Proprietary Accounts, as contemplated by the conditions of the application.

[5] Applicants state that no Independent Director will have a financial interest in any Co-Investment Transaction.

[6] Applicants note that KAM, as a registered investment adviser, has developed a robust allocation process as part of its overall compliance policies and procedures. Applicants also state that KAM's allocation process is designed to allocate investment opportunities fairly and equitably among its clients over time. Applicants further state that, while each KAM client may not participate in each investment opportunity because, for example, the client's allocation would be less than its minimum investment size, over time each KAM client would participate in investment opportunities fairly and equitably. In the case of a Potential Co-Investment Transaction, KAM would apply its allocation policies and procedures in determining the proposed allocation for the Company as required under condition 2.

because a Blocker Subsidiary would have no purpose other than serving as a holding vehicle for the Company's investments and, therefore, no conflicts of interest could arise between the Company and the Blocker Subsidiary. The Company's Board would make all relevant determinations under the conditions with regard to a Blocker Subsidiary's participation in a Co-Investment Transaction, and the Company's Board would be informed of, and take into consideration, any proposed use of a Blocker Subsidiary in the Company's place. If the Company proposes to participate in the same Co-Investment Transaction with any of its Blocker Subsidiaries, the Company's Board will also be informed of, and take into consideration, the relative participation of the Company and the Blocker Subsidiary.

**Applicants' Legal Analysis**

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC (or a company controlled by such BDC) in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, in general, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC, is subject to section 57(a)(4). Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d–1 applies.

2. Rule 17d–1 under the Act prohibits affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants submit that KAM and any Affiliated Investors that it advises could be deemed to be persons related to the Company in a manner described by section 57(b) and therefore prohibited by section 57(a)(4) and rule 17d–1 from participating in the Co-Investment Program. In addition, because other KKR Affiliated Advisers are ''affiliated persons'' of KAM, Affiliated Investors advised by any of them could be deemed to be persons related to the Company (or a company controlled by the Company) in a manner described by section 57(b) and also prohibited from participating in the Co-Investment Program. Finally, because KKR Proprietary Accounts are under common control with KAM and, therefore, are ''affiliated persons'' of KAM, KKR Proprietary Accounts could be deemed to be persons related to the Company (or a company controlled by the Company) in a manner described by Section 57(b) and also prohibited from participating in the Co-Investment Program.

4. Applicants state that they expect that co-investment in portfolio companies by the Company and the Affiliated Investors will increase the number of favorable investment opportunities for the Company and that the Co-Investment Program will be implemented only if the Required Majority approves it on the basis that it would be advantageous to the Company.

5. Applicants submit that the Required Majority's approval of each Co-Investment Transaction before investment, and other protective conditions set forth in the application, will ensure that the Company will be treated fairly. Applicants state that the Company's participation in the Co-Investment Transactions will be consistent with the provisions, policies and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants. Applicants further state that the terms and conditions of the application will ensure that all such transactions are reasonable and fair to the Company and the Affiliated Investors and do not involve overreaching by any person concerned, including CFA or KAM.

6. Applicants acknowledge that some of the Affiliated Investors may not be funds advised by KAM or an affiliate because they are KKR Proprietary Accounts (*i.e.,* a KCM Company investing in a principal capacity). Applicants further acknowledge that previously ordered exemptive applications seeking similar co-investment relief have been limited to co-investment transactions between a BDC and its affiliated funds only. However, applicants do not believe these KKR Proprietary Accounts should raise issues under the conditions of the application because, consistent with condition 14, KKR's and KAM's allocation policies and procedures provide that investment opportunities are offered to client accounts before they are offered to KKR Proprietary Accounts.

**Applicants' Conditions**

Applicants agree that any Order granting the requested relief will be subject to the following conditions:

1. Each time KAM or an adviser to any Affiliated Investor considers a Potential Co-Investment Transaction for an Affiliated Investor that falls within the Company's then-current Objectives and Strategies,[7] the Advisers will make an independent determination of the appropriateness of the investment for the Company in light of the Company's then-current circumstances.

2. a. If the Advisers deem the Company's participation in any Potential Co-Investment Transaction to be appropriate for the Company, the Advisers will then determine an appropriate level of investment for the Company.

b. If the aggregate amount recommended by the Advisers to be invested in the Potential Co-Investment Transaction by the Company, together with the amount proposed to be invested by the Affiliated Investors, collectively, in the same transaction, exceeds the amount of the investment opportunity, the amount of the investment opportunity will be allocated among the Company and such Affiliated Investors, *pro rata* based on the ratio of the Company's capital available for investment in the asset class being allocated, on the one hand, and the Affiliated Investors' capital available for investment in the asset class being allocated, on the other hand, to the aggregated capital available for investment for the asset class being allocated of all parties involved in the investment opportunity, up to the amount proposed to be invested by each. The Advisers will provide the Eligible Directors with information concerning each party's available capital to assist the Eligible Directors with their review of the Company's investments for compliance with these allocation procedures.

c. After making the determinations required in conditions 1 and 2(a) above, the Advisers will distribute written information concerning the Potential Co-Investment Transaction, including the amount proposed to be invested by the Company and any Affiliated

[7] ''Objectives and Strategies'' means the Company's investment objectives and strategies, as described in the Company's registration statement on Form N–2, other filings the Company has made with the Commission under the Securities Act of 1933, as amended (the ''1933 Act''), or under the Securities and Exchange Act of 1934, as amended, and the Company's reports to shareholders.

Investor to the Eligible Directors for their consideration. The Company will co-invest with an Affiliated Investor only if, prior to the Company's and the Affiliated Investors' participation in the Potential Co-Investment Transaction, a Required Majority of the Eligible Directors concludes that:

(i) the terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching in respect of the Company or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(a) the interests of the Company's shareholders; and

(b) the Company's then-current Objectives and Strategies;

(iii) the investment by an Affiliated Investor would not disadvantage the Company, and participation by the Company is not on a basis different from or less advantageous than that of any Affiliated Investor; provided, that if an Affiliated Investor, but not the Company, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer, or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit a Required Majority of the Eligible Directors from reaching the conclusions required by this condition 2(c)(iii), if:

(a) the Eligible Directors will have the right to ratify the selection of such director or board observer, if any; and

(b) the Advisers agree to, and do, provide periodic reports to the Company's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(c) any fees or other compensation that any Affiliated Investor or any affiliated person of an Affiliated Investor receives in connection with the right of the Affiliated Investor to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Investors (who may, in turn, share their portion with their affiliated persons) and the Company in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Company will not benefit the Advisers or the Affiliated Investors or any affiliated person of either of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted under Sections 17(e) and 57(k) of the Act, as applicable, (C) in the case of fees or other compensation described in condition 2(c)(iii)(c), or (D) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction.

3. The Company will have the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The Advisers will present to the Board, on a quarterly basis, a record of all investments made by the Affiliated Investors during the preceding quarter that fell within the Company's then-current Objectives and Strategies that were not made available to the Company, and an explanation of why the investment opportunities were not offered to the Company. All information presented to the Board pursuant to this condition will be kept for the life of the Company and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for follow-on investments made in accordance with condition 8, the Company will not invest in reliance on the Order in any issuer in which an Affiliated Investor or any affiliated person of an Affiliated Investor is an existing investor.

6. The Company will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for the Company as for any Affiliated Investor. The grant to an Affiliated Investor, but not the Company, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(a), (b) and (c) are met.

7. a. If any Affiliated Investor elects to sell, exchange or otherwise dispose of an interest in a security that was acquired by the Company and any of the Affiliated Investors in a Co-Investment Transaction, the Advisers will:

(i) notify the Company of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by the Company in the disposition.

b. The Company will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Investors.

c. The Company may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of the Company and each Affiliated Investor in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Company's Board has approved as being in the best interests of the Company the ability to participate in such dispositions on a pro rata basis (as described in greater detail in this Application); and (iii) the Company's Board is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Advisers will provide their written recommendation as to the Company's participation to the Eligible Directors, and the Company will participate in such disposition solely to the extent that a Required Majority determines that it is in the Company's best interests.

d. The Company and each of the Affiliated Investors will bear its own expenses in connection with the disposition.

8. a. If any Affiliated Investor desires to make a ''follow-on investment'' (*i.e.,* an additional investment in the same entity, including through the exercise of warrants or other rights to purchase securities of the issuer) in a portfolio company whose securities were acquired by the Company and any of the Affiliated Investors in a Co-Investment Transaction, the Advisers will:

(i) notify the Company of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed follow-on investment, by the Company.

b. The Company may participate in such follow-on investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of the Company and each Affiliated Investor in such investment is proportionate to its outstanding investments in the issuer immediately preceding the follow-on investment; (ii) the Company's Board has approved as being in the best interests of the Company the ability to participate in follow-on investments on a pro rata basis (as described in greater detail in

this Application); and (iii) the Company's Board is provided on a quarterly basis with a list of all follow-on investments made in accordance with this condition. In all other cases, the Advisers will provide their written recommendation as to the Company's participation to the Eligible Directors, and the Company will participate in such follow-on investment solely to the extent that a Required Majority determines that it is in the Company's best interests.

c. If, with respect to any follow-on investment:

(i) the amount of a follow-on investment is not based on the Company's and the Affiliated Investors' outstanding investments immediately preceding the follow-on investment; and

(ii) the aggregate amount recommended by the Advisers to be invested by the Company in the follow-on investment, together with the amount proposed to be invested by the Affiliated Investors in the same transaction, exceeds the amount of the opportunity; then the amount invested by each such party will be allocated among them *pro rata* based on the ratio of the Company's capital available for investment in the asset class being allocated, on the one hand, and the Affiliated Investors' capital available for investment in the asset class being allocated, on the other hand, to the aggregated capital available for investment for the asset class being allocated of all parties involved in the investment opportunity, up to the amount proposed to be invested by each.

d. The acquisition of follow-on investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the Application.

9. The Independent Directors will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by the Affiliated Investors that the Company considered but declined to participate in, so that the Independent Directors may determine whether all investments made during the preceding quarter, including those investments which the Company considered but declined to participate in, comply with the conditions of the Order. In addition, the Independent Directors will consider at least annually the continued appropriateness for the Company of participating in new and existing Co-Investment Transactions.

10. The Company will maintain the records required by section 57(f)(3) of the Act as if each of the investments permitted under these conditions were approved by a Required Majority of the Eligible Directors under section 57(f).

11. No Independent Director will also be a director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act) of any Affiliated Investor.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the 1933 Act) shall, to the extent not payable by the Advisers under the Company's and the Affiliated Investors' investment advisory agreements, be shared by the Company and the Affiliated Investors in proportion to the relative amounts of their securities to be acquired or disposed of, as the case may be.

13. Any transaction fee (including break-up or commitment fees but excluding broker's fees contemplated by section 17(e) or 57(k) of the Act, as applicable) received in connection with a Co-Investment Transaction will be distributed to the Company and Affiliated Investors on a *pro rata* basis based on the amount they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided *pro rata* among the Company and the Affiliated Investors based on the amount they invest in the Co-Investment Transaction. None of the Affiliated Investors, the Advisers nor any affiliated person of the Company will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Company and the Affiliated Investors, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(c) and (b) in the case of the Advisers, investment advisory fees paid in accordance with the Company's and the Affiliated Investors' investment advisory agreements).

14. The KKR Proprietary Accounts will not be permitted to invest in a Potential Co-Investment Transaction except to the extent the demand from the Company and the other Affiliated Investors is less than the total investment opportunity.

15. The Advisers and the advisers to the Affiliated Investors will maintain written policies and procedures reasonably designed to ensure compliance with the foregoing conditions. These policies and procedures will require, among other things, that each of KAM and CFA will be notified of all Potential Co-Investment Transactions that fall within the Company's then-current Objectives and Strategies and will be given sufficient information to make its independent determination and recommendations under conditions 1, 2(a), 7 and 8.

For the Commission, by the Division of Investment Management, under delegated authority.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10238 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold an Open Meeting on Wednesday, May 1, 2013 at 10:00 a.m., in the Auditorium, Room L–002.

The subject matters of the Open Meeting will be:

- *Item 1:* The Commission will consider whether to propose new rules and interpretive guidance for cross-border security-based swap activities and to re-propose Regulation SBSR and certain rules and forms relating to the registration of security-based swap dealers and major security-based swap participants.
- *Item 2:* The Commission will consider whether to reopen the comment periods and receive new information for certain rulemaking releases and the policy statement applicable to security-based swaps proposed pursuant to the Securities Exchange Act of 1934 and the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Commissioner Aguilar, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been

added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: April 26, 2013.

**Elizabeth M. Murphy,**

*Secretary.*

[FR Doc. 2013–10355 Filed 4–29–13; 11:15 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69451; File No. SR–NSCC–2013–802]**

## Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Advance Notice, as Modified by Amendment No. 1, To Institute Supplemental Liquidity Deposits to Its Clearing Fund Designed To Increase Liquidity Resources To Meet Its Liquidity Needs

April 25, 2013.

Pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] thereunder, notice is hereby given that on March 21, 2013, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') an advance notice described in Items I, II and III below, which Items have been prepared primarily by NSCC. On April 19, 2013, NSCC filed with the Commission Amendment No. 1 to the advance notice.[3] The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

### I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

To enhance its ability to meet its liquidity requirements, NSCC is proposing to amend its Rules & Procedures (''Rules'') to provide for a supplemental liquidity funding obligation, as described below.

[1] 12 U.S.C. 5465(e)(1). Defined terms that are not defined in this notice are defined in Exhibit 5 of the advance notice filing, available at *http://www.sec.gov/rules/sro/nscc.shtml* under File No. SR–NSCC–2013–802, Additional Materials.

[2] 17 CFR 240.19b-4(n)(i).

[3] Amendment No. 1 revised NSCC's original advance notice filing to include as Exhibit 2 a written comment received by NSCC relating to the advance notice proposal, as described in Item II(B) below.

### II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[4]

*(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice*

Proposal Overview

According to NSCC, as a central counterparty (''CCP''), NSCC occupies an important role in the securities settlement system by interposing itself between counterparties to financial transactions, thereby reducing the risk faced by its Members and contributing to global financial stability. Further, pursuant to the Clearing Supervision Act, NSCC has been designated a systemically important financial market utility (''SFMU'') by the Financial Stability Oversight Council, obliging NSCC to meet certain risk management regulatory standards related to, among other things, maintaining adequate financial resources to meet its obligations to its Members in the event of the default of the Member or family of affiliated Members (''Affiliated Family'') that would generate the largest aggregate payment obligation to NSCC in stressed conditions. In this regard and to enhance its ability to meet its liquidity requirements, NSCC is proposing to amend its Rules to provide for a supplemental liquidity funding obligation.

A substantial proportion of the liquidity needed by NSCC is attributable to the exposure presented by those unaffiliated Members and Affiliated Families that regularly incur the largest gross settlement debits over a settlement cycle during trading activity on business days other than periods coinciding with quarterly triple options expiration dates (''Regular Activity Periods''), as well as during times of increased trading activity that arise around quarterly triple options expiration dates (''Options Expiration Activity Periods'').

With the goal of ensuring that NSCC has sufficient liquidity to meet its obligations during Regular Activity Periods, as well as during Options Expiration Activity Periods, it is appropriate that those unaffiliated Members and Affiliated Families provide additional liquidity to NSCC. Under proposed Rule 4(A), this will take the form of supplemental liquidity deposits to the Clearing Fund (i) in an amount based on the largest liquidity need NSCC would have in the event of the default of an unaffiliated Member or Affiliated Family during a Regular Activity Period (''Regular Activity Supplemental Deposit''), and (ii) an additional amount to cover the largest liquidity need NSCC would have in the event of the default of an unaffiliated Member or Affiliated Family during an Options Expiration Activity Period (''Special Activity Supplemental Deposit'') (collectively with Regular Activity Supplemental Deposit, ''Supplemental Deposit'').

The obligation of an unaffiliated Member or the Members of an Affiliated Family to make a Regular Activity Supplemental Deposit (''Regular Activity Liquidity Obligation'') or a Special Activity Supplemental Deposit (''Special Activity Liquidity Obligation'') would be imposed on the thirty (30) unaffiliated Members and/or Affiliated Families who generate the largest aggregate liquidity needs over a settlement cycle that would apply in the event of a closeout (i.e., over a period from date of default through the following three (3) settlement days), based upon a lookback period. The Regular Activity Liquidity Obligation of an unaffiliated Member or the Members of an Affiliated Family to make a Regular Activity Supplemental Deposit will be reduced by any liquidity such Members or their affiliates may provide in the form of commitments under NSCC's committed liquidity facility (''Credit Facility'').

The calculations for both the Regular Activity Liquidity Obligation and the Special Activity Liquidity Obligation are designed so that NSCC has adequate liquidity resources to enable it to settle transactions, notwithstanding the default of an unaffiliated Member and/or Affiliated Family during Regular Activity Periods, as well as during Options Expiration Activity Periods. The Liquidity Obligations imposed on Affiliated Families would be allocated among the Family Members in proportion to the liquidity risk (or peak exposure) they present to NSCC.

Regulatory Background

As both a CCP and a designated SFMU, NSCC adheres to strict risk management processes that are regularly reviewed against applicable regulatory and industry standards. This includes

[4] The Commission has modified the text of the summaries prepared by NSCC.

the securities laws and rulemaking promulgated by the Commission, such as Rule 17Ad–22(b)(3), which requires registered clearing agencies that perform CCP services to establish, implement, maintain and enforce written policies and procedures reasonably designed to maintain sufficient financial resources to withstand, at a minimum, a default by the participant (defined in Rule 17Ad–22(a)(3) to include a participant family) to which it has the largest exposure.

NSCC is also mindful of the standards set forth in the Principles for Financial Market Infrastructures (''PFMI'') of the Committee on Payment and Settlement Systems and the Technical Committee of the International Organization of Securities Commissions. Key Consideration 4 of PFMI Principle 7, addressing liquidity risk, provides that a CCP should maintain sufficient liquidity resources to meet its payment obligations under a wide range of stress scenarios including the default of the participant and its affiliates that would generate the largest aggregate payment obligation to the CCP.

NSCC believes the proposed rule change should assist NSCC in securing adequate liquidity resources to meet its settlement obligations during both Regular Activity Periods and Options Expiration Activity Periods, notwithstanding the default of one of its unaffiliated Members and/or Affiliated Families that pose the largest aggregate liquidity need over the four day settlement cycle.

Supplemental Liquidity Providers

Every business day NSCC measures the liquidity obligations of its unaffiliated Members and Affiliated Families by taking the sum of their purchase obligations on that day in securities that are eligible for processing in NSCC's Continuous Net Settlement (''CNS'') system and for the following three (3) settlement days (which equates to the period from the date of default through the remaining settlement cycle). NSCC then takes into account certain adjustments, assumptions and offsets, and assumes the occurrence of certain stressed conditions.

The stressed market conditions NSCC assumes in this calculation include, but are not limited to, (i) The simultaneous default, without prior warning, of all Members of the Affiliated Family with the largest aggregate four (4) day settlement obligations; (ii) that on the day of such default, the Members of such Affiliated Family are trading at peak historical trading levels and no market participants curtail their activity with any Members of the Family; and (iii) leading up to or after the default, there is no increased volatility in the market that would result in a significant increase in Clearing Fund requirements, mark-to-market collections, or other risk-based premiums that would have the result of increasing NSCC's liquidity resources. NSCC believes that these conditions simulate the impact of significant credit risk and market risk stresses on NSCC's liquidity need across both Regular Activity Periods and Options Expiration Activity Periods.

NSCC then identifies the largest Member liquidity need on each day and determines if the available liquidity resources, consisting of the aggregate Required Deposits, any Supplemental Deposits, and any Prefund Deposits in the Clearing Fund on the day the liquidity need was observed, are adequate to cover that liquidity need, or if there is a calculated liquidity shortfall under the assumed stressed market conditions described above.

The Regular Activity Supplemental Deposits will be calculated to address those daily liquidity shortfalls that fall on any business day included in a Regular Activity Period (''Regular Activity Supplemental Liquidity Need''), and the Special Activity Supplemental Deposits will be calculated to address those additional daily liquidity shortfalls that fall on any business day included in an Options Expiration Activity Period (''Special Activity Supplemental Liquidity Need'').

Regular Activity Supplemental Deposits

Under this proposal, every six (6) months, NSCC will determine (i) its largest Regular Activity Supplemental Liquidity Need (''Regular Activity Peak Liquidity Need'') over the preceding twelve (12) month period and (ii) those unaffiliated Members and Affiliated Families that presented the largest aggregate liquidity exposures to NSCC over the preceding six-month period. NSCC will then rank the aggregate liquidity exposures presented by the unaffiliated Members and/or Affiliated Families (''Regular Activity Peak Liquidity Exposures'') during the lookback period to determine which thirty (30) such unaffiliated Members and Affiliated Families presented the largest respective Regular Activity Peak Liquidity Exposures within the lookback period. NSCC's Regular Activity Peak Liquidity Need will then be allocated to these thirty (30) unaffiliated Members and Affiliated Families (''Regular Activity Liquidity Providers''), in proportion to the Regular Activity Peak Liquidity Exposures they presented to NSCC during the lookback period.

The first of these semi-annual calculations of the Regular Activity Liquidity Obligations will be made to coincide with NSCC's annual renewal of the Credit Facility each year (''Regular Activity First Tranche Liquidity Obligations'') and the second calculation each year will be made six (6) months thereafter (''Regular Activity Second Tranche Liquidity Obligations'').

Special Activity Supplemental Deposits

Special Activity Supplemental Deposits are deposits made in addition to Regular Activity Supplemental Deposits, designed to cover the additional liquidity exposure that occurs over an Options Expiration Activity Period. Each calendar quarter, on a day that is no later than the fifth business day preceding any Options Expiration Activity Period, NSCC will also determine (i) its largest Special Activity Supplemental Liquidity Need (''Special Activity Peak Liquidity Need'') over the preceding twenty-four (24) months (i.e., the eight prior Options Expiration Activity Periods, or a longer lookback period as determined by NSCC) and (ii) those unaffiliated Members and Affiliated Families that presented the largest aggregate Special Activity liquidity exposures to NSCC over the same period. NSCC will then rank the aggregate Special Activity liquidity exposures presented by such unaffiliated Members and/or Affiliated Families (referred to as their respective ''Special Activity Peak Liquidity Exposures'') during the lookback period to determine which thirty (30) such unaffiliated Members and Affiliated Families presented the largest respective Special Activity Peak Liquidity Exposures within the lookback period. NSCC's Special Activity Supplemental Peak Need will then be allocated to these thirty (30) Members and Affiliated Families (''Special Activity Liquidity Providers''), in proportion to the Special Activity Peak Liquidity Exposures they presented to NSCC during the lookback period.

Interim Adjustments and Calls

With the goal of ensuring that NSCC's liquidity resources remain adequate between the specified calculation dates, if either current liquidity needs increase significantly over those liquidity needs used for the regular calculations (or Special Activity Calculations), or the amount of liquidity resources is significantly reduced, the proposal permits NSCC to make interim recalibrations and liquidity calls: If

between the semi-annual calculations of the Regular Activity Liquidity Obligations, the aggregate amount of Regular Activity Supplemental Deposits decreases by an amount that exceeds a threshold as determined by NSCC (whether as a result of the retirement of Members, a cease to act, or otherwise), then NSCC will recalculate its Regular Activity Peak Liquidity Need and allocate it among the unaffiliated Members and Affiliated Families that then comprise the applicable thirty (30) largest Regular Activity Liquidity Providers, in the same manner such calculations and allocations would be made at each semi-annual calculation of Regular Activity Liquidity Obligations.[5]

Conversely, if on any business day between regular semi-annual calculation dates NSCC observes an increase in its Regular Activity Liquidity Needs that exceeds a predetermined threshold amount, or between the dates on which it calculates Special Activity Liquidity Obligations it observes an increase in its Special Activity Liquidity Needs that exceeds a predetermined threshold amount, NSCC shall be entitled to call for an additional deposit from the Member whose increase in activity levels caused (or was the primary cause of) such increased liquidity need (''Liquidity Call''). Liquidity Call amounts will be treated as a part of that Member's Regular Activity Supplemental Deposit or Special Activity Supplemental Deposit, as applicable.

Operation of the Funding Obligation

Each Regular Activity Liquidity Provider will be obligated to contribute to the Clearing Fund, no later than five (5) business days following the effective date of the renewal of the Credit Facility, the amount of its Regular Activity Liquidity Obligation, reduced (i) dollar for dollar by amounts committed to the Credit Facility by that Regular Activity Liquidity Provider or its affiliates, and (ii) ratably (among all Regular Activity Liquidity Providers) by amounts committed to the Credit Facility by the lenders party thereto which are not Members or their affiliates.

If the amount of the Regular Activity Second Tranche Liquidity Obligation of an unaffiliated Member or Affiliated Family exceeds its Regular Activity First Tranche Liquidity Obligation (including because the unaffiliated Member or Affiliated Family had no Regular Activity First Tranche Liquidity Obligation), such Regular Activity Liquidity Provider will be obligated to contribute its calculated amount within three (3) business days following the final notice of such amount. If the Regular Activity Second Tranche Liquidity Obligation of an unaffiliated Member or Affiliated Family is less than its Regular Activity First Tranche Liquidity Obligation, then it shall be entitled to a refund of the amount of the difference, provided, that nothing shall reduce or in any way affect any commitment or other obligation of any Member or its affiliate under the Credit Facility.

Promptly after calculation of the Special Activity Liquidity Obligations, NSCC will inform Special Activity Liquidity Providers of their Special Activity Liquidity Obligations, and those Special Activity Liquidity Providers must make their Special Activity Supplemental Deposits to the Clearing Fund in cash no later than the close of business on the second business day preceding the applicable Options Expiration Activity Period (i.e., generally the Wednesday before the options expiration date).

However, if a Special Activity Liquidity Provider anticipates that its Special Activity Peak Liquidity Exposure at any time during an Options Expiration Activity Period will be greater than the amount calculated by NSCC, it may, no later than the first business day of that Options Expiration Activity Period, make an additional cash deposit to the Clearing Fund that is in excess of its Required Deposit and is designated as a ''Special Activity Prefund Deposit.'' Members may also, at their discretion, deposit to the Clearing Fund amounts in excess of their Required Deposit that are designated ''Regular Activity Prefund Deposits.'' Because Prefund Deposits are included in calculating available liquidity resources, they thus reduce NSCC's Supplemental Liquidity Needs, as well as the depositing Member's Regular Activity (or Special Activity) Peak Liquidity Exposure.

As noted above under ''Interim Adjustments and Calls,'' to the extent that NSCC observes a peak shortfall that breaches predetermined thresholds at any time throughout the year, the amount of the shortfall will be allocated solely to the Member responsible for the activity that caused the shortfall. The liquidity called as a result of that shortfall will be held until the next applicable reset period. This is intended to incentivize Members to make Prefund Deposits to avoid Liquidity Calls, since Prefund Deposits are refunded after the period of activity for which they were made, while Liquidity Calls are retained until the next regular calculation of the applicable supplemental deposit.

Treatment and Use of the Supplemental Deposits

All Regular Activity Supplemental Deposits (other than Regular Activity Prefund Deposits), as adjusted semi-annually, shall remain on deposit in the Clearing Fund, and may not be withdrawn by the applicable Member until five (5) business days after the next following maturity date of the Credit Facility (generally, for a period of 364 days). Regular Activity Prefund Deposits shall remain on deposit in the Clearing Fund and may not be withdrawn by the applicable Member until seven (7) days after they are deposited. All Special Activity Supplemental Deposits (including Special Activity Prefund Deposits) may be refunded to the Special Activity Liquidity Providers seven (7) business days after the end of the applicable Options Expiration Activity Period.

Any amounts deposited in response to a Liquidity Call for an additional Regular Activity Supplemental Deposit must remain in the Clearing Fund until the next semi-annual calculations of the Regular Activity Liquidity Obligations, and any amounts deposited in response to a Liquidity Call for an additional Special Activity Supplemental Deposit must remain in the Clearing Fund until two (2) business days preceding the next Options Expiration Activity Period.

A Member's Supplemental Deposit will be made in addition to its Required Deposit to the Clearing Fund, and any other deposit of any such Member to the Clearing Fund.

A Member's Supplemental Deposit will be considered part of that Member's actual deposit to the Clearing Fund, and, as such, may be used to satisfy obligations of that Member to NSCC, in the same manner as provided in Section 3 of Rule 4. Therefore, if the Member who contributed the Supplemental Deposit defaults, NSCC will be permitted to use its entire actual deposit, which will include the amount of its Supplemental Deposit, to satisfy any loss resulting from closing out that Member's open positions.

A Member's Supplemental Deposit will not, however, constitute part of its Required Deposit under NSCC's Rule 4, and, as such, will not be used, pursuant to Section 4 of Rule 4, to satisfy the obligations of any other Member of NSCC that has defaulted in the performance of its obligations to NSCC. A Member's Supplemental Deposit, therefore, will not be used in calculating

[5] NSCC plans to use an interim date calculation as the first calculation under the proposed rule, should it become effective on a date after the effective date of the 2013 renewal of its Credit Facility.

any pro rata charge (i.e., loss assessment) due from that Member in the event of the default of another Member under Rule 4. Supplemental Deposits will also not be subject to the provisions of Section 6 of Rule 4 when a Member ceases to be a participant.

Pending any permitted use described in NSCC's Rules, the aggregate of all Supplemental Deposits on deposit at NSCC may be invested by NSCC as permitted pursuant to the investment policy adopted by NSCC and as in effect from time to time, and in the same manner the Clearing Fund is invested pursuant to such investment policy. Any interest earned on investment of a Supplemental Deposit, as a part of a Member's actual deposit, will be payable at the rate that NSCC earns on the investment of such funds, credited monthly and paid on demand.

Implementation Timeframe

Pending Commission approval, Members will be advised of the implementation date of this proposal through issuance of an NSCC Important Notice. Members will be provided not less than ten (10) days' notice of the first date on which Supplemental Deposits will be payable.

Proposed Rule Changes

NSCC proposes to amend its Rules to create a new Rule 4A to reflect the changes as described above. For both the Regular Activity Supplemental Deposits and the Special Activity Supplemental Deposits, the new Rule 4A will provide: (i) A general description of the relevant Supplemental Deposit, (ii) a provision describing the calculation and operation of the funding obligation, and (iii) a description of the treatment and permitted uses of the Supplemental Deposit by NSCC. NSCC believes that this proposed rule change contributes to NSCC's goal of assuring that NSCC has adequate liquidity resources to meet its settlement obligations during both Regular Activity Periods and Options Expiration Activity Periods, notwithstanding the default of its unaffiliated Members and/or Affiliated Families that pose the largest aggregate liquidity exposure over the relevant settlement cycle. As such, NSCC believes that the proposal is consistent with Rule 17Ad–22(b)(3), as well as with Principle 7 of the PMFI.

*(B) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants, or Others*

On March 19, 2013, National Financial Services, LLC submitted written comments relating to the proposed rule change. NSCC will respond to this comment and all future comments received at a later date, as appropriate.

*(C) Advance Notices Filed Pursuant to Section 806(e) of the Payment, Clearing and Settlement Supervision Act*

Description of Change

NSCC is proposing to amend its Rules in order to provide for supplemental liquidity deposits to NSCC's Clearing Fund designed to ensure that NSCC has adequate liquidity resources to meet its liquidity needs. The proposed change is described in detail above.

Anticipated Effect on and Management of Risk

As described above, NSCC believes that the proposed change to add a Supplemental Deposit, which NSCC believes is calculated so that NSCC has adequate liquidity resources to enable it to settle transactions during Regular Activity Periods and Options Expiration Activity Periods when NSCC's liquidity need may increase, notwithstanding the default of the unaffiliated Member or Affiliated Family that would generate the largest aggregate liquidity need for NSCC over a four day settlement cycle in stressed market conditions, will enhance NSCC's ability to meet certain risk management standards, such as Rule 17Ad–22(b)(3) and Principle 7 of the PMFI, described above.

By calculating unaffiliated Member's or Affiliated Family's Supplemental Deposit funding obligation in proportion to the liquidity needs that such entities present to NSCC, NSCC believes that the proposed rule change will ensure that NSCC's Members fairly and equitably contribute to NSCC's liquidity resources for settlement, and also contribute to the goal of financial stability in the event of Member default.

## III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The clearing agency may implement the proposed change pursuant to Section 806(e)(1)(G) of the Clearing Supervision Act [6] if it has not received an objection to the proposed change within 60 days of the later of (i) the date that the Commission received the advance notice or (ii) the date the Commission receives any further information it requested for consideration of the notice. The clearing agency shall not implement the proposed change if the Commission has any objection to the proposed change.

The Commission may extend the period for review by an additional 60 days if the proposed change raises novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. A proposed change may be implemented in less than 60 days from the date of receipt of the advance notice, or the date the Commission receives any further information it requested, if the Commission notifies the clearing agency in writing that it does not object to the proposed change and authorizes the clearing agency to implement the proposed change on an earlier date, subject to any conditions imposed by the Commission. The clearing agency shall post notice on its Web site of proposed changes that are implemented.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[7]

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the advance notice is consistent with the Clearing Supervision Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–NSCC–2013–802 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–NSCC–2013–802. This file number

[6] 12 U.S.C. 5465(e)(1)(G).

[7] NSCC also filed the proposals contained in this advance notice as a proposed rule change under Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder. 15 U.S.C. 78s(b)(1); 17 CFR 240.19b–4. Pursuant to Section 19(b)(2) of the Exchange Act, within 45 days of the date of publication of the proposed rule change in the **Federal Register** or within such longer period up to 90 days if the Commission designates or the self-regulatory organization consents the Commission will either: (i) by order approve or disapprove the proposed rule change or (ii) institute proceedings to determine whether the proposed rule change should be disapproved. 17 U.S.C. 78s(b)(2)(A). *See* Release No. 34–69313 (Apr. 4, 2013), 78 FR 21487 (Apr. 10, 2013).

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 advance notice that are filed with the Commission, and all written communications relating to the advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings also will be available for inspection and copying at the principal office of NSCC and on NSCC's Web site at *http://dtcc.com/downloads/legal/rule_filings/2013/nscc/SR-NSCC-2013-802.pdf.* 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–NSCC–2013–802 and should be submitted on or before May 22, 2013.

By the Commission.

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10239 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69448; File No. SR–OPRA–2013–01]**

## Options Price Reporting Authority; Notice of Filing and Immediate Effectiveness of Proposed Amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information To Revise Usage-Based Vendor Fees

April 25, 2013.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 608 thereunder,[2] notice is hereby given that on April 11, 2013, the Options Price Reporting Authority (''OPRA'') submitted to the Securities and Exchange Commission (''Commission'') an amendment to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information (''OPRA Plan'').[3] The proposed amendment revises its Usage-based Vendor Fees. The Commission is publishing this notice to solicit comments from interested persons on the proposed OPRA Plan amendment.

### I. Description and Purpose of the Plan Amendment

The purpose of the amendment is to make changes in OPRA's Usage-based Vendor Fees. Usage-based Vendor Fees are fees that are payable by each OPRA Vendor on the basis of access to current OPRA data by OPRA ''Subscribers'' (end users of current OPRA data) that have entered into Subscriber Agreements with the Vendor. OPRA permits Vendors to pay Usage-based Vendor Fees on either a ''quote packet'' basis or an ''options chain'' basis.[4] OPRA is proposing to increase the Usage-based Vendor Fee based on counting quote packets from $0.005 per quote packet to $0.0075 per quote packet, and to increase the Usage-based Vendor Fee based on counting options chains from $0.02 per options chain to $0.03 per options chain.

In essence, an OPRA Subscriber may obtain access to OPRA data in one of two ways: Either by signing a Professional Subscriber Agreement directly with OPRA, in which case the Subscriber pays Professional Subscriber Device-Based Fees directly to OPRA; or by entering into a Subscriber Agreement with an OPRA Vendor, in which case the Vendor pays Usage-based Vendor Fees to OPRA for the Subscriber's access to current OPRA data.

OPRA's Usage-based Vendor Fees were established at their current levels effective on January 1, 2000.[5] In the thirteen years since then OPRA's Professional Subscriber Device-Based Fee has, on a weighted average basis, more than doubled.[6] Moreover, over the period from the year 2000 through the year 2012, the average number of series in each class of options for which OPRA disseminates data has almost doubled.[7]

OPRA's Usage-based Vendor Fees for receipt of OPRA data by Nonprofessional Subscribers and by Professional Subscribers are each subject to monthly caps. For Nonprofessional Subscribers the cap is $1.25 per Nonprofessional Subscriber per month. For Professional Subscribers the cap is the per-device fee applicable to the Professional Subscriber (currently $26.00 per month) times the number of the Professional Subscriber's User IDs.

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The OPRA Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Act and Rule 608 thereunder (formerly Rule 11Aa3–2). *See* Securities Exchange Act Release No. 17638 (March 18, 1981), 22 S.E.C. Docket 484 (March 31, 1981). The full text of the OPRA Plan is available at *http://www.opradata.com.*

The OPRA Plan provides for the collection and dissemination of last sale and quotation information on options that are traded on the participant exchanges. The eleven participants to the OPRA Plan are BATS Exchange, Inc., BOX Options Exchange, LLC, Chicago Board Options Exchange, Incorporated, C2 Options Exchange, Incorporated, International Securities Exchange, LLC, Miami International Securities Exchange, LLC, NASDAQ OMX BX, Inc., NASDAQ OMX PHLX LLC, NASDAQ Stock Market LLC, NYSE MKT LLC, and NYSE Arca, Inc.

[4] The term ''quote packet'' is defined in footnote 6 to OPRA's Fee Schedule as consisting of any one or more of the following values for a single series of options or a related index: last sale, bid/ask and related market data. The term ''options chain'' is also defined in footnote 6 to OPRA's Fee Schedule; an ''options chain'' consists of up to all series of put and call options on the same underlying security or index. (OPRA's Fee Schedule is available on OPRA's Web site, *www.opradata.com.*)

[5] *See* File No. SR–OPRA–99–02; Release No. 34–42152 (November 17, 1999). In File No. SR–OPRA–99–02, OPRA reduced the quote packet Usage-based Vendor Fee from a range of $0.01–$0.02 (with the actual amount determined on the basis of total usage) to the current $0.005 per quote packet, and implemented the alternative options chain Usage-based Vendor Fee at the current $0.02 per options chain.

[6] In the year 2000, OPRA's weighted average Professional Subscriber Fee was approximately $12.55 per device; it is now $26.00 per device. (In the year 2000, OPRA had a sliding scale for its Professional Subscriber Fees, with different rates based on whether a Professional Subscriber was a Member of one or more of the Exchanges that were parties to the OPRA Plan and on the Professional Subscriber's number of devices. OPRA's Professional Subscriber Fees in the year 2000 ranged from $10.50/device for an Exchange Member with 750 or more devices to $27.00/device for a non-Member with nine or fewer devices. Over the course of several years, OPRA made incremental changes in its Professional Subscriber Fees to eliminate all distinctions in these fees based on a Professional Subscriber's status as a member or nonmember of an exchange that is a party to the OPRA Plan or on the Subscriber's total number of OPRA-enabled devices. *See* File No. SR–OPRA–2004–01; Release No. 34–49382 (February 25, 2004)).

[7] The term ''class'' refers to all options based on the same underlying interest (e.g., the same security or same index). The term ''series'' refers to all options in the same class that have otherwise identical terms (including put or call, expiration month and exercise price). As of December 31, 2000, there was an average of 67.7 series per class for which OPRA disseminated data; as of December 31, 2012 there was an average of 132.7 series per class. This increase in the number of series per class means that a Subscriber today receives approximately ninety-five percent more data in an options chain than the Subscriber did twelve years ago. It does not mean that a Subscriber receives more data in a quote packet, but OPRA believes that the current ratio of the options chain fee to the quote packet fee (four to one) is appropriate, and that an appropriate adjustment to these fees is to increase each of them by fifty percent.

OPRA is not currently proposing an increase in either of these caps.[8]

At current usage rates, these changes in OPRA's fees would result in an increase in its revenues of approximately $1,500,000 on an annual basis if the changes do not cause any Subscribers to hit their applicable fee caps and do not cause any Vendors to discontinue providing access to current OPRA data to their Subscribers. (OPRA believes that these factors are likely to cause the actual increase in OPRA's revenue to be less than this amount.) OPRA believes that increasing its Usage-based Vendor Fees will restore a more appropriate balance to the relationship between its revenues derived from Professional Subscriber Device-based Fees on the one hand and Usage-based Vendor Fees on the other hand, and that an increase in its revenues resulting from these fee increases will represent an appropriate contribution to covering the overall costs of OPRA and its member exchanges to which these fees may properly be applied.

The text of the proposed amendment to the OPRA Plan is available at OPRA, the Commission's Public Reference Room, *http://opradata.com*, and on the Commission's Web site at *www.sec.gov*.

## II. Implementation of the OPRA Plan Amendment

Pursuant to paragraph (b)(3)(i) of Rule 608 of Regulation NMS under the Act, OPRA designated this amendment as establishing or changing fees or other charges collected on behalf of all of the OPRA participants in connection with access to or use of OPRA facilities. In order to give persons subject to these fees advance notice of the changes, OPRA proposes to provide notice of the changes to OPRA Vendors on or about May 1, 2013, and to put the changes into effect on June 1, 2013.

The Commission may summarily abrogate the amendment within sixty days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 608(b)(2) under the Act[9] if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed OPRA Plan amendment is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–OPRA–2013–01 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–OPRA–2013–01. 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 plan amendment that are filed with the Commission, and all written communications relating to the proposed plan amendment between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OPRA. 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–OPRA–2013–01 and should be submitted on or before May 22, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10236 Filed 4–30–13; 8:45 am]

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[8] The cap for Nonprofessional Subscribers is at an amount equal to OPRA's Nonprofessional Subscriber Fee. OPRA recently increased its Nonprofessional Subscriber Fee, and increased the cap for Nonprofessional Subscribers at that time. (*See* File No. SR–OPRA–2012–02, Release No. 34–66564 (March 9, 2012)). Because the cap for Professional Subscribers is stated with reference to OPRA's Professional Subscriber Device-Based Fee, it adjusts automatically in lockstep with the Professional Subscriber Device-Based Fee.

[9] 17 CFR 242.608(b)(2).

[10] 17 CFR 200.30–3(a)(29).

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69450; File No. SR–NASDAQ–2013–031]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To Amend the Attestation Requirement of Rule 4780 To Allow a Retail Member Organization To Attest That ''Substantially All'' Orders Submitted to the Retail Price Improvement Program Will Qualify as ''Retail Orders''

April 25, 2013.

On February 19, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to allow Retail Member Organizations (''RMOs'') to attest that ''substantially all,'' rather than all, orders submitted to the Retail Price Improvement Program qualify as ''Retail Orders.'' The proposed rule changes were published for comment in the **Federal Register** on March 11, 2013.[3] To date, the Commission has received one comment on the proposal.[4] The Exchange submitted a response to the comment on April 24, 2013.[5]

Section 19(b)(2) of the Act[6] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 69039 (March 5, 2013), 78 FR 15392.

[4] *See* Letter to the Commission from Theodore R. Lazo, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (SIFMA), dated March 11, 2013.

[5] *See* Letter to the Commission from Jonathan F. Cayne, Associate General Counsel, NASDAQ OMX, dated April 24, 2013.

[6] 15 U.S.C. 78s(b)(2).

proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is April 25, 2013.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period to take action on the proposed rule change so that it has sufficient time to consider the Exchange's proposal, which would lessen the attestation requirements of RMOs that submit ''Retail Orders'' eligible to receive potential price improvement through the Retail Price Improvement Program, and to consider the comment letter that has been submitted in connection with the proposed rule change, along with the Exchange's response.

Accordingly, pursuant to Section 19(b)(2) of the Act,[7] the Commission designates June 9, 2013 as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File Number SR–NASDAQ–2013–031).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10237 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

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## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69457; File No. SR–MIAX–2013–17]**

## Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Increase the Position and Exercise Limits for Options on iShares MSCI Emerging Markets Index Fund

April 25, 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 April 16, 2013, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend its rules to increase the position and exercise limits for options on iShares MSCI Emerging Markets Index Fund (''EEM'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing*, at MIAX's principal office, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule change is to amend Rule 307, Interpretations and Policies .01 and Rule 309, Interpretations and Policies .01 to increase position and exercise limits, respectively, for EEM options.

Position limits for exchange-traded fund (''ETFs'') options, such as EEM options, are determined pursuant to Rule 307 and vary according to the number of outstanding shares and trading volume during the most recent six-month trading period of the underlying stock or ETF. The largest in capitalization and most frequently traded stocks and ETFs have an option position limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; smaller capitalization stocks and ETFs have position limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market. The current position limit for EEM options is 250,000 contracts. The purpose of the proposed rule change is to amend Rules 307 and 309 to increase the position and exercise limits for EEM options to 500,000 contracts. As discussed below, EEM is an actively-traded ETF and there is precedent for establishing position limits for options on actively-traded ETFs. Position limit levels for actively-traded ETFs are set forth in Rule 307, Interpretations and Policies .01.[3]

This proposed increase in position and exercise limits for EEM options has been adopted by the Chicago Board Options Exchange, Incorporated (''CBOE''), BOX Options Exchange LLC (''BOX''), International Securities Exchange, LLC (''ISE''), NASDAQ OMX PHLX, LLC (''PHLX''), NYSE MKT LLC (''NYSE Amex Options''), and NYSE Arca, Inc. (''NYSE Arca'').[4]

In support of this proposed rule change, the following trading statistics compare EEM to IWM and SPY, which are both actively-traded ETF options with exceptions to the standard position and exercise limits. As shown on the table below, the average daily volume in 2012 for EEM was 49.4 million shares compared to 45.7 million shares for IWM and 143 million shares for SPY. The total shares outstanding for EEM was 1,182 million compared to 220 million shares for IWM and 820.5 million shares for SPY. Further, the fund market cap for EEM was $52.19 billion compared to $18.35 billion for IWM and $125.63 billion for SPY.

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[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 307, Interpretations and Policies .01, provides for exceptions to standard position limits as follows: put or call option contracts overlying the PowerShares QQQ Trust (''QQQQ''), for which the position limit is currently 900,000 contracts on the same side of the market; options overlying the Standard and Poor's Depository Receipts® Trust (''SPY''), which currently does not have any position limits; options overlying the iShares® Russell 2000® Index Fund (''IWM''), for which the position limit is currently 500,000 contracts on the same side of the market; and options overlying the Diamonds Trust (''DIA''), for which the position limit is currently 300,000 contracts on the same side of the market.

[4] *See* Securities Exchange Act Release No. 68086 (October 23, 2012), 77 FR 65600 (October 29, 2012) (SR–CBOE–2012–066); Securities Exchange Act Release No. 68478 (December 19, 2012), 77 FR 76132 (December 26, 2012) (SR–BOX–2012–023); Securities Exchange Act Release No. 68398 (December 11, 2012), 77 FR 74700 (December 17, 2012) (SR–ISE–2012–093); Securities Exchange Act Release No. 68293 (November 27, 2012), 77 FR 71644 (December 3, 2012) (SR-Phlx-2012–132); Securities Exchange Act Release No. 68358 (December 5, 2012), 77 FR 73708 (December 11, 2012) (SR–NYSEMKT–2012–071); and Securities Exchange Act Release No. 68359 (December 5, 2012), 77 FR 73716 (December 11, 2012) (SR–NYSEArca-2012–132).

| ETF | 2012 ADV (mil. Shares) | 2012 ADV (option contracts) | Shares Outstanding—as of January 31. 2013 (Mil.) | Fund Market Cap as of January 31, 2013 ($bil) |
|---|---|---|---|---|
| EEM | 49.4 | 255,096 | 1,182 | $52.19 |
| IWM | 45.7 | 494,150 | 220 | 18.35 |
| SPY | 143 | 2,325,188 | 820.5 | 125.63 |

The MSCI Emerging Markets Index, which has approximately 800 component securities, is a free float-adjusted market capitalization index that is designed to measure equity market performance of emerging markets. The MSCI Emerging Markets Index consists of the following 21 emerging market country indices: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Morocco, Peru, Philippines, Poland, Russia, South Africa, Taiwan, Thailand, and Turkey.[5] MIAX does not currently trade options on EEM, however, MIAX anticipates listing such options in the near future. Since MIAX's listing standards for options on ETFs holding non-U.S. component securities[6] are identical to the listing standards at the other options exchanges that currently trade EEM options, MIAX anticipates its analysis of EEM and the MSCI Emerging Markets Index, which will be undertaken prior to its listing of options on EEM, will confirm that more than 50% of the weight of the securities held by EEM are subject to a comprehensive surveillance agreement (''CSA'').[7] Additionally, MIAX will confirm that the component securities of the MSCI Emerging Markets Index, on which EEM is based, and for which the primary market is in any one country that is not subject to a CSA, do not represent 20% or more of the weight of the MSCI Emerging Markets Index.[8] Finally, MIAX will confirm that the component securities of the MSCI Emerging Markets Index for which the primary market is in any two countries that are not subject to CSAs do not represent 33% or more of the weight of the MSCI Emerging Markets Index.[9]

The Exchange believes that the liquidity in the underlying ETF and the liquidity in EEM options support its request to increase the position and exercise limits for EEM options. As to the underlying ETF, through January 31, 2013, the year-to-date average daily trading volume for EEM across all exchanges was 50.9 million shares. As to EEM options through January 31, 2013, the year-to-date average daily trading volume for EEM options across all exchanges was 317,399 contracts. The Exchange believes that increasing position limits for EEM options will lead to a more liquid and competitive market environment for EEM options that will benefit customers interested in this product.

Under the Exchange's proposal, the options reporting requirement for EEM options will remain unchanged. Thus, the Exchange will still require each Member that maintains a position in EEM options on the same side of the market, for its own account or for the account of a customer, to report certain information to the Exchange. Specifically, Rule 310 governs position limit reporting requirements and provides, in paragraph (a), that Members must report information with respect to any customer or Member account holding in the aggregate long or short positions of 200 or more option contracts of a single class. Paragraph (b) of Rule 310 further requires Electronic Exchange Members[10] to provide additional information for end of day option positions in excess of 10,000 option contracts on the same side of the market. This additional information includes, but is not limited to, the option position, whether such position is hedged and, if so, a description of the hedge, and the collateral used to carry the position. Each of these reporting requirements will remain at the current levels for EEM options. The Exchange believes that the existing surveillance procedures and reporting requirements are capable of properly identifying unusual and/or illegal options trading activity. These procedures utilize daily monitoring of market movements via automated surveillance techniques to identify unusual activity in both options and underlying stocks. Furthermore, large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G.[11] Options positions are part of any reportable positions and, thus, cannot be legally hidden. Moreover, the Exchange's requirement that Members file reports with the Exchange for any customer who held aggregate large long or short positions of any single class for the previous day will continue to serve as an important part of the Exchange's surveillance efforts.

The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns that a Member or its customer may try to maintain an inordinately large un-hedged position in an option, particularly on EEM. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a Member must maintain for a large position held by it or by its customer.[12] In addition, the Commission's net capital rule, Rule 15c3–1[13] under the Securities Exchange Act of 1934 (the ''Act''), imposes a capital charge on members to the extent of any margin deficiency resulting from the higher margin requirement.

2. Statutory Basis

MIAX believes that its proposed rule change is consistent with Section 6(b) of the Act[14] in general, and furthers the objectives of Section 6(b)(5) of the Act[15] 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.

Specifically, the proposed rule change will benefit large market makers (which generally have the greatest potential and

[5] *See http://www.msci.com/products/indices/tools/index.html#EM.*

[6] *See* MIAX Rule 402(i).

[7] *See* MIAX Rule 402(i)(5)(ii)(A).

[8] *See* MIAX Rule 402(i)(5)(ii)(B).

[9] *See* MIAX Rule 402(i)(5)(ii)(C).

[10] An Electronic Exchange Member is defined in Rule 100 as ''the holder of a Trading Permit who is not a Market Maker''. Thus, Rule 310(b) does not apply to Market Makers. Market Maker position limit information is accessed and monitored through the Exchange's market surveillance systems.

[11] 17 CFR 240.13d–1.

[12] *See* MIAX Rule 1502.

[13] 17 CFR 240.15c3–1.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

actual ability to provide liquidity and depth in the product), as well as retail traders, investors, and public customers, by providing them with a more effective trading and hedging vehicle. In addition, the Exchange believes that the structure of EEM options and the considerable liquidity of the market for EEM options diminish the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against. The Exchange also believes that the proposed rule change will benefit a greater number of market participants who are MIAX Members and members of other exchanges. This is because EEM is a multiply-listed options class and currently there is not a uniform and consistent position and exercise limits regime across all of the exchanges that list EEM options. The proposed filing will benefit market participants because it will ensure consistency and uniformity among the competing options exchanges as to the position and exercise limits for a multiply listed options class.

*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. In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to changes put in place at other options exchanges. MIAX believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for a multiply listed option class.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6) thereunder.[17]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing. However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that it can increase the position and exercise limits for EEM options immediately, which will result in consistency and uniformity among the competing options exchanges as to the position and exercise limits for EEM options. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest.[18] The Commission notes the proposal is substantively identical to a proposal that was recently approved by the Commission, and does not raise any new regulatory issues.[19] For these reasons, the Commission designates the proposed rule change as operative upon filing.

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.

## 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–2013–17 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–MIAX–2013–17. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2013–17 and should be submitted on or before May 22, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10302 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] *See* Securities Exchange Act Release No. 68086 (October 23, 2012), 77 FR 65600 (October 29, 2012) (SR–CBOE–2012–066).

[20] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69458; File No. SR–C2–2013–019]**

## Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend C2 Rule 6.52

April 25, 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 April 19, 2013, C2 Options Exchange, Incorporated (''C2'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

C2 proposes to amend C2 Rule 6.52 (Solicitation Auction Mechanism), which sets forth a minimum order eligibility size predicated on an option contract delivering 100 shares. The proposal would amend C2 Rule 6.52 to establish a minimum order eligibility size in an amount proportional to mini-options delivering 10 shares (*i.e.,* the same number of underlying securities). The Exchange is not proposing to change the substantive content of this rule. The text of the proposed rule change is available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, 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

C2's rules were recently amended to allow for the listing of mini-options that deliver 10 physical shares on SPDR S&P 500 (''SPY''), Apple, Inc. (''AAPL''), SPDR Gold Trust (''GLD''), Google Inc. (''GOOG'') and Amazon.com Inc. (''AMZN'').[3] Mini-options trading commenced on March 18, 2013.

Standard equity and exchange-traded fund (''ETF'') option contracts have a unit of trading of 100 shares deliverable and mini-options have a unit of trading of 10 shares deliverable.[4] Except for the difference in the number of deliverable shares, mini-options have the same terms and contract characteristics as standard equity and ETF options, including exercise style. Accordingly, the mini-option filing contained a representation that the rules that apply to the trading of standard option contracts will apply to mini-options as well.[5]

The Exchange proposes to amend Rule 6.52 (Solicitation Auction Mechanism), which sets forth a minimum order eligibility size predicated on an option contract delivering 100 shares. The purpose of the proposed rule change is to amend C2 Rule 6.52 to establish a minimum order eligibility size in an amount proportional to mini-options delivering 10 shares (*i.e.,* the same number of underlying securities). The Exchange is not proposing to change the substantive content of this rule.

C2 Rule 6.52 permits a C2 Participant that represents agency orders to electronically execute orders it represents as agent (''Agency Order'') against solicited orders provided it submits the Agency Order for electronic execution into the solicitation auction mechanism (the ''Auction'') pursuant to the requirements of C2 Rule 6.52. C2 Rule 6.52(a)(1) requires the Exchange to determine minimum eligible size parameters for participation in Auctions, however, the eligible order size may not be less than 500 standard option contracts (which is equivalent to 5,000 mini-option contracts). The Exchange proposes to maintain the minimum eligibility size parameters for mini-options that are required for standard options in proportion.

Accordingly, C2 proposes to amend C2 Rule 6.52(a)(1) to specify that the minimum order size for standard options may not be less than 500 contracts and the minimum order size for mini-options may not be less than 5,000 contracts.

Standard option series subject to an adjustment will be subject to the minimum order quantity for standard options contained in C2 Rule 6.52 and mini-option series subject to an adjustment will be subject to the minimum order quantities for mini-options contained in C2 Rule 6.52.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder, including the requirements of Section 6(b) of the Act.[6] In particular, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that investors would benefit from the current rule proposal because it would clarify how the minimum order quantity that is predicated on an option contract delivering 100 shares will apply to mini-options. The Exchange believes that the marketplace and investors will be expecting clarification by the Exchange on this issue. As a result, the Exchange believes that this change would lessen investor and marketplace

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Chapter 5 to the C2 Rulebook provides that the rules contained in Chicago Board Options Exchange, Incorporated (''CBOE'') Chapter V, as such rules may be in effect from time to time, shall apply to C2 and that C2 participants shall comply with CBOE Rule Chapter V as if such rules were part of the C2 Rules. Accordingly, when CBOE amended Rule 5.5 to provide for the trading of mini-options, that filing resulted in a simultaneous change to identical C2 rules. *See* Securities Exchange Act Release No. 68656 (January 15, 2013), 78 FR 4526 (January 22, 2013) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to List and Trade Option Contracts Overlying 10 Shares of Certain Securities) (SR–CBOE–2013–001) (''mini-option filing'').

[4] Strike prices for mini-options are set at the same level as for standard options. *See* CBOE Rule 5.5.22(b). Bids and offers for mini-options are expressed in terms of dollars per 1/10th part of the total value of the contract. *See* C2 Rule 6.3(c). No additional series of mini-options may be added if the underlying security is trading at $90 or less. The underlying security must trade above $90 for five consecutive days prior to listing mini-option contracts in an additional expiration month. *See* CBOE Rule 5.5.22(c).

[5] 78 FR 4527.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

confusion because the rule being amended by this filing will be clear as to the application to mini-options.

The Exchange also believes that the current proposal is designed to promote just and equitable principles of trade because it will maintain the minimum order quantity set forth in C2 Rule 6.52 in an amount proportional to mini-options.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

This proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard, since mini-options are permitted on multiply-listed classes, several exchanges have changed their auction rules so that those rules [sic] set forth minimum order quantities for standard options will apply in amounts proportional to mini-options. C2 believes that the proposed rule change will enhance competition by providing for the same proportional minimum order quantity contained in Rule 6.52 to apply to standard and mini-options on the same security.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) by its terms does not become operative for 30 days after the date of this filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [8] and Rule 19b–4(f)(6) thereunder.[9]

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.

**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–C2–2013–019 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–C2–2013–019. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–C2–2013–019 and should be submitted on or before May 22, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10279 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to provide the Commission with written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has fulfilled this requirement.

[10] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69454; File No. SR–NASDAQ–2013–068]**

## Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify NASDAQ's Rule Governing Modification of Orders in the Event of an Issuer Corporate Action Related to a Dividend, Payment or Distribution, and To Make Related Clarifications to Rule Text

April 25, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 17, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

NASDAQ proposes to modify NASDAQ's rule governing modification of orders in the event of an issuer corporate action related to a dividend, payment or distribution, and to make related clarifications to rule text. The Exchange has designated the proposed changes as immediately effective, and proposes to implement the changes on or shortly after the 30th day after the date of the filing. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

## 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. 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

NASDAQ Rule 4761 addresses the treatment of quotes/orders in securities that are the subject of issuer corporate actions related to a dividend, payment or distribution (a ''corporate action''). The rule applies to any trading interest that is carried on the Nasdaq Market Center book overnight.[4] The rule contemplates a range of possible adjustments that, depending on the nature of the corporate action, might result in the cancellation of the order or an adjustment to its price and/or size to reflect the expected impact of the corporate action, effective on the ex-date of the corporate action. NASDAQ believes that the rule, as currently written, is excessively complex, since the rule contemplates that quotes/orders receive different adjustments depending on the nature and magnitude of the corporate action, whether the trading interest is a quote or order, and whether the trading interest is on the buy or sell side.[5] Moreover, the current rule contemplates active management of quotes/orders by NASDAQ, thereby causing it to assume responsibilities that may be borne more appropriately by its members. Accordingly, NASDAQ proposes to amend the rule to provide that in the event of any corporate action, NASDAQ will cancel open quote/orders on the ex-date of the action, thereby imposing on the member that entered the order the responsibility for determining whether it wishes to reenter the order and if so, at what price and size.[6] The cancellation would occur immediately prior to the opening of trading at 4 a.m. on the ex-date of the corporate action, and the member would receive a cancellation notice, so that it could, if it desired, reenter the order at the commencement of trading on the ex-date.

In addition, NASDAQ is proposing to make conforming changes to Rule 4756, which currently references the fact that open orders may be adjusted under Rule 4761 without such orders losing time priority. Since under the proposed rule change, all such orders will be cancelled, the cross-reference to Rule 4761 needs to be removed. Finally, NASDAQ is proposing to address several issues with the language of Rule 4756(b) to make it clear that quotes do not necessarily remain open overnight. First, the rule is being amended to delete an obsolete reference to NASDAQ's Automatic Quote Refresh functionality, which was discontinued on February 25, 2013.[7] Second, NASDAQ is modifying a description of open quotes, the original intent of which is unclear and that accordingly may result in confusion. The sentence in question appears to reflect the idea that an open quote (*i.e.,* a quote designated to remain open at the end of the trading day) would be processed in the same manner as a System Hours GTC Order. While accurate, this statement does not reflect the fact that a quote may also accurately be described as an Attributable Order entered by a NASDAQ Market Maker or NASDAQ ECN (*i.e.,* trading interest that is identified as having been entered by a particular market participant). Moreover, although an Attributable Order may be entered with a time-in-force of good-'till-cancelled and thereby remain open overnight, such orders are exceedingly rare, such that almost all quotes/orders of NASDAQ Market Makers expire at the end of regular market hours. Accordingly, NASDAQ believes that the focus of the current sentence on orders remaining open might imply that all quotes remain open overnight, when as a factual matter this is almost never the case because the good-'till-cancelled time-in-force is almost never used by market participants. NASDAQ proposes to amend the sentence to provide that ''Quotes will be processed as Attributable Orders, with such time-in-force designation as the Nasdaq Market Maker or Nasdaq ECN may assign.'' Finally, NASDAQ proposes to correct a typographical error in the rule.[8]

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Section 6(b)(5) of the Act[10] in particular, in that the proposal 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, NASDAQ believes that the change will simplify NASDAQ's rule governing adjustment of open quotes/orders in the event of corporate actions by making it clear that all such quotes/orders will be cancelled, thereby ensuring that market participants have appropriate notice of the possibility that they may either deem it advisable not to reenter such quotes/orders, or to reenter them with such adjustments to price and/or size as the market participant deems advisable to reflect the corporate action. Thus, the change will facilitate transactions in securities and perfect the mechanism of a free and open market by providing additional assurance that market participants carefully manage the trading interest that they enter into NASDAQ. In addition, the proposed changes to Rule 4756 are designed to make conforming changes and to improve the clarity of that rule.

[4] NASDAQ notes that the use of such good-'till-cancelled trading interest is not prevalent, and that the majority of quotes/orders expire by their terms at the end of regular market hours.

[5] NASDAQ also notes that it has determined that several non-material discrepancies exist between the current rule text and the manner in which certain open quotes/orders are currently processed by the Nasdaq Market Center system. This filing and the system changes to implement it will eliminate these discrepancies.

[6] In making this change, NASDAQ is reversing a change made in 2006, in which NASDAQ replaced a rule to purge open orders with the current rule. Securities Exchange Act Release No. 54613 (October 17, 2006), 71 FR 62325 (October 17, 2006) (SR–NASDAQ–2006–043). At the time, NASDAQ stated that many members had not programmed their systems to adjust orders themselves and therefore preferred to have NASDAQ perform the function. NASDAQ believes that the intervening evolution in the sophistication of trading systems, as well as the importance of active risk management by broker/dealers, justifies the reversion to the prior rule. NASDAQ further notes that the prior rule provided that NASDAQ would not purge orders in the event of a corporate distribution of less than $0.01. NASDAQ is not now proposing to retain this carve-out because NASDAQ believes that it would increase the complexity of order processing without any identifiable benefit.

[7] Securities Exchange Act Release No. 68528 (December 21, 2012), 77 FR 77165 (December 31, 2012) (SR–NASDAQ–2012–140).

[8] NASDAQ notes that NASDAQ OMX BX, Inc. (''BX'') is filing a similar proposed rule change to adopt a rule comparable to proposed NASDAQ Rule 4761 and to make amendments to BX Rule 4756 similar to those proposed with respect to NASDAQ Rule 4756. SR–BX–2013–031 (April 17, 2013).

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

*B. Self-Regulatory Organization's Statement on Burden on Competition*

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, NASDAQ believes that the rule change does not affect the availability or pricing of goods or services offered by the Exchange, and therefore does not impact competition between the Exchange and others. Rather, the change is designed to simplify and clarify existing rules in a manner that does not restrict the ability of members to enter and update trading interest in NASDAQ.

*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**

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 Section 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.

**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–NASDAQ–2013–068 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–NASDAQ–2013–068. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2013–068 and should be submitted on or before May 22, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10277 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

[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.

[13] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69436; File No. SR–NYSEARCA–2013–40]**

## Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending NYSE Arca Equities Rule 7.11 Clarifying the Exchange's Treatment of Discretionary Orders That Have Discretionary Prices Outside of the Limit Up-Limit Down Price Bands

April 23, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 10, 2013, NYSE Arca, Inc. (''NYSE Arca'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend NYSE Arca Equities Rule 7.11 to clarify the Exchange's treatment of Discretionary Orders that have discretionary prices outside the Price Bands. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange is proposing to amend new NYSE Arca Equities Rule 7.11 (''New Rule 7.11'' or the ''New Rule''), which implements the Limit Up-Limit Down Plan,[3] the first phase of which becomes effective on April 8, 2013, to clarify the Exchange's treatment of Discretionary Orders that have discretionary prices outside the Price Bands. Under New Rule 7.11, buy or sell interest that is priced or could be executed above or below the Price Bands, as that term is used in the New Rule, would be canceled, with one exception. That exception, set out in sub-paragraph (a)(6) of the New Rule, permits an ETP Holder to instruct the Exchange to reprice eligible limit orders that are priced above or below the Price Bands, rather than cancel such orders. Eligible limit orders would be repriced to the Price Bands.

The Exchange is proposing to amend New Rule 7.11 to clarify its treatment of Discretionary Orders, including Discretion Limit Orders and Passive Discretionary Orders,[4] in certain circumstances. A Discretionary Order is an order to buy or sell securities at a specified, undisplayed price, called the ''discretionary price,'' as well as at a specified, displayed price. Pursuant to New Rule 7.11(a)(6)(C), an ETP Holder can enter an instruction to re-price Discretionary Orders rather than cancel them. However, if a Discretionary Order includes a discretionary price that is priced outside the Price Bands, the Exchange would cancel the order because it would be unexecutable at the discretionary price, even if the displayed price of the order is repriced to the Price Bands. Accordingly, the Exchange proposes to clarify in the Rule that in this scenario, the Exchange would cancel a Discretionary Order rather than reprice it.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[5] in general, and furthers the objectives of Section 6(b)(5),[6] 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, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The proposal would clarify to ETP Holders how the Exchange would treat Discretionary Orders with discretionary prices outside the Price Bands. The Exchange believes that the clarifying change removes impediments to and perfects the mechanism of a free and open market because it makes clear that an order with a discretionary price that is outside the Price Bands, and therefore unexecutable, would be cancelled.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed amendment will not impose any burdens on competition because the proposal would clarify to ETP Holders how Discretionary Orders with discretionary prices outside the Price Bands would be treated, which would provide ETP Holders with more information in setting discretionary prices for such orders.

*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**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[7] and Rule 19b–4(f)(6) thereunder.[8] Because the 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 prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[9] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[10] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver would allow the Exchange immediately to clarify its treatment of Discretionary Orders that may be affected by the Limit Up-Limit Down Plan, which was implemented on April 8, 2013. Accordingly, the Commission hereby grants the Exchange's request and designates the proposal operative upon filing.[11]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**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

[3] As defined in New Rule 7.11, ''Plan'' means the Plan to Address Extraordinary Market Volatility Submitted to the Securities and Exchange Commission Pursuant to Rule 608 of Regulation NMS under the Securities Exchange Act of 1934, Exhibit A to Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012), as it may be amended from time to time.

[4] ''Discretionary Order,'' ''Passive Discretionary Order,'' and ''Discretion Limit Order'' are defined in paragraph (h) of Arca Equities Rule 7.31.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Commission has waived the five-day prefiling requirement in this case.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2013–40 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–2013–40. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File Number SR–NYSEARCA–2013–40 and should be submitted on or before May 22, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10177 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

[12] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69456; File No. SR–BX–2013–031]**

## Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a Rule Governing Cancellation of Orders in the Event of an Issuer Corporate Action Related to a Dividend, Payment or Distribution, and To Make Related Clarifications to Rule Text

April 25, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on April 17, 2013, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (the ''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 proposes to adopt a rule governing cancellation of orders in the event of an issuer corporate action related to a dividend, payment or distribution, and to make related clarifications to rule text.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.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 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

BX is proposing to adopt Rule 4761 to address the treatment of quotes/orders in securities that are the subject of issuer corporate actions related to a dividend, payment or distribution (a ''corporate action''). The rule will apply to any trading interest that is carried on the BX Equities Market book overnight.[4] The proposed BX rule would provide that in the event of any corporate action, BX will cancel open quote/orders on the ex-date of the action, thereby imposing on the member that entered the order the responsibility for determining whether it wishes to reenter the order and if so, at what price and size. The cancellation would occur immediately prior to the opening of the BX Equities Market at 7 a.m. on the ex-date of the corporate action, and the member would receive a cancellation notice, so that it could, if it desired, reenter the order at the commencement of trading on the ex-date.

In addition, BX is proposing to amend Rule 4756(b) to make it clear that quotes do not necessarily remain open overnight and to address several other issues. First, BX is modifying a description of open quotes, the original intent of which is unclear and that accordingly may result in confusion.[5] The sentence in question appears to reflect the idea that an open quote (*i.e.,* a quote designated to remain open at the end of the trading day) would be processed in the same manner as a System Hours GTC Order. While accurate, this statement does not reflect the fact that a quote may also accurately be described as an Attributable Order entered by an Equities Market Maker or Equities ECN (*i.e.,* trading interest that is identified as having been entered by a particular market participant). Moreover, although an Attributable Order may be entered with a time-in-force of good-'till-cancelled and thereby remain open overnight, such orders have not historically been used by BX

[4] BX notes that its market participants have not historically made use of such good-'till-cancelled trading interest, but believes that a rule should be adopted to ensure that the treatment of such orders is clearly specified by its rules.

[5] It should be noted that although BX rules permit members to register and trade as Equities Market Makers or Equities ECNs, no member is currently registered with such a status. Accordingly, the following discussion regarding the use and processing of quotes should be understood as not having a direct impact on any current BX market participants. Rather, the proposed rule change is intended to ensure that the rules that would govern such matters are clear.

market participants. Accordingly, BX believes that the focus of the current sentence on orders remaining open might imply that all quotes would remain open overnight, when as a factual matter this would be the case only to the extent a quote was designated as good-'till-cancelled. BX proposes to amend the sentence to provide that ''Quotes will be processed as Attributable Orders, with such time-in-force designation as the Equities Market Maker or Equities ECN may assign.'' Finally, BX proposes to correct obvious inaccuracies in the rule text. First, the rule incorrectly states that Order Entry Firms (as well as Equities Market Makers and Equities ECNs) may enter quotes, a statement that is logically inconsistent with the definition in Rule 4751 of an Order Entry Firm as a member registered ''for purposes of entering orders.'' Second, BX proposes to correct in the rule the usage of the word ''or'' where ''of'' is intended.[6]

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[7] in general, and with Section 6(b)(5) of the Act[8] in particular, in that the proposal 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Specifically, BX believes that the change will simplify BX's rule governing adjustment of open quotes/orders in the event of corporate actions by making it clear that all such quotes/orders will be cancelled, thereby ensuring that market participants have appropriate notice of the possibility that they may either deem it advisable not to reenter such quotes/orders, or to reenter them with such adjustments to price and/or size as the market participant deems advisable to reflect the corporate action. Thus, the change will facilitate transactions in securities and perfect the mechanism of a free and open market by providing additional assurance that market participants carefully manage the trading interest that they enter into BX. In addition, the proposed changes to Rule 4756 are designed to improve the clarity and accuracy of that rule.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

BX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, BX believes that the rule change does not affect the availability or pricing of goods or services offered by the Exchange, and therefore does not impact competition between the Exchange and others. Rather, the change is designed to adopt and clarify rules to better describe the operation of the Exchange's trading systems, but in a manner that does not restrict the ability of members to enter and update trading interest in BX.

*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**

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 from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder.[10]

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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act.

**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–BX–2013–031 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–BX–2013–031. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2013–031 and should be submitted on or before May 22, 2013.

[6] BX notes that The NASDAQ Stock Market LLC (''NASDAQ'') is filing a similar proposed rule change to replace an existing NASDAQ rule on modification of open orders with a rule comparable to proposed BX Rule 4761, and to make amendments to NASDAQ Rule 4756 similar to those proposed with respect to BX Rule 4756. SR–NASDAQ–2013–068 (April 17, 2013).

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 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.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10278 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69452; File No. SR–Phlx–2013–24]**

## Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Order Granting Approval of Proposed Rule Change and Amendment No. 1 Thereto To Adopt a Price/Display/Time Priority Algorithm, Permit the Registration of Market Makers, and Amend the Order Types Available on PSX

April 25, 2013.

### I. Introduction

On March 8, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] proposed rule changes to adopt a price/display/time algorithm, permit the registration of market makers, and amend the order types available on NASDAQ OMX PSX (''PSX''). Phlx filed Amendment No. 1 to the proposed rule change on March 18, 2013.[3] The proposed rule change, as amended by Amendment No. 1, was published for comment in the **Federal Register** on March 26, 2013.[4] The Commission received no comment letters on the proposal. The Commission is approving the Exchange's proposal, as modified by Amendment No. 1.

### II. Background

In 2010, the Exchange launched PSX as a new platform for trading cash equity securities, establishing a price/size pro rata priority model for allocating the execution of incoming orders against orders resting on the PSX book.[5] The Exchange had anticipated that this market model would gain traction as an alternative to the price/time priority model currently used by other national securities exchanges. According to the Exchange, however, the price/size priority model has been only marginally successful in garnering market share, primarily due to the risk of a large execution at a stale price that a market participant would face if unable to adjust the prices of its posted orders quickly.[6] Therefore, the Exchange proposes to adopt a price/time priority model (but with displayed orders receiving priority over non-displayed orders) for PSX. The Exchange also proposes to allow member organizations that satisfy certain criteria to register as market makers on PSX (''PSX Market Makers''). Finally, the Exchange proposes to introduce Midpoint Peg Post-Only Orders and Price to Comply Post Orders, to adjust the operation of Minimum Quantity Orders and Post-Only Orders, and to eliminate Minimum Life Orders.

### III. Discussion and Commission Findings

The Commission finds that the proposed rule changes filed by the Exchange are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[7] Specifically, the Commission finds that the proposed rule changes are consistent with Section 6(b)(5) of the Act,[8] which requires, among other things, that the rules of a national securities exchange be 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 a national market system, and, in general, to protect investors and the public interest. Overall, the Commission believes that approving the Exchange's proposed rule change could benefit the public and market participants to the extent that it provides a more competitive venue for the trading of cash equity securities, resulting in better prices and executions for investors. The Commission finds that, for the reasons discussed below, the Exchange's proposal is consistent with the Act.

#### *A. Order Processing Algorithm*

PSX currently employs a price/size pro rata execution order processing algorithm, with displayed orders receiving priority over non-displayed orders. Specifically, multiple orders displayed on the PSX book at the best price are allocated shares of an incoming order pro rata based on the proportion of the size of the displayed order to the total size of all displayed orders at that price. Once all displayed size at any price level is exhausted, the same pro rata logic applies to non-displayed orders at that price level.[9]

Phlx proposes to amend its rules to replace its price/size pro rata order processing algorithm with a price/time priority algorithm that is substantially similar to the order processing algorithms used at the NASDAQ Stock Market (''NASDAQ'') and/or NASDAQ OMX BX, Inc. (''BX''). Specifically, PSX's new order processing algorithm would allocate orders as follows:

(1) Price. Better priced orders would be executed first.

(2) Displayed orders. As among equally priced displayed orders, the first to arrive on the book would be executed first.

(3) Non-displayed orders and the reserve portion of quotes and reserve orders. As among equally priced non-displayed orders and the reserve portion of quotes and reserve orders, the first to arrive on the book would be executed first.[10]

The Commission believes that the proposed PSX execution priority rules are consistent with Section 6(b)(5) of the Act. The Commission notes that the price/time priority model is the prevailing execution algorithm for the exchange trading of cash equity securities. The Commission has previously determined price/time execution algorithms to be consistent with the Act.[11] Moreover, the particular price/time priority model proposed by Phlx is substantially similar to the model currently used by NASDAQ and BX and does not raise any novel issues.

#### *B. Market Making*

Phlx proposes to adopt rules to allow member organizations that are PSX participants to register and act as PSX Market Makers. Under the proposed rules, quotations and quotation sizes may be entered into PSX only by a PSX Market Maker or other entity approved by the Exchange to function in a market-making capacity.[12] A PSX participant may register as a PSX Market Maker in an issue by entering an electronic

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Amendment No. 1 replaced the original filing in its entirety.

[4] *See* Securities Exchange Act Release No. 69194 (March 20, 2013), 78 FR 18386 (March 26, 2013) (''Notice'').

[5] *See* Securities Exchange Act Release No. 62877 (September 9, 2010), 75 FR 56633 (September 16, 2010) (SR–Phlx–2010–79) (''PSX Approval Order'').

[6] *See* Notice, *supra* note 4, at 18386.

[7] In approving these proposed rule changes, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* Rule 3307. *See also* PSX Approval Order, *supra* note 5.

[10] *See* proposed Rule 3307.

[11] *See, e.g.,* Securities Exchange Act Release No. 54155 (July 14, 2006), 71 FR 41291 (July 20, 2006) (SR–NASDAQ–2006–001); Securities Exchange Act Release No. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR–BSE–2008–48).

[12] Proposed Rule 3212(a).

request or by contacting PSX Market Operations.[13] Registration would become effective on the day the registration request is entered.[14] A PSX Market Maker's registration in an issue will be terminated by the Exchange if the PSX Market Maker fails to enter quotations in the issue within five (5) business days after the PSX Market Maker's registration in the issue becomes effective.[15]

The proposed rules provide that a PSX Market Maker for a particular security must be willing to buy and sell that security for its own account on a continuous basis during regular market hours,[16] and that a PSX Market Maker must also display a two-sided trading interest in that security of at least one normal unit of trading in PSX's quotation montage at all times. Proposed Rule 3213(a)(2) would require a PSX Market Maker for NMS stocks to adhere to certain pricing obligations that are premised on entering quotation prices that are not more than a designated percentage [17] away from the national best bid or best offer (as applicable) and that must be refreshed if a change in the national best bid or best offer causes the quotation price to be more than a defined limit [18] away from the national best bid or best offer.

In general, a PSX Market Maker that wishes to withdraw quotations in a security would be required to contact the Exchange's MarketWatch Department to obtain excused withdrawal status prior to withdrawing its quotations. An exception to the requirement for prior approval would exist for withdrawals based on a PSX Market Maker's systemic equipment problems. For other circumstances beyond the PSX Market Maker's control, a PSX Market Maker that wishes to withdraw its quotations would be required to contact the Exchange's MarketWatch Department to obtain excused withdrawal status prior to withdrawing its quotations. If a PSX Market Maker's ability to enter or update quotations is impaired, the PSX Market Maker would be required to immediately contact PSX Market Operations to request a withdrawal of its quotations. A PSX Market Maker that elects to remain in PSX when its ability to update quotations is impaired would be obligated to execute orders presented for execution against its disseminated quotations.[19]

Under the proposed rules, a PSX Market Maker may voluntarily terminate its registration in a security by withdrawing its two-sided quotation from PSX, but a PSX Market Maker that voluntarily terminated its registration in a security could not re-register as a PSX Market Maker in that security for one (1) business day.[20] A PSX Market Maker would not be deemed to have terminated its registration in a security by voluntarily withdrawing its two-sided quotation from PSX if the PSX Market Maker's two-sided quotation in the subject security is withdrawn by the Exchange's systems due to certain issuer corporate actions and the PSX Market Maker satisfies specified conditions following the withdrawal of the quotation.[21]

A PSX Market Maker that accidentally withdraws as a PSX Market Maker may be reinstated at the Exchange's discretion, if the PSX Market Maker notifies the Exchange's MarketWatch department promptly, the PSX Market Maker was not attempting to avoid its market making obligations, and the PSX Market Maker's firm has not exceeded the Exchange's reinstatement limitations.[22]

The Exchange also proposes several rules to govern conduct of PSX Market Makers in connection with securities that are subject of offerings governed by SEC Regulation M.[23] The proposed rules address the entry of stabilizing bids,[24] excused withdrawals based on status as a distribution participant or affiliated purchaser within the meaning of Regulation M,[25] the imposition of penalty bids or engaging in syndicate covering transactions,[26] and the meaning of certain new defined terms.[27]

Phlx also proposes to require a member organization that is acting as a PSX Market Maker in a Commodity-Related Security [28] to establish adequate information barriers when engaging in inter-departmental communications.[29] A member organization acting as a PSX Market Maker in a Commodity-Related Security would be required to file with the Exchange's Regulation Department and keep current a list identifying all accounts—in which the PSX Market Maker holds an interest, over which it may exercise investment discretion, or in which it shares in the profits and losses—for trading in commodities or derivatives underlying that Commodity-Related Security.[30] A member organization acting as a PSX Market Maker in a Commodity-Related Security would not be permitted to act or register as a market maker in any commodities or derivatives underlying that Commodity-Related Security.[31]

A member organization acting as a registered PSX Market Maker in a Commodity-Related Security would be required to make available to the Exchange's Regulation Department certain information pertaining to transactions by the PSX Market Maker or by registered or non-registered employees affiliated with it for its or their own accounts for trading commodities or derivatives underlying that Commodity-Related Security.[32] Finally, in connection with trading a Commodity-Related Security or commodities or derivatives underlying a Commodity-Related Security, the member organization acting as a PSX Market Maker in a Commodity-Related Security would be prohibited from using any material nonpublic information received from any person associated with the member organization or employee of that person regarding trading by that person or employee in the commodities or derivatives underlying such Commodity-Related Security.[33]

The Commission finds the proposed rules governing the registration and regulation of PSX Market Makers to be consistent with Section 6(b)(5) of the Act. In particular, the proposed rules should help to ensure that quotations submitted by PSX Market Makers, and displayed to market participants, bear some relationship to the prevailing market price and should thus promote fair and orderly markets and the protection of investors.[34] The proposed

[13] Proposed Rule 3212(b).

[14] *Id.*

[15] Proposed Rule 3212(c).

[16] Proposed Rule 3213(a)(1).

[17] The applicable percentages are defined in proposed Rule 3213(a)(2)(D).

[18] The applicable limits are defined in proposed Rule 3213(a)(2)(E).

[19] Proposed Rule 3213(c).

[20] Proposed Rule 3220(a).

[21] Proposed Rule 3220(d).

[22] Proposed Rule 3220(b).

[23] Rules 100–105 under Regulation M, 17 CFR 242.100–242.105.

[24] Proposed Rule 3214.

[25] Proposed Rule 3219(e).

[26] Proposed Rule 3224.

[27] Proposed Rule 3203.

[28] The term ''Commodity-Related Security'' is defined in Rule 3230(c).

[29] Proposed Rule 3230(d).

[30] Proposed Rule 3230(e).

[31] *Id.*

[32] Proposed Rule 3230(f).

[33] Proposed Rule 3230(g).

[34] *See, e.g.,* Securities Exchange Act Release No. 53128 (January 13, 2006), 71 FR 3550 (January 23, 2006) (File No. 10–131) (approving NASDAQ market maker rules as part of its registration as a national securities exchange); Securities Exchange Act Release No. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR–BSE–2008–48); Securities Exchange Act Release No. 63255 (November 5, 2010), 75 FR 69484, 69485 (November 12, 2010) (SR–BATS–2010–025, SR–BX–2010–66, SR–CBOE–2010–087, SR–CHX–2010–22, SR–FINRA–2010–049, SR–NASDAQ–2010–115, SR–NSX–2010–12, SR–NYSE–2010–69, SR–

Continued

rules are substantially similar to requirements currently in place at NASDAQ and BX and raise no novel issues.[35]

*C. Modifications to Order Types*

Phlx proposes to make certain changes to PSX's order functionality. Specifically, Phlx proposes to adjust the operation of Minimum Quantity Orders and Post-Only Orders, adopt rules to institute Midpoint Peg Post-Only Orders and Price to Comply Orders, and eliminate Minimum Life Orders.

Under current PSX rules, if the size of a Minimum Quantity Order is reduced to less than one round lot due to a partial execution, the minimum quantity condition on the order will be removed.[36] Phlx proposes to modify the operation of PSX's Minimum Quantity Order by permitting such orders to retain their minimum quantity condition even after their size is reduced to less than one round lot.[37] The Commission believes that Phlx's proposed changes to the Minimum Quantity Order type are consistent with the Act. The Commission notes that the proposed change will allow the operation of the order to better reflect the intention of the market participants entering the order, since it will allow a minimum quantity condition to continue to be attached to an order at a size below one round lot. This change also will make the operation of the PSX Minimum Quantity Order consistent with functionality currently in place at NASDAQ.[38]

Phlx also proposes to modify the functionality associated with its existing Post-Only Order on PSX. Currently, if a Post-Only Order would lock or cross an order on PSX at the time of entry, the order is re-priced and displayed by PSX one minimum price increment below the current low offer (for bids) or above the current best bid (for offers).[39] Under the proposed change, if a Post-Only Order would cross an existing order, the order would be repriced unless the value of price improvement associated with executing against a resting order equals or exceeds the sum of fees charged for the execution and the value of any rebate that would be provided if the order posted to the book and subsequently provided liquidity, in which case the order would execute.[40] The Commission believes that Phlx's proposed changes to the Post-Only Order type are consistent with the Act. According to the Exchange, the proposed changes to the Post-Only Order are designed to provide market participants with better control over their execution costs by ensuring that a Post-Only Order will post to the PSX book only when an immediate execution of the order would not be more economically advantageous to the market participant that entered it.[41] The Commission notes that the proposed changes to the Post-Only Order functionality would make this order type consistent with functionality currently existing on NASDAQ and BX.[42]

In addition, Phlx also proposes to adopt two new order types: the Midpoint Peg Post-Only Order and the Price to Comply Post Order. A Midpoint Peg Post-Only Order would be a non-displayed order that is priced at the mid-point between the national best bid and best offer.[43] Like a Post-Only Order, the Midpoint Peg Post-Only Order would not remove liquidity from PSX upon entry if it would lock a non-displayed order on PSX. Rather, the Midpoint Peg Post-Only Order would post and lock the pre-existing order but will remain undisplayed.[44] The Price to Comply Post Order would permit participants to post liquidity at or near the inside market in compliance with the restrictions on locked and crossed markets and trade-throughs under Rules 610(d) and 611 under Regulation NMS.[45] If, at the time of its entry, a Price to Comply Post Order would lock or cross the protected quotation of another trading center or would execute at a price inferior to the protected quotation of another trading center, the order would be re-priced and displayed one minimum price increment below the current low offer (for bids) or one penny above the current best bid (for offers). Price to Comply Post Orders would not be routable.[46]

The Commission believes that Phlx's proposed new order types are consistent with the Act. The Commission notes that the proposed introduction of Midpoint Peg Post-Only Orders is intended to provide market participants with better control over their execution costs and to provide a means to offer price improvement opportunities.[47] The proposed Midpoint Peg Post-Only Order functionality is identical to an order currently operative on NASDAQ.[48] The Exchange represents that the proposed Price to Comply Post Order is intended to provide PSX Market Makers and other participants with a straightforward mechanism to enter an order that re-prices to ensure that it does not lock or cross or trade through the protection quotation of another market center.[49] The Commission notes that the Proposed Price to Comply Post Order is substantially similar to an order type that is currently in use at NASDAQ.[50]

Finally, Phlx also proposes to eliminate PSX's Minimum Life Order. The Minimum Life Order is a displayed order that may not be cancelled for a period of 100 milliseconds following its receipt.[51] The Commission finds that Phlx's proposed elimination of the Minimum Life Order type is consistent with the Act. The Commission notes that no other national securities exchange has adopted this order type.

## IV. Conclusion

*It is therefore ordered,* pursuant to Section 19(b)(2) of the Act,[52] that the proposed rule change (SR–Phlx–2013–24), as amended, be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[53]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–10240 Filed 4–30–13; 8:45 am]

**BILLING CODE 8011–01–P**

NYSEAmex–2010–96, SR–NYSEArca–2010–83) (approving corresponding marketwide rules with respect to market maker quoting and pricing obligations) (''2010 Order'').

[35] *See, e.g.,* proposed Rule 3212 (addressing the registration of PSX Market Makers), which is substantially similar to NASDAQ Rule 4612 and BX Rule 4612.

[36] Rule 3301(f)(5).

[37] Proposed Rule 3301(f)(5).

[38] NASDAQ Rule 4751(f)(5).

[39] Rule 3301(f)(10). In addition, if the order would lock or cross a protected quotation of another market center, the order will be accepted at the locking price (*i.e.,* the current low offer (for bids) or the current best bid (for offers)) and displayed by PSX to one minimum price increment (i.e., $0.01 or $0.0001) below the current low offer (for bids) or above the current best bid (for offers). Thus, if the national best bid and offer, as displayed on another market center, was $10 x $10.05, an order to buy at $10.05 or higher would be accepted at the locking price of $10.05, but would be displayed at $10.04. Subsequently, an incoming order to sell at $10.05 or lower would be matched against the Post-Only buy order.

[40] Proposed Rule 3301(f)(11).

[41] Proposed Rule 3301(f)(11).

[42] NASDAQ Rule 4751(f)(10) and BX Rule 4751(9).

[43] Proposed Rule 3301(f)(7).

[44] SEC Rule 610(d) under Regulation NMS, 17 CFR 242.610(d), restricts displayed quotations that lock protected quotations in NMS Stocks, but does not apply to non-displayed trading interest.

[45] 17 CFR 242.610(d), 611.

[46] Proposed Rule 3301(f)(9).

[47] Proposed Rule 3301(f)(7).

[48] NASDAQ Rule 4751(f)(11).

[49] Proposed Rule 3301(f)(9).

[50] NASDAQ Rule 4715(f)(8).

[51] Rule 3301(e)(11).

[52] 15 U.S.C. 78s(b)(2).

[53] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–69449/April 25, 2013]**

## Order Making Fiscal Year 2013 Annual Adjustments to Transaction Fee Rates

### I. Background

Section 31 of the Securities Exchange Act of 1934 (''Exchange Act'') requires each national securities exchange and national securities association to pay transaction fees to the Commission.[1] Specifically, Section 31(b) requires each national securities exchange to pay to the Commission fees based on the aggregate dollar amount of sales of certain securities (''covered sales'') transacted on the exchange.[2] Section 31(c) requires each national securities association to pay to the Commission fees based on the aggregate dollar amount of covered sales transacted by or through any member of the association other than on an exchange.[3]

Section 31 of the Exchange Act requires the Commission to annually adjust the fee rates applicable under Sections 31(b) and (c) to a uniform adjusted rate.[4] Specifically, the Commission must adjust the fee rates to a uniform adjusted rate that is reasonably likely to produce aggregate fee collections (including assessments on security futures transactions) equal to the regular appropriation to the Commission for the applicable fiscal year.[5]

The Commission is required to publish notice of the new fee rates under Section 31 not later than 30 days after the date on which an Act making a regular appropriation for the applicable fiscal year is enacted.[6] On March 26, 2013, the President signed a continuing resolution that funds the SEC at FY 2012 levels through the remainder of FY 2013. Consistent with past practice [and guidance from OMB], the SEC is treating this continuing resolution, which lasts through the remainder of the fiscal year, as a regular appropriation for FY 2013 for purposes of Section 31 of the Exchange Act.

### II. Fiscal Year 2013 Annual Adjustment to the Fee Rate

The new fee rate is determined by (1) subtracting the sum of fees estimated to be collected prior to the effective date of the new fee rate[7] and estimated assessments on securities futures transactions to be collected under Section 31(d) of the Exchange Act for all of fiscal year 2013[8] from an amount equal to the regular appropriation to the Commission for fiscal year 2013, and (2) dividing the difference by the estimated aggregate dollar amount of sales for the remainder of the fiscal year following the effective date of the new fee rate.

The regular appropriation to the Commission for fiscal year 2013 is $1,321,000,000. The Commission estimates that it will collect $895,226,704 in fees for the period prior to the effective date of the new fee rate and $37,356 in assessments on round turn transactions in securities futures products during all of fiscal year 2013.[9] Using a methodology for estimating the aggregate dollar amount of sales for the remainder of fiscal year 2013 (developed after consultation with the Congressional Budget Office and the Office of Management and Budget), the Commission estimates that the aggregate dollar amount of covered sales for the remainder of fiscal year 2013 to be $24,458,583,925,062.

As described above, the uniform adjusted rate is computed by dividing the residual fees to be collected of $425,735,940 by the estimate of the aggregate dollar amount of covered sales for the remainder of fiscal year 2013 of $24,458,583,925,062. This results in a uniform adjusted rate for fiscal year 2013 of $17.40 per million.[10]

### III. Effective Date of the Uniform Adjusted Rate

Under Section 31(j)(4)(A) of the Exchange Act, the fiscal year 2013 annual adjustments to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall take effect on the later of October 1, 2012, or 60 days after the date on which a regular appropriation to the Commission for fiscal year 2012 is enacted.[11] The regular appropriation to the Commission for fiscal year 2013 was enacted on March 26, 2013, and accordingly, the new fee rates applicable under Sections 31(b) and (c) of the Exchange Act will take effect on May 25, 2013.[12]

### IV. Conclusion

Accordingly, pursuant to Section 31 of the Exchange Act,

*It is hereby ordered* that the fee rates applicable under Sections 31(b) and (c) of the Exchange Act shall be $17.40 per $1,000,000 effective on May 25, 2013.

By the Commission.

**Elizabeth M. Murphy,**

*Secretary.*

### Appendix A

This appendix provides the formula for determining the annual adjustment to the fee rates applicable under Sections 31(b) and (c) of the Exchange Act for fiscal year 2013. Section 31 of the Exchange Act requires the fee rates to be adjusted so that it is reasonably likely that the Commission will collect aggregate fees equal to its regular appropriation for fiscal year 2013.

To make the adjustment, the Commission must project the aggregate dollar amount of covered sales of securities on the securities exchanges and certain over-the-counter markets over the course of the year. The fee rate equals the ratio of the Commission's regular appropriation for fiscal year 2013 (less the sum of fees to be collected during fiscal year 2013 prior to the effective date of the new fee rate and aggregate assessments on security futures transactions during fiscal year 2013) to the projected aggregate dollar amount of covered sales for fiscal year 2013 (less the aggregate dollar amount of covered sales prior to the effective date of the new fee rate).

For 2013, the Commission has estimated the aggregate dollar amount of covered sales by projecting forward the trend established in the previous decade. More specifically, the dollar amount of covered sales was forecasted for months subsequent to February 2013, the last month for which the

[1] 15 U.S.C. 78ee.

[2] 15 U.S.C. 78ee(b).

[3] 15 U.S.C. 78ee(c).

[4] In some circumstances, the SEC also must make a mid-year adjustment to the fee rates applicable under Sections 31(b) and (c).

[5] 15 U.S.C. 78ee(j)(1) (the Commission must adjust the rates under Sections 31(b) and (c) to a ''uniform adjusted rate that, when applied to the baseline estimate of the aggregate dollar amount of sales for such fiscal year, is reasonably likely to produce aggregate fee collections under [Section 31] (including assessments collected under [Section 31(d)]) that are equal to the regular appropriation to the Commission by Congress for such fiscal year.'').

[6] 15 U.S.C. 78ee(g).

[7] The sum of fees to be collected prior to the effective date of the new fee rate is determined by applying the current fee rate to the dollar amount of covered sales prior to the effective date of the new fee rate. The exchanges and FINRA have provided data on the dollar amount of covered sales through February 28, 2013. To calculate the dollar amount of covered sales from that date to the effective date of the new fee rate, the Division is using the same methodology it developed in consultation with the CBO and OMB to estimate the dollar amount of covered sales in prior fiscal years. An explanation of the methodology appears in Appendix A.

[8] The Division is using the same methodology it has used previously to estimate assessments on securities future transactions to be collected in fiscal year 2013. An explanation of the methodology appears in Appendix A.

[9] The estimate of fees to be collected prior to the effective date of the new fee rate is determined by applying the current fee rate to the dollar amount of covered sales prior to the effective date of the new fee rate.

[10] Appendix A shows the purely arithmetical process of calculating the fiscal year 2013 annual adjustment. The appendix also includes the data used by the Commission in making this adjustment.

[11] 15 U.S.C. 78ee(j)(4)(A).

[12] As noted above, consistent with past practice [and guidance from OMB], the SEC is treating the continuing resolution enacted on March 26, 2013 as a regular appropriation for FY 2013.

Commission has data on the dollar volume of covered sales.[13]

The following sections describe this process in detail.

**A. Baseline Estimate of the Aggregate Dollar Amount of Covered Sales for Fiscal Year 2013**

First, calculate the average daily dollar amount of covered sales (ADS) for each month in the sample (February 2003–February 2013). The monthly aggregate dollar amount of covered sales (exchange plus certain over-the-counter markets) is presented in column C of Table A.

Next, calculate the change in the natural logarithm of ADS from month to month. The average monthly percentage growth of ADS over the entire sample is 0.0102 and the standard deviation is 0.122. Assuming the monthly percentage change in ADS follows a random walk, calculating the expected monthly percentage growth rate for the full sample is straightforward. The expected monthly percentage growth rate of ADS is 1.78%.

Now, use the expected monthly percentage growth rate to forecast total dollar volume. For example, one can use the ADS for February 2013 ($252,666,501,426) to forecast ADS for March 2013 ($257,167,513,594 = $252,666,501,426 x 1.0178).[14] Multiply by the number of trading days in March 2013 (20) to obtain a forecast of the total dollar volume for the month ($5,143,350,271,889). Repeat the method to generate forecasts for subsequent months.

The forecasts for total dollar volume of covered sales are in column G of Table A. The following is a more formal (mathematical) description of the procedure:

1. Divide each month's total dollar volume (column C) by the number of trading days in that month (column B) to obtain the average daily dollar volume (ADS, column D).

2. For each month t, calculate the change in ADS from the previous month as $\Delta_t = \log(ADS_t/ADS_{t-1})$, where log (x) denotes the natural logarithm of x.

3. Calculate the mean and standard deviation of the series $\{\Delta_1, \Delta_2, \ldots, \Delta_{120}\}$. These are given by $\mu = 0.0102$ and $\sigma = 0.122$, respectively.

4. Assume that the natural logarithm of ADS follows a random walk, so that $\Delta_s$ and $\Delta_t$ are statistically independent for any two months s and t.

5. Under the assumption that $\Delta_t$ is normally distributed, the expected value of $ADS_t/ADS_{t-1}$ is given by $\exp(\mu + \sigma^2/2)$, or on average $ADS_t = 1.0178 \times ADS_{t-1}$.

6. For March 2013, this gives a forecast ADS of $1.0178 \times \$252,666,501,426 = \$257,167,513,594$. Multiply this figure by the 20 trading days in March 2013 to obtain a total dollar volume forecast of $5,143,350,271,889.

7. For April 2013, multiply the March 2013 ADS forecast by 1.0178 to obtain a forecast ADS of $261,748,706,992. Multiply this figure by the 22 trading days in April 2013 to obtain a total dollar volume forecast of $5,758,471,553,822.

8. Repeat this procedure for subsequent months.

**B. Using the Forecasts From A To Calculate the New Fee Rate**

1. Use Table A to estimate fees collected for the period 10/1/12 through 5/24/13. The projected aggregate dollar amount of covered sales for this period is $39,965,477,866,718. Actual and projected fee collections at the current fee rate of 0.0000224 are $895,226,704.

2. Estimate the amount of assessments on securities futures products collected during 10/1/12 and 9/30/13 to be $37,356 by projecting a 1.78% monthly increase from a base of $3,038 in February 2013.

3. Subtract the amounts $895,226,704 and $37,356 from the target offsetting collection amount set by Congress of $1,321,000,000 leaving $425,735,940 to be collected on dollar volume for the period 5/25/13 through 9/30/13.

4. Use Table A to estimate dollar volume for the period 5/25/13 through 9/30/13. The estimate is $24,458,583,925,062. Finally, compute the fee rate required to produce the additional $425,735,940 in revenue. This rate is $425,735,940 divided by $24,458,583,925,062 or 0.0000174064.

5. Round the result to the seventh decimal point, yielding a rate of .0000174 (or $17.40 per million).

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[13] To determine the availability of data, the Commission compares the date of the appropriation with the date the transaction data are due from the exchanges (10 business days after the end of the month). If the business day following the date of the appropriation is equal to or subsequent to the date the data are due from the exchanges, the Commission uses these data. The appropriation was signed on March 26, 2013. The first business day after this date was March 27, 2013. Data for February were due from the exchanges on March 14. So the Commission used February 2013 and earlier data to forecast volume for March 2013 and later months.

[14] The value 1.0178 has been rounded. All computations are done with the unrounded value.

**Table A. Estimation of baseline of the aggregate dollar amount of sales.**

**Fee rate calculation.**

| | |
|---|---|
| a. Baseline estimate of the aggregate dollar amount of sales, 10/1/12 to 4/30/13 ($Millions) | 35,170,071 |
| b. Baseline estimate of the aggregate dollar amount of sales, 5/1/13 to 5/24/13 ($Millions) | 4,795,407 |
| c. Baseline estimate of the aggregate dollar amount of sales, 5/25/13 to 5/31/13 ($Millions) | 1,065,646 |
| d. Baseline estimate of the aggregate dollar amount of sales, 6/1/13 to 9/30/13 ($Millions) | 23,392,938 |
| e. Estimated collections in assessments on securities futures products in FY 2013 ($Millions) | 0.037 |
| f. Implied fee rate (($1,321,000,000 - $22.40*(a+b) - e) / (c+d) | $17.40 |

**Data**

| (A) Month | (B) # of Trading Days in Month | (C) Aggregate Dollar Amount of Sales | (D) Average Daily Dollar Amount of Sales (ADS) | (E) Change in LN of ADS | (F) Forecast ADS | (G) Forecast Aggregate Dollar Amount of Sales |
|---|---|---|---|---|---|---|
| Feb-03 | 19 | 1,411,722,405,357 | 74,301,179,229 | - | | |
| Mar-03 | 21 | 1,699,581,267,718 | 80,932,441,320 | 0.085 | | |
| Apr-03 | 21 | 1,759,751,025,279 | 83,797,667,870 | 0.035 | | |
| May-03 | 21 | 1,871,390,985,678 | 89,113,856,461 | 0.062 | | |
| Jun-03 | 21 | 2,122,225,077,345 | 101,058,337,016 | 0.126 | | |
| Jul-03 | 22 | 2,100,812,973,956 | 95,491,498,816 | -0.057 | | |
| Aug-03 | 21 | 1,766,527,686,223 | 84,120,366,011 | -0.127 | | |
| Sep-03 | 21 | 2,063,584,421,939 | 98,265,924,854 | 0.155 | | |
| Oct-03 | 23 | 2,331,850,083,022 | 101,384,786,218 | 0.031 | | |
| Nov-03 | 19 | 1,903,726,129,859 | 100,196,112,098 | -0.012 | | |
| Dec-03 | 22 | 2,066,530,151,383 | 93,933,188,699 | -0.065 | | |
| Jan-04 | 20 | 2,390,942,905,678 | 119,547,145,284 | 0.241 | | |
| Feb-04 | 19 | 2,177,765,594,701 | 114,619,241,826 | -0.042 | | |
| Mar-04 | 23 | 2,613,808,754,550 | 113,643,858,893 | -0.009 | | |
| Apr-04 | 21 | 2,418,663,760,191 | 115,174,464,771 | 0.013 | | |
| May-04 | 20 | 2,259,243,404,459 | 112,962,170,223 | -0.019 | | |
| Jun-04 | 21 | 2,112,826,072,876 | 100,610,765,375 | -0.116 | | |
| Jul-04 | 21 | 2,209,808,376,565 | 105,228,970,313 | 0.045 | | |
| Aug-04 | 22 | 2,033,343,354,640 | 92,424,697,938 | -0.130 | | |
| Sep-04 | 21 | 1,993,803,487,749 | 94,943,023,226 | 0.027 | | |
| Oct-04 | 21 | 2,414,599,088,108 | 114,980,908,958 | 0.191 | | |
| Nov-04 | 21 | 2,577,513,374,160 | 122,738,732,103 | 0.065 | | |
| Dec-04 | 22 | 2,673,532,981,863 | 121,524,226,448 | -0.010 | | |
| Jan-05 | 20 | 2,581,847,200,448 | 129,092,360,022 | 0.060 | | |
| Feb-05 | 19 | 2,532,202,408,589 | 133,273,810,978 | 0.032 | | |
| Mar-05 | 22 | 3,030,474,897,226 | 137,748,858,965 | 0.033 | | |
| Apr-05 | 21 | 2,906,386,944,434 | 138,399,378,306 | 0.005 | | |
| May-05 | 21 | 2,697,414,503,460 | 128,448,309,689 | -0.075 | | |
| Jun-05 | 22 | 2,825,962,273,624 | 128,452,830,619 | 0.000 | | |
| Jul-05 | 20 | 2,604,021,263,875 | 130,201,063,194 | 0.014 | | |
| Aug-05 | 23 | 2,846,115,585,965 | 123,744,155,912 | -0.051 | | |
| Sep-05 | 21 | 3,009,640,645,370 | 143,316,221,208 | 0.147 | | |
| Oct-05 | 21 | 3,279,847,331,057 | 156,183,206,241 | 0.086 | | |
| Nov-05 | 21 | 3,163,453,821,548 | 150,640,658,169 | -0.036 | | |
| Dec-05 | 21 | 3,090,212,715,561 | 147,152,986,455 | -0.023 | | |
| Jan-06 | 20 | 3,573,372,724,766 | 178,668,636,238 | 0.194 | | |
| Feb-06 | 19 | 3,314,259,849,456 | 174,434,728,919 | -0.024 | | |

| (A) Month | (B) # of Trading Days in Month | (C) Aggregate Dollar Amount of Sales | (D) Average Daily Dollar Amount of Sales (ADS) | (E) Change in LN of ADS | (F) Forecast ADS | (G) Forecast Aggregate Dollar Amount of Sales |
|---|---|---|---|---|---|---|
| Mar-06 | 23 | 3,807,974,821,564 | 165,564,122,677 | -0.052 | | |
| Apr-06 | 19 | 3,257,478,138,851 | 171,446,217,834 | 0.035 | | |
| May-06 | 22 | 4,206,447,844,451 | 191,202,174,748 | 0.109 | | |
| Jun-06 | 22 | 3,995,113,357,316 | 181,596,061,696 | -0.052 | | |
| Jul-06 | 20 | 3,339,658,009,357 | 166,982,900,468 | -0.084 | | |
| Aug-06 | 23 | 3,410,187,280,845 | 148,269,012,211 | -0.119 | | |
| Sep-06 | 20 | 3,407,409,863,673 | 170,370,493,184 | 0.139 | | |
| Oct-06 | 22 | 3,980,070,216,912 | 180,912,282,587 | 0.060 | | |
| Nov-06 | 21 | 3,933,474,986,969 | 187,308,332,713 | 0.035 | | |
| Dec-06 | 20 | 3,715,146,848,695 | 185,757,342,435 | -0.008 | | |
| Jan-07 | 20 | 4,263,986,570,973 | 213,199,328,549 | 0.138 | | |
| Feb-07 | 19 | 3,946,799,860,532 | 207,726,308,449 | -0.026 | | |
| Mar-07 | 22 | 5,245,051,744,090 | 238,411,442,913 | 0.138 | | |
| Apr-07 | 20 | 4,274,665,072,437 | 213,733,253,622 | -0.109 | | |
| May-07 | 22 | 5,172,568,357,522 | 235,116,743,524 | 0.095 | | |
| Jun-07 | 21 | 5,586,337,010,802 | 266,016,048,133 | 0.123 | | |
| Jul-07 | 21 | 5,938,330,480,139 | 282,777,641,911 | 0.061 | | |
| Aug-07 | 23 | 7,713,644,229,032 | 335,375,836,045 | 0.171 | | |
| Sep-07 | 19 | 4,805,676,596,099 | 252,930,347,163 | -0.282 | | |
| Oct-07 | 23 | 6,499,651,716,225 | 282,593,552,879 | 0.111 | | |
| Nov-07 | 21 | 7,176,290,763,989 | 341,728,131,619 | 0.190 | | |
| Dec-07 | 20 | 5,512,903,594,564 | 275,645,179,728 | -0.215 | | |
| Jan-08 | 21 | 7,997,242,071,529 | 380,821,051,025 | 0.323 | | |
| Feb-08 | 20 | 6,139,080,448,887 | 306,954,022,444 | -0.216 | | |
| Mar-08 | 20 | 6,767,852,332,381 | 338,392,616,619 | 0.098 | | |
| Apr-08 | 22 | 6,150,017,772,735 | 279,546,262,397 | -0.191 | | |
| May-08 | 21 | 6,080,169,766,807 | 289,531,893,657 | 0.035 | | |
| Jun-08 | 21 | 6,962,199,302,412 | 331,533,300,115 | 0.135 | | |
| Jul-08 | 22 | 8,104,256,787,805 | 368,375,308,537 | 0.105 | | |
| Aug-08 | 21 | 6,106,057,711,009 | 290,764,652,905 | -0.237 | | |
| Sep-08 | 21 | 8,156,991,919,103 | 388,428,186,624 | 0.290 | | |
| Oct-08 | 23 | 8,644,538,213,244 | 375,849,487,532 | -0.033 | | |
| Nov-08 | 19 | 5,727,998,341,833 | 301,473,596,939 | -0.221 | | |
| Dec-08 | 22 | 5,176,041,317,640 | 235,274,605,347 | -0.248 | | |
| Jan-09 | 20 | 4,670,249,433,806 | 233,512,471,690 | -0.008 | | |
| Feb-09 | 19 | 4,771,470,184,048 | 251,130,009,687 | 0.073 | | |
| Mar-09 | 22 | 5,885,594,284,780 | 267,527,012,945 | 0.063 | | |
| Apr-09 | 21 | 5,123,665,205,517 | 243,984,057,406 | -0.092 | | |
| May-09 | 20 | 5,086,717,129,965 | 254,335,856,498 | 0.042 | | |
| Jun-09 | 22 | 5,271,742,782,609 | 239,624,671,937 | -0.060 | | |
| Jul-09 | 22 | 4,659,599,245,583 | 211,799,965,708 | -0.123 | | |
| Aug-09 | 21 | 4,582,102,295,783 | 218,195,347,418 | 0.030 | | |
| Sep-09 | 21 | 4,929,155,364,888 | 234,721,684,042 | 0.073 | | |
| Oct-09 | 22 | 5,410,025,301,030 | 245,910,240,956 | 0.047 | | |
| Nov-09 | 20 | 4,770,928,103,032 | 238,546,405,152 | -0.030 | | |
| Dec-09 | 22 | 4,688,555,303,171 | 213,116,150,144 | -0.113 | | |
| Jan-10 | 19 | 4,661,793,708,648 | 245,357,563,613 | 0.141 | | |
| Feb-10 | 19 | 4,969,848,578,023 | 261,570,977,791 | 0.064 | | |
| Mar-10 | 23 | 5,563,529,823,621 | 241,892,601,027 | -0.078 | | |
| Apr-10 | 21 | 5,546,445,874,917 | 264,116,470,234 | 0.088 | | |
| May-10 | 20 | 7,260,430,376,294 | 363,021,518,815 | 0.318 | | |

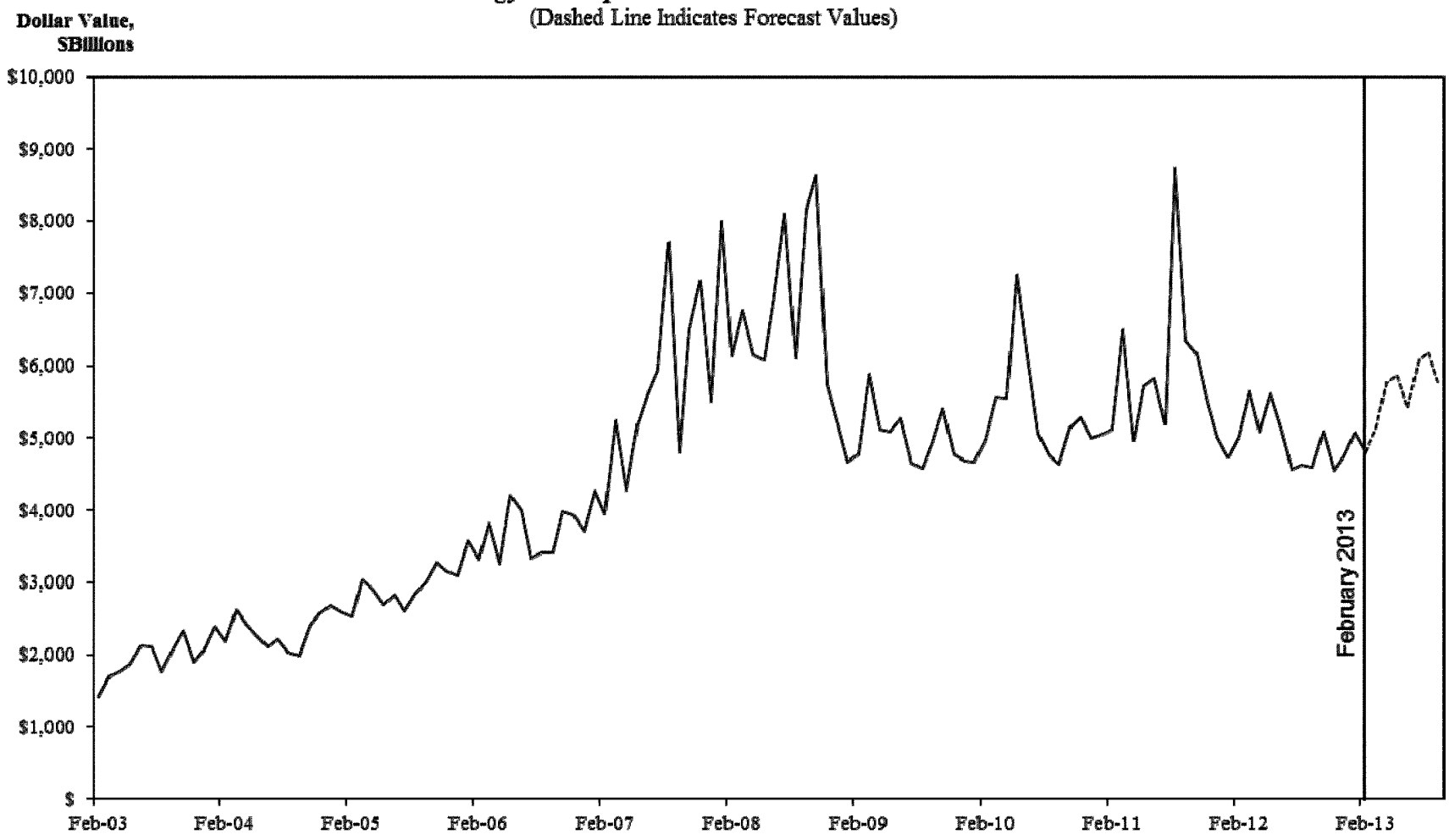
| (A) Month | (B) # of Trading Days in Month | (C) Aggregate Dollar Amount of Sales | (D) Average Daily Dollar Amount of Sales (ADS) | (E) Change in LN of ADS | (F) Forecast ADS | (G) Forecast Aggregate Dollar Amount of Sales |
|---|---|---|---|---|---|---|
| Jun-10 | 22 | 6,124,776,349,285 | 278,398,924,968 | -0.265 | | |
| Jul-10 | 21 | 5,058,242,097,334 | 240,868,671,302 | -0.145 | | |
| Aug-10 | 22 | 4,765,828,263,463 | 216,628,557,430 | -0.106 | | |
| Sep-10 | 21 | 4,640,722,344,586 | 220,986,778,314 | 0.020 | | |
| Oct-10 | 21 | 5,138,411,712,272 | 244,686,272,013 | 0.102 | | |
| Nov-10 | 21 | 5,279,700,881,901 | 251,414,327,710 | 0.027 | | |
| Dec-10 | 22 | 4,998,574,681,208 | 227,207,940,055 | -0.101 | | |
| Jan-11 | 20 | 5,043,391,121,345 | 252,169,556,067 | 0.104 | | |
| Feb-11 | 19 | 5,114,631,590,581 | 269,191,136,346 | 0.065 | | |
| Mar-11 | 23 | 6,499,355,385,307 | 282,580,668,926 | 0.049 | | |
| Apr-11 | 20 | 4,975,954,868,765 | 248,797,743,438 | -0.127 | | |
| May-11 | 21 | 5,717,905,621,053 | 272,281,220,050 | 0.090 | | |
| Jun-11 | 22 | 5,820,079,494,414 | 264,549,067,928 | -0.029 | | |
| Jul-11 | 20 | 5,189,681,899,635 | 259,484,094,982 | -0.019 | | |
| Aug-11 | 23 | 8,720,566,877,109 | 379,155,081,613 | 0.379 | | |
| Sep-11 | 21 | 6,343,578,147,811 | 302,075,149,896 | -0.227 | | |
| Oct-11 | 21 | 6,163,272,963,688 | 293,489,188,747 | -0.029 | | |
| Nov-11 | 21 | 5,493,906,473,584 | 261,614,593,980 | -0.115 | | |
| Dec-11 | 21 | 5,017,867,255,600 | 238,946,059,790 | -0.091 | | |
| Jan-12 | 20 | 4,726,522,206,487 | 236,326,110,324 | -0.011 | | |
| Feb-12 | 20 | 5,011,862,514,132 | 250,593,125,707 | 0.059 | | |
| Mar-12 | 22 | 5,638,847,967,025 | 256,311,271,228 | 0.023 | | |
| Apr-12 | 20 | 5,084,239,396,560 | 254,211,969,828 | -0.008 | | |
| May-12 | 22 | 5,611,638,053,374 | 255,074,456,972 | 0.003 | | |
| Jun-12 | 21 | 5,129,437,103,879 | 244,258,909,709 | -0.043 | | |
| Jul-12 | 21 | 4,567,519,314,374 | 217,500,919,732 | -0.116 | | |
| Aug-12 | 23 | 4,621,597,884,730 | 200,939,038,467 | -0.079 | | |
| Sep-12 | 19 | 4,598,499,962,682 | 242,026,313,825 | 0.186 | | |
| Oct-12 | 21 | 5,095,175,588,310 | 242,627,408,967 | 0.002 | | |
| Nov-12 | 21 | 4,547,882,974,292 | 216,565,855,919 | -0.114 | | |
| Dec-12 | 20 | 4,744,922,754,360 | 237,246,137,718 | 0.091 | | |
| Jan-13 | 21 | 5,079,604,017,496 | 241,885,905,595 | 0.019 | | |
| Feb-13 | 19 | 4,800,663,527,089 | 252,666,501,426 | 0.044 | | |
| Mar-13 | 20 | | | | 257,167,513,594 | 5,143,350,271,889 |
| Apr-13 | 22 | | | | 261,748,706,992 | 5,758,471,553,822 |
| May-13 | 22 | | | | 266,411,509,970 | 5,861,053,219,340 |
| Jun-13 | 20 | | | | 271,157,376,325 | 5,423,147,526,509 |
| Jul-13 | 22 | | | | 275,987,785,753 | 6,071,731,286,563 |
| Aug-13 | 22 | | | | 280,904,244,306 | 6,179,893,374,738 |
| Sep-13 | 20 | | | | 285,908,284,869 | 5,718,165,697,372 |

**Figure A.**

Aggregate Dollar Amount of Sales Subject to Exchange Act Sections 31(b) and 31(c)[1]

Methodology Developed in Consultation With OMB and CBO

(Dashed Line Indicates Forecast Values)




[1]Forecasted line is not smooth because the number of trading days varies by month.

[FR Doc. 2013–10194 Filed 4–30–13; 8:45 am]

BILLING CODE 8011–01–C

## SOCIAL SECURITY ADMINISTRATION

**[Docket No. SSA–2010–0078]**

### Revised Medical Criteria for Evaluating Visual Disorders

**AGENCY:** Social Security Administration.

**ACTION:** Final rules; Correction.

**SUMMARY:** The Social Security Administration published a document in the **Federal Register** of March 28, 2013, in FR Doc. 2013–06975, on page 18842, in the second column, under c., in the equation in the last sentence, replace ''$-16\sqrt{}$'' with ''$|-16|$''.

Dated: April 26, 2013.

**Paul Kryglik,**

*Director, Office of Regulations, Social Security Administration.*

[FR Doc. 2013–10283 Filed 4–30–13; 8:45 am]

BILLING CODE 4191–02–P

## DEPARTMENT OF STATE

**[Public Notice 8303]**

### Overseas Security Advisory Council (Osac) Meeting Notice

**Closed Meeting**

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on June 4 and 5, 2013. Pursuant to Section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(7)(E), it has been determined that the meeting will be closed to the public. The meeting will focus on an examination of corporate security policies and procedures and will involve extensive discussion of trade secrets and proprietary commercial information that is privileged and confidential, and will discuss law enforcement investigative techniques and procedures. The agenda will include updated committee reports, a global threat overview, and other matters relating to private sector security policies and protective programs and the protection of U.S. business information overseas.

For more information, contact Marsha Thurman, Overseas Security Advisory Council, U.S. Department of State, Washington, DC 20522–2008, phone: 571–345–2214.

Dated: April 16, 2013.

**Gregory B. Starr,**

*Director of the Diplomatic, Security Service, U.S. Department of State.*

[FR Doc. 2013–10275 Filed 4–30–13; 8:45 am]

BILLING CODE 4710–24–P

## DEPARTMENT OF STATE

**[Public Notice 8302]**

### Issuance of a Presidential Permit Authorizing the State of Michigan To Construct, Connect, Operate, and Maintain at the Border of the United States a Bridge Linking Detroit, Michigan, and Windsor, Ontario

**AGENCY:** Department of State.

**ACTION:** Correction of Date in Summary Paragraph

**SUMMARY:** The Department of State published a document in the **Federal Register** of April 18, 2013 concerning the issuance of a Presidential Permit. The summary section incorrectly stated that the permit issued on April 11, 2013 when, in fact, the permit issued on April 12, 2013.

**FOR FURTHER INFORMATION CONTACT:** Josh Rubin, Canada Border Affairs Officer, via email at *WHACanInternal@state.gov,* by phone at 202 647–2256 or by mail at Office of Canadian Affairs—Room 1329, Department of State, 2201 C St. NW., Washington, DC 20520.

**Correction**

In the **Federal Register** of April 18, 2013, in FR 78, 23327, in the first sentence of the summary paragraph, correct the permit's date of issuance to read: The Department of State issued a Presidential Permit to the State of Michigan on April 12, 2013, authorizing the permitee to construct, connect, operate and maintain at the border of the United States a bridge linking Detroit, Michigan and Windsor, Ontario.

Dated: April 24, 2013.

**Elizabeth Martinez,**

*Director, Office of Canadian Affairs.*

[FR Doc. 2013–10280 Filed 4–30–13; 8:45 am]

BILLING CODE 4710–29–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice for Data and Information Distribution Policy

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Proposed Policy for distribution of FAA data & Information; request for comment.

**SUMMARY:** This document is the FAA's proposal and the FAA's invitation to the public to comment on its data and information distribution policy. This notice is in accordance with the presidential directive for Open Government issued on January 21, 2009; this directive instructed agencies to make information available in open formats, and presume openness to the extent permitted by law and subject to valid privacy, confidentiality, security, and other restrictions. The scope of this policy does not include requests for historical FAA data or information whose availability will continue to be determined under the existing Freedom of Information Act process. FAA data and information published via FAA Web sites is not within the scope of this policy.

**DATES:** Any written information that responds to the FAA's proposes procedures must be submitted by May 31, 2013.

**ADDRESSES:** You may submit written information, identified by docket number FAA–2013–0392, by any of the following methods:

- *Mail:* send comments by mail to Docket Operations, U.S. Department of Transportation, M–30, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Persons wishing to receive confirmation of receipt of their written submission should include a self-addressed stamped postcard.
- *Hand Deliver:* Deliver comments to Docket Operations in Room W12–140 on the ground floor of the West Building at 1200 New Jersey Avenue SE., Washington DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.
- *Facsimile:* Fax comments to the docket operations personnel at 202–493–2251.

*Privacy:* We will post all comments that we receive at *http://www.regulations.gov,* including any personal information that you provide. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments in any of our dockets, including the name of the individual sending the comment or signing the comment or signing the comment on behalf of an association, business, labor union, or other entity or organization. You may review the DOT's complete Privacy Act Statement in the **Federal Register** at 65 FR 19477–78 (April 11, 2000), or you may find at *http://docketsinfo.dot.gov.* Reviewing

the docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the docket, or go to Docket Operations in Room W12–140 on the ground floor of the West building at 1200 New Jersey Avenue SE., Washington DC, between 9:00 a.m., and 5:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** You may direct any questions on data/information policy to the NAS Data Management staff by telephone at (202) 385–8022 or by electronic mail at *mojdeh.supola@faa.gov.*

**SUPPLEMENTARY INFORMATION:**

E-Government & Information Technology Act of 2002 (Pub. L. 107–347, 116 stat, 2899, 44 U.S.C. &101, H.R. 2458/S. 803).

Open Government Directive, OMB Memorandum for the Heads of Executive Departments and Agencies, M–10–06, issued December 8, 2009.

Delivering an Efficient, Effective, and Accountable Government, Executive Order 13576, issued July 13, 2011.

Streamlining Service Delivery and Improving Customer Service, Executive Order 13571, issued April 27, 2011.

Digital Government Strategy, Building A 21st Century Platform to Better Serve the American People, issued May 23, 2012.

Management of Federal Information Resources, Office of Management and Budget Circular A–130, issued November 28, 2000.

*Background:* The FAA has enacted policy to ensure that the majority of data from its systems is exchanged through approved external protected boundaries. This transition away from multiple direct connections to FAA systems will provide for the security and operational effectiveness of FAA systems and reduce the cost of developing and maintaining multiple interfaces needed to distribute data and information. To provide for the security and operational effectiveness of FAA systems and to reduce the cost of developing and maintaining multiple interfaces needed to distribute data and information, FAA is moving away from direct connections to systems for external users to an approved external protected boundary such as NAS Enterprise Secure Gateway (NESG). This transition will help FAA protect the confidentiality, integrity, and availability of data/information, services, and to manage the cost of maintaining data and information services in the future. This policy supports the streamlining of the approval process for distribution of data/information to external entities and gives the FAA the ability to manage and secure its data and information assets more effectively.

*Proposed Policy:* To conform to current U.S. Government practices and policies and enhance information security, FAA is proposing to establish a policy for the distribution of data and information to external entities including the FAA's contractors and other governmental entities. The FAA will:

1. Not allow external users to connect (physically/logically) to authoritative sources of data/information. FAA data/information distribution will only be distributed externally from FAA approved replicated sources.

2. Make electronic data/information available on a non-exclusive basis to external users, subject to the limits imposed by the need to protect national/homeland security, individual privacy, safety, confidentiality, and other government requirements.

3. Limit distribution to only that data/information products created for FAA purposes.

4. Distribute readily available data/information without intentional delay, subject only to the limits imposed by resources (both current and prospective), contracts, technology, authority, regulation and data quality while protecting security, privacy, and confidentiality.

5. Provide access to data/information over secure and controlled connections (logical) and in accordance with the most recent federal systems security standards including those issued by the National Security Agency, Department of Defense, and the National Institute of Standard and Technology (NIST) standards.

6. Consider cost and cost recovery in making FAA data/information available to external users.

7. Consider requests for data and information that is not readily available if external users can and do bear the full cost of development, connection, transmission, processing, and maintenance.

8. Not be responsible for the quality, accuracy or continued availability of the data and information once released. While the data distributed is accurate and timely for use by the FAA, we are not responsible for quality, continuity, or intended use of data for third parties.

9. Define the extent to which FAA contractors can reuse FAA data in their custody or control.

10. Apply this proposed policy requirement consistently and transparently.

**Glossary of Terms**

*Data:* A representation of fact, concept, or instruction represented in a formalized form suitable for communication, interpretation or processing either by human and/or by automated systems. This is the lowest level of abstraction, compared to information.

*Information:* Data in context. The meaning given to data or the interpretation of data based on its context. The finished product as a result of the interpretation of data. Data processed in such a way that it can increase the knowledge of the person who receives it. Data that:

(1) Is specific and organized for a purpose,

(2) is presented within a context that gives it meaning and relevance, and which

(3) leads to an increase in understanding and decrease in uncertainty. The value of information lies solely in its ability to affect a behavior, decision, or outcome.

*Information Steward:* A person or organization delegated with the responsibility for managing the creation and maintenance of a specific information resource. These stewards have the statutory or operational authority for specified information products and are responsible for defining metadata associated with the information.

*Approved Replicated Source:* A duplicated set of information, fulfilling a specific business requirement provided by the Information Steward to be an approved source for that information service. This information source may be the functional combination of multiple, separate authoritative sources. (e.g. Aircraft Situation Display to Industry (ASDI), National Airspace System Status Information (NASSI))

*Authoritative Source:* The origin or creation of data or information that is recognized by an FAA Lines Of Business/Staff Offices or by members of a Community of Interest (COI) or Community of Practice (COP) to be of high quality and being highest precedence of source because it is considered to be highly reliable or accurate, or is from an official publication or reference. (e.g. En Route Automation Modernization (ERAM) for active Flight data)

Issued in Washington, DC, on April 24, 2013.

**Nancy Kalinowski,**

*FAA Vice President, System Operations Services, AJR–0.*

[FR Doc. 2013–10295 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Acceptance of Noise Exposure Map Notice for Oakland County International Airport, Pontiac, Michigan

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FAA announces its determination that the noise exposure maps submitted by Oakland County, for the Oakland County International Airport under the provisions of 49 U.S.C. 47501 et. seq. (formerly the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR Part 150 (hereinafter referred to as ''Part 150'') are in compliance with applicable requirements.

**DATES:** This notice is effective [insert date upon publication in **Federal Register**], and is applicable beginning April 24, 2013.

**FOR FURTHER INFORMATION CONTACT:** Ms. Katherine S. Delaney, Federal Aviation Administration, Detroit Airports District Office, 11677 South Wayne Road, Romulus, MI 48174; Phone—(734) 229–2900; or Email—*Katherine.S.Delaney@faa.gov*.

**SUPPLEMENTARY INFORMATION:** This notice announces the FAA finds the noise exposure maps submitted for Oakland County International Airport are in compliance with applicable requirements of Part 150, effective April 23, 2013. Under 49 U.S.C. 47503 of the Act, an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Part 150, promulgated pursuant to the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the noise exposure maps and accompanying documentation submitted by Oakland County. The documentation that constitutes the ''Noise Exposure Maps'' as defined in section 150.7 of Part 150 includes: The existing NEM is located in Figure D5, *Existing Noise Exposure Map, 2010* and the future NEM is located in Figure D6 *Future Noise Exposure Map, 2021.* The information gathered and analyzed to generate the NEMs is located in various sections of the report. Figure A2, *Existing Airport Layout* with a narrative description on Page A.3 applies to both the existing and future NEM. The following references were used to develop Figure D5, *Existing Noise Exposure Map, 2010:* Chapter B, *Forecast of Aviation Activity,* including a summary table of aircraft operations in Table B1, *Summary of Annual Aircraft Operations Forecast (TAF plus Nighttime Operations);* Aircraft categories and fleet mix as detailed in Table B3, *Summary of Operations by Aircraft Category, Recent Historic and Forecast;* Chapter D, *Existing and Future Baseline Noise Conditions,* with detail described in Table D2, *Aircraft Fleet Mix Assumptions for Existing Conditions, 2010;* Table D3, *Summary of Hours of Nighttime Operations by Category, Year 2010;* Table D4, *Percentage Runway Utilization,* Table D5, *Runway Utilization By Category of Aircraft;* Figure D3, *INM Flight Tracks, West Flow,* Figure D4, *INM Flight Tracks, East Flow.*

The Future NEM is located in Figure D6, *Future Noise Exposure Map, 2021.* The following references were used to develop Figure D6, *Future Noise Exposure Map, 2021:* Table D6, *Operations by Aircraft Category—2021 Baseline Period* and Table D7, *Aircraft Fleet Mix Assumptions for Future Conditions, 2021.* The Flight Tracks depicted in Figure D3, *INM Flight Tracks, West Flow* and Figure D4, *INM Flight Tracks, East Flow* were used for both existing and future baseline conditions. The FAA has determined that these noise exposure maps and accompanying documentation are in compliance with applicable requirements. This determination is effective on April 24, 2013.

FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of Part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 47503 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 47506 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 47503 of the Act. The FAA has relied on the certification by the airport operator, under section 150.21 of Part 150, that the statutorily required consultation has been accomplished.

Copies of the full noise exposure map documentation and of the FAA's evaluation of the maps are available for examination at the following locations. Prior arrangements are required to visit the Detroit Airports District Office.

Detroit Airports District Office, 11677 South Wayne Road, Suite 107, Romulus, MI 48174, 8:00–4:30 p.m.

Oakland County International Airport, 6500 Highland Road, Waterford, MI 48327–1649, 8:30–5:00 p.m.

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Romulus, Michigan, on April 24, 2013.

**John L. Mayfield, Jr.,**

*Manager, Detroit Airports District Office.*

[FR Doc. 2013–10282 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Notice of Request To Release Airport Property

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Intent to Rule on Request to Release Airport Property at the Eastern Iowa Airport, Cedar Rapids, Iowa.

**SUMMARY:** The FAA proposes to rule and invites public comment on the release of land at The Eastern Iowa Airport, Cedar Rapids, Iowa, under the provisions of 49 U.S.C. 47107(h)(2).

**DATES:** Comments must be received on or before May 31, 2013.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Tim Bradshaw, Airport Director, 2515 Arthur Collins Parkway SW., Cedar Rapids, IA 52404–8952, (319) 362–3131.

**FOR FURTHER INFORMATION CONTACT:** Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust Room 364, Kansas City, MO 64106, (816) 329–2644, *lynn.martin@faa.gov*.

The request to release property may be reviewed, by appointment, in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA invites public comment on the request to release approximately 2.7 acres of airport property at The Eastern Iowa Airport (CID) under the provisions of 49 U.S.C. 47107(h)(2). On January 17, 2013, the Airport Director at The Eastern Iowa Airport requested from the FAA that approximately 2.7 acres of property be released for sale to the City of Cedar Rapids for use as street widening and improvements or other purposes consistent with the zoning ordinances of the City. On March 29, 2013, the FAA determined that the request to release property at The Eastern Iowa Airport (CID) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request:

The Eastern Iowa (CID) is proposing the release of airport property totaling 2.7 acres, more or less. This land is to be used for street widening and improvements. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at The Eastern Iowa Airport (CID) being changed from aeronautical to non-aeronautical use and release the lands from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for general aviation facilities at The Eastern Iowa Airport.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at The Eastern Iowa Airport.

Issued in Kansas City, MO on April 19, 2013.

**Jim A. Johnson,**

*Manager, Airports Division.*

[FR Doc. 2013–10287 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Notice of Final Federal Agency Actions on Proposed Highway in California

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), Environmental Protection Agency (EPA) and the Natural Resource Conservation Service (NRCS).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, USACE, USFWS, EPA and NRCS that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project, on State Route 156 from 0.18 mile east of the State Route 156/183 Separation to the U.S. Route 101/State Route 156 and on U.S. Route 101 from 0.1 mile north of Pesante Road to 0.2 mile north of Messick Road in Monterey County, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 28, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: G. William ''Trais'' Norris III, Senior Environmental Planner, Southern Pacific Environmental Analysis Branch; California Department of Transportation (Caltrans); 855 M Street, Suite 200, Fresno, CA 93721; weekdays 8:00 a.m. to 5:00 p.m. (Pacific time), telephone (559) 445–6447; email: *trais.norris@dot.ca.gov.*

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the FHWA assigned, and Caltrans assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans and other Federal agencies have taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The six mile project would widen State Route 156 by converting the existing two-lane conventional highway to a four-lane expressway between U.S. Route 101 and Castroville Boulevard, and rebuilding the U.S. Route 101/State Route 156 interchange near Castroville in Monterey County, California. The proposed project would improve safety and operations, local road access to State Route 156, interregional traffic flow along State Route 156 and relieve existing congestion. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for the project, approved on January 31, 2013, and in other documents in the FHWA project records. The EA/FONSI, and other project records are available by contacting Caltrans at the addresses

provided above. The Caltrans EA/FONSI can be viewed and downloaded from the project Web site at: *http://www.dot.ca.gov/dist05/projects/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; and Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. *Air:* Clean Air Act [42 U.S.C. 7401–7671(q)].

3. *Land:* Landscape and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].

4. *Wetlands and Water Resources:* Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; and Wetlands Mitigation [23 U.S.C. 103(b)(6)(m) and 133(b)(11)].

5. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; and Migratory Bird Treaty Act [16 U.S.C. 703–712].

6. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) et seq.]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469c]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa et seq.]; and Native American Graves Protection and Repatriation Act [25 U.S.C. 3001–3013].

7. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act [7 U.S.C. 4201–4209]; and The Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986; and Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O.12898 Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of the Cultural Environment; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; and E.O. 13112 Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(*l*)(1).

Issued on: April 25, 2013.

**Steve Pyburn,**

*North Team Leader, State Programs, Federal Highway Administration, Sacramento, California.*

[FR Doc. 2013–10266 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–RY–P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No FMCSA–2011–0097]**

### Pilot Program on NAFTA Trucking Provisions

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** FMCSA announces and requests public comment on data and information concerning the Pre-Authorization Safety Audit (PASA) for Servicio de Transporte Internacional y Local SA de CV (STIL) with U.S. Department of Transportation (USDOT) number 557341, which applied to participate in the Agency's long-haul pilot program to test and demonstrate the ability of Mexico-domiciled motor carriers to operate safely in the United States beyond the municipalities in the United States on the United States-Mexico international border or the commercial zones of such municipalities. This action is required by the ''U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007'' and all subsequent appropriations.

**DATES:** Comments must be received on or before May 13, 2013.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA–2011–0097 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility, (M–30), U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Ground Floor, Room 12–140, Washington, DC 20590–0001.
- *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. All submissions must include the Agency name and docket number for this notice. See the ''Public Participation'' heading below for instructions on submitting comments and additional information.

Note that all comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov.* Please see the ''Privacy Act'' heading below.

*Docket:* For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act System of Records Notice for the DOT Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

*Public Participation:* The *http://www.regulations.gov* Web site is generally available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines under the ''help'' section of the *http://www.regulations.gov* Web site. Comments received after the comment closing date will be included in the docket, and will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Marcelo Perez, FMCSA, North American Borders Division, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Telephone (512) 916–5440 Ext. 228; email *marcelo.perez@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

On May 25, 2007, the President signed into law the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (the Act), (Pub. L. 110–28, 121 Stat. 112, 183, May 25, 2007). Section 6901 of the Act requires that certain actions be taken by the Department of Transportation (the Department) as a condition of obligating or expending appropriated funds to grant authority to Mexico-domiciled motor carriers to operate beyond the municipalities in the United States on the United States-Mexico international border or the commercial zones of such municipalities (border commercial zones).

On July 8, 2011, FMCSA announced in the **Federal Register** [76 FR 40420] its intent to proceed with the initiation of a U.S.-Mexico cross-border long-haul trucking pilot program to test and demonstrate the ability of Mexico-domiciled motor carriers to operate safely in the United States beyond the border commercial zones as detailed in the Agency's April 13, 2011, **Federal Register** notice [76 FR 20807]. The pilot program is a part of FMCSA's implementation of the North American Free Trade Agreement (NAFTA) cross-border long-haul trucking provisions in compliance with section 6901(b)(2)(B) of the Act. FMCSA reviewed, assessed, and evaluated the required safety measures as noted in the July 8, 2011, notice and considered all comments received on or before May 13, 2011, in response to the April 13, 2011, notice. Additionally, to the extent practicable, FMCSA considered comments received after May 13, 2011.

In accordance with section 6901(b)(2)(B)(i) of the Act, FMCSA is required to publish in the **Federal Register**, and provide sufficient opportunity for public notice and comment comprehensive data and information on the PASAs conducted of motor carriers domiciled in Mexico that are granted authority to operate beyond the border commercial zones. This notice serves to fulfill this requirement.

FMCSA is publishing for public comment the data and information relating to one PASA that was completed on June 13, 2012. FMCSA announces that the Mexico-domiciled motor carrier in Table 1 successfully completed the PASA. Notice of this completion was also published in the FMCSA Register.

Tables 2, 3 and 4 all titled (''Successful Pre-Authorization Safety Audit (PASA) Information'') set out additional information on the carrier(s) noted in Table 1. A narrative description of each column in the tables is provided as follows:

A. *Row Number in the Appendix for the Specific Carrier:* The row number for each line in the tables.

B. *Name of Carrier:* The legal name of the Mexico-domiciled motor carrier that applied for authority to operate in the United States (U.S.) beyond the border commercial zones and was considered for participation in the long-haul pilot program.

C. *U.S. DOT Number:* The identification number assigned to the Mexico-domiciled motor carrier and required to be displayed on each side of the motor carrier's power units. If granted provisional operating authority, the Mexico-domiciled motor carrier will be required to add the suffix ''X'' to the ending of its assigned U.S. DOT Number for those vehicles approved to participate in the pilot program.

D. *FMCSA Register Number:* The number assigned to the Mexico-domiciled motor carrier's operating authority as found in the FMCSA Register.

E. *PASA Initiated:* The date the PASA was initiated.

F. *PASA Completed:* The date the PASA was completed.

G. *PASA Results:* The results upon completion of the PASA. The PASA receives a quality assurance review before approval. The quality assurance process involves a dual review by the FMCSA Division Office supervisor of the auditor assigned to conduct the PASA and by the FMCSA Service Center New Entrant Specialist designated for the specific FMCSA Division Office. This dual review ensures the successfully completed PASA was conducted in accordance with FMCSA policy, procedures and guidance. Upon approval, the PASA results are uploaded into the FMCSA's Motor Carrier Management Information System (MCMIS). The PASA information and results are then recorded in the Mexico-domiciled motor carrier's safety performance record in MCMIS.

H. *FMCSA Register:* The date FMCSA published notice of a successfully completed PASA in the FMCSA Register. The FMCSA Register notice advises interested parties that the application has been preliminarily granted and that protests to the application must be filed within 10 days of the publication date. Protests are filed with FMCSA Headquarters in Washington, DC. The notice in the FMCSA Register lists the following information:

a. Current registration number (e.g., MX–226885);

b. Date the notice was published in the FMCSA Register;

c. The applicant's name and address; and

d. Representative or contact information for the applicant.

The FMCSA Register may be accessed through FMCSA's Licensing and Insurance public Web site at *http://li-public.fmcsa.dot.gov/,* and selecting FMCSA Register in the drop down menu.

I. *U.S. Drivers:* The total number of the motor carrier's drivers approved for long-haul transportation in the United States beyond the border commercial zones.

J. *U.S. Vehicles:* The total number of the motor carrier's power units approved for long-haul transportation in the United States beyond the border commercial zones.

K. *Passed Verification of 5 Elements (Yes/No):* A Mexico-domiciled motor carrier will not be granted provisional operating authority if FMCSA cannot verify all of the following five mandatory elements. FMCSA must:

a. Verify a controlled substances and alcohol testing program consistent with 49 CFR part 40.

b. Verify a system of compliance with hours-of-service rules of 49 CFR part 395, including recordkeeping and retention;

c. Verify the ability to obtain financial responsibility as required by 49 CFR 387, including the ability to obtain insurance in the United States;

d. Verify records of periodic vehicle inspections; and

e. Verify the qualifications of each driver the carrier intends to use under such authority, as required by 49 CFR parts 383 and 391, including confirming the validity of each driver's Licencia Federal de Conductor and English language proficiency.

L. *If No, Which Element Failed:* If FMCSA cannot verify one or more of the five mandatory elements outlined in 49 CFR part 365, Appendix A, Section III, this column will specify which mandatory element(s) cannot be verified.

Please note that for items L through P below, during the PASA, after verifying the five mandatory elements discussed in item K above, FMCSA will gather information by reviewing a motor carrier's compliance with ''acute and critical'' regulations of the Federal Motor Carrier Safety Regulations (FMCSRs) and Hazardous Materials Regulations (HMRs). Acute regulations are those where noncompliance is so

severe as to require immediate corrective actions by a motor carrier regardless of the overall basic safety management controls of the motor carrier. Critical regulations are those where noncompliance relates to management and/or operational controls. These regulations are indicative of breakdowns in a carrier's management controls. A list of acute and critical regulations is included in 49 CFR part 385, Appendix B, Section VII.

Parts of the FMCSRs and HMRs having similar characteristics are combined together into six regulatory areas called ''factors.'' The regulatory factors are intended to evaluate the adequacy of a carrier's management controls.

M. *Passed Phase 1, Factor 1:* A ''yes'' in this column indicates the carrier has successfully met Factor 1 (listed in part 365, Subpart E, Appendix A, Section IV(f)). Factor 1 includes the General Requirements outlined in parts 387 (Minimum Levels of Financial Responsibility for Motor Carriers) and 390 (Federal Motor Carrier Safety Regulations—General).

N. *Passed Phase 1, Factor 2:* A ''yes'' in this column indicates the carrier has successfully met Factor 2, which includes the Driver Requirements outlined in parts 382 (Controlled Substances and Alcohol Use and Testing), 383 (Commercial Driver's License Standards; Requirements and Penalties) and 391 (Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors).

O. *Passed Phase 1, Factor 3:* A ''yes'' in this column indicates the carrier has successfully met Factor 3, which includes the Operational Requirements outlined in parts 392 (Driving of Commercial Motor Vehicles) and 395 (Hours of Service of Drivers).

P. *Passed Phase 1, Factor 4:* A ''yes'' in this column indicates the carrier has successfully met Factor 4, which includes the Vehicle Requirements outlined in parts 393 (Parts and Accessories Necessary for Safe Operation) and 396 (Inspection, Repair and Maintenance) and vehicle inspection and out-of-service data for the last 12 months.

Q. *Passed Phase 1, Factor 5:* A ''yes'' in this column indicates the carrier has successfully met Factor 5, which includes the hazardous material requirements outlined in parts 171 (General Information, Regulations, and Definitions), 177 (Carriage by Public Highway), 180 (Continuing Qualification and Maintenance of Packagings) and 397 (Transportation of Hazardous Materials; Driving and Parking Rules).

R. *Passed Phase 1, Factor 6:* A ''yes'' in this column indicates the carrier has successfully met Factor 6, which includes Accident History. This factor is the recordable accident rate during the past 12 months. A recordable ''accident'' is defined in 49 CFR 390.5, and means an accident involving a commercial motor vehicle operating on a public road in interstate or intrastate commerce which results in a fatality; a bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

S. *Number U.S. Vehicles Inspected:* The total number of vehicles (power units) the motor carrier is approved to operate in the United States beyond the border commercial zones that received a vehicle inspection during the PASA. During a PASA, FMCSA inspected all power units to be used by the motor carrier in the pilot program and applied a current Commercial Vehicle Safety Alliance (CVSA) inspection decal, if the inspection is passed successfully. This number reflects the vehicles that were inspected, irrespective of whether the vehicle received a CVSA inspection at the time of the PASA decal as a result of a passed inspection.

T. *Number U.S. Vehicles Issued CVSA Decal:* The total number of inspected vehicles (power units) the motor carrier is approved to operate in the United States beyond the border commercial zones that received a CVSA inspection decal as a result of an inspection during the PASA.

U. *Controlled Substances Collection:* Refers to the applicability and/or country of origin of the controlled substance and alcohol collection facility that will be used by a motor carrier that has successfully completed the PASA.

a. ''US'' means the controlled substance and alcohol collection facility is based in the United States.

b. ''MX'' means the controlled substance and alcohol collection facility is based in Mexico.

c. ''Non-CDL'' means that during the PASA, FMCSA verified that the motor carrier is not utilizing commercial motor vehicles subject to the commercial driver's license requirements as defined in 49 CFR 383.5 (Definition of Commercial Motor Vehicle). Any motor carrier that does not operate commercial motor vehicles as defined in § 383.5 is not subject to DOT controlled substance and alcohol testing requirements.

V. *Name of Controlled Substances and Alcohol Collection Facility:* Shows the name and location of the controlled substances and alcohol collection facility that will be used by a Mexico-domiciled motor carrier who has successfully completed the PASA.

TABLE 1

| Row number in Tables 2, 3 and 4 of the Appendix to today's notice | Name of carrier | USDOT No. |
|---|---|---|
| 1 Servicio de Transporte Internacional y Local SA de CV | 557341 | |

TABLE 2—SUCCESSFUL PRE-AUTHORIZATION SAFETY AUDIT (PASA) INFORMATION (SEE ALSO TABLES 3 AND 4)

| Column A—row Number | Column B—name of carrier | Column C—US DOT number | Column D—FMCSA register number | Column E—PASA initiated | Column F—PASA completed | Column G—PASA results | Column H—FMCSA register | Column I—US drivers | Column J—US vehicles |
|---|---|---|---|---|---|---|---|---|---|
| 1 | Servicio de Transporte Internacional y Local SA de CV. | 557341 | MX–226885 | 05/23/2012 | 06/13/2012 | Pass | 4/17/2013 | 13 | 20 |

TABLE 3—SUCCESSFUL PRE-AUTHORIZATION SAFETY AUDIT (PASA) INFORMATION (SEE ALSO TABLES 2 AND 4)

| Column A–row Number | Column B–name of carrier | Column C–US DOT number | Column D–FMCSA register Number | Column K–passed verification of 5 elements (Yes/No) | Column L–If no, which element failed | Column M–passed phase 1 factor 1 | Column N–passed phase 1 factor 2 | Column O–passed phase 1 factor 3 | Column P–passed phase 1 factor 4 |
|---|---|---|---|---|---|---|---|---|---|
| 1 | Servicio de Transporte Internacional y Local SA de CV. | 557341 | MX–226885 | Yes | None | Pass | Pass | Pass | Pass |

TABLE 4—SUCCESSFUL PRE-AUTHORIZATION SAFETY AUDIT (PASA) INFORMATION AS OF SEPTEMBER 9, 2011 (SEE ALSO TABLES 2 AND 3)

| Column A—row No. | Column B—name of carrier | Column C—US DOT No. | Column D—FMCSA register No. | Column Q—passed phase I factor 5 | Column R—passed phase I factor 6 | Column S—Number US vehicles inspected | Column T—Number US vehicles issued CVSA decal | Column U—controlled substance collection | Column V—Name of controlled substances and alcohol collection facility |
|---|---|---|---|---|---|---|---|---|---|
| 1 | Servicio de Transporte Internacional y Local SA de CV. | 557341 | MX–226885 | N/A | Pass | 20 | 20 | MX | Quest Diagnostics Mexico SA de CV. |

In an effort to provide as much information as possible for review, the application and PASA results for this carrier are posted at the Agency's Web site for the pilot program at *http://www.fmcsa.dot.gov/intl-programs/trucking/Trucking-Program.aspx*. For carriers that participated in the Agency's demonstration project that ended in 2009, copies of the previous PASA and compliance review, if conducted, are also posted. All documents were redacted so that personal information regarding the drivers is not released. Sensitive business information, such as the carrier's tax identification number, is also redacted. In response to previous comments received regarding the PASA notice process, FMCSA also posted copies of the vehicle inspections conducted during the PASA in the PASA document.

A list of the carrier's vehicles approved by FMCSA for use in the pilot program is also available at the above referenced Web site.

During the PASA process, the auditor conducting the PASA identified no acute violations but did identify violations of three critical regulations: (1) driver qualification files that did not include drivers' certification of violations (49 CFR § 391.51(a)), (2) absence of carrier inquiries about drivers' drug and alcohol history (49 CFR 391.51(b)(2)), and (3) improper use of the 100-air-mile-radius exemption (49 CFR 395.1(e). None of the violations, alone or in combination, rises to a level that results in a failure of the PASA or a failure in any of the five factors for evaluation.

The Agency acknowledges that through the PASA process it was determined that STIL had affiliations not identified in the original application. It was noted during the Agency's vetting and documented as an attachment to the PASA. STIL submitted for the record a letter confirming the relationship with a U.S.-domiciled motor carrier, International Transportation Services, Inc. (USDOT#2257332). During its vetting of the application and the PASA, FMCSA confirmed that STIL did not establish or use the affiliated companies to evade FMCSA regulation in continuing motor carrier operations, or for the purpose of avoiding or hiding previous non-compliance or safety problems.

FMCSA reviewed the inspection records of the affiliated carrier, International Transportation Services, Inc. (USDOT number 2257332), an OP–1 carrier. International Transportation Services is currently in the Agency's New Entrant program and has limited inspection data. The company's SMS data reflects scores of 0% in the Unsafe Driving, Hours of Service Compliance, Driver Fitness and Controlled Substances/Alcohol BASICs. International Transportation Services has insufficient inspections to receive a score in the Vehicle Maintenance BASIC.

FMCSA notes that STIL exceeds the intervention thresholds in the Safety Measurement System (SMS) in the Driver Fitness (99.5%) and Vehicle Maintenance (94.8%) Behavioral Analysis and Safety Improvement Categories (BASICs), as of the most recent 2-year period of data ending on March 22, 2013.

Of the 1,332 violations in the Driver Fitness BASIC, 1,320 involve the English language proficiency (ELP) of the drivers. The drivers approved for this pilot program completed ELP testing during the PASA. Regarding Vehicle Maintenance, the Agency notes that STIL will be using 2008 and 2011 model year vehicles in the program and the vehicles passed the inspections required to obtain a Commercial Vehicle Safety Alliance (CVSA) decal. As a requirement of the pilot program, the vehicles must be reinspected every 90 days and display a valid CVSA decal.

STIL has requested the use of 13 drivers and 20 vehicles to participate in the pilot program. None of the proposed drivers have any driver out of service violations noted on the 415 inspections conducted during the 24 months prior to March 22, 2013. Of the 20 vehicles on which FMCSA conducted inspections, all passed inspection and received CVSA decals. The fleet includes both 2008 Freightliners and 2011 Internationals.

A review of the 20 vehicles' inspection histories indicates 804 inspections during the 24 months on or before March 22, 2013. The inspections resulted in 197 violations, of which 38 constituted out-of-service violations.

The Agency identified 3 crashes involving STIL reported to the Motor Carrier Management Information System (MCMIS) during the 2-year reporting period ending March 22, 2013. All crashes involved tow-away activity but no fatalities or injuries. STIL has had 13 enforcement actions between 2000 and 2012; all but one of those cases occurred prior to 2012. The most recent enforcement action in 2012 involved a violation of 49 CFR 396.7, operating a motor vehicle in such a condition as to likely cause accident or breakdown, discovered during a roadside

inspection. The notice of claim (NOC) was closed with a signed settlement agreement and prompt payment of assessments. STIL does not have any open enforcement cases. The motor carrier currently has a driver out-of-service rate of 0% and a vehicle out-of-service rate of 9.0%. Both rates fall well below the current national averages of 5.5% and 20.7%, respectively.

STIL is currently a hazardous materials carrier (registration #060210600018SU) registered with the Pipeline and Hazardous Materials Safety Agency (PHMSA) and reports the transportation of 7 types of hazardous materials on its MCS–150 filing for its OP–2 (commercial zone) authority. The motor carrier uses a specific fleet of vehicles and a specific dispatch location for its commercial zone operations. The fleet of vehicles and the dispatch location for these operations differ entirely from the vehicles and dispatch location for the upcoming OP–1MX authority operations. STIL will be subject to the terms and conditions of the pilot program, and during the PASA process FMCSA confirmed that STIL will not transport placardable hazardous materials under the upcoming OP–1MX authority the pilot program.

To obtain additional information about the current operating characteristics of the company and to further explore the reasons for the carrier's high BASICs scores, FMCSA completed a compliance review on February 15, 2013. The results identified five violations: (1) Sec. 382.301(a), using a driver before the motor carrier has received a negative pre-employment controlled substance test result; (2) Sec. 390.15(b), failing to maintain, for a period of 3 years after an accident occurs, an accident register; (3) Sec. 391.11(b)(6), failing to require driver to furnish list of motor vehicle traffic violations each 12 months; (4) Sec. 395.8(a), failing to require driver to make a record of duty status; and (5) Sec. 396.9(d)(3), failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business). No acute violations were discovered, and the violations of critical regulations did not rise to the level of critical violation. The carrier received a ''Satisfactory'' safety rating upon conclusion of the compliance review. The Agency provided the carrier with recommendations for correcting the violations, and corrective actions will be verified when the Agency conducts another compliance review on the company within 18 months, as required under the Pilot Program.

A copy of the compliance review report is available on the Agency's Web site for the Pilot Program with the PASA document. The Agency noted some differences between information provided by the motor carrier during the PASA and the compliance review, such as vehicle and driver counts, mileage, and gross revenues. The motor carrier explained that they ceased some operations, reducing the vehicles, drivers, and mileage. The differences on revenue figures were the company's total revenue versus the revenue of the cross border operations.

**Request for Comments**

In accordance with the Act, FMCSA requests public comment from all interested persons on the PASA information presented in this notice. All comments received before the close of business on the comment closing date indicated at the beginning of this notice will be considered and will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. Comments received after the comment closing date will be filed in the public docket and will be considered to the extent practicable. In addition to late comments, the FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should continue to examine the public docket for new material.

FMCSA notes that under its regulations, preliminary grants of authority, pending the carrier's showing of compliance with insurance and process agent requirements and the resolution of any protests, are publically noticed through publication in the FMCSA Register. Any protests of such grants must be filed within 10 days of publication of notice in the FMCSA Register.

Issued on: April 19, 2013.

**Anne S. Ferro,**

*Administrator.*

[FR Doc. 2013–10305 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013 0048]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ALCHEMY; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0048. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel ALCHEMY is:

*Intended Commercial Use of Vessel:* ''Uninspected six-pack sailing charters and instruction''.

*Geographic Region:* ''California, Washington, Oregon''.

The complete application is given in DOT docket MARAD–2013–0048 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order

for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: April 25, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–10170 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0049]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLUE DOLPHIN; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0049. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel BLUE DOLPHIN is:

*Intended Commercial Use Of Vessel:* ''Skippered daysailing in Puget Sound and San Juan Islands, Washington State. Maximum 14 days duration. Skippered daysails and skippered multi-day charters along California coast, primarily between San Diego and Ventura including The Channel Islands.''

*Geographic Region:* Washington, California.

The complete application is given in DOT docket MARAD–2013–0049 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: April 25, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–10181 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013 0050]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel HOWLIN AT THE MOON; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0050. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel HOWLIN AT THE MOON is:

*Intended Commercial Use of Vessel:* ''Sightseeing''

*Geographic Region:* ''Maryland.''

The complete application is given in DOT docket MARAD–2013–0050 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: April 25, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–10175 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0046]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel TEMPEST; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0046. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel TEMPEST is:

*Intended Commercial Use of Vessel:* ''Offshore wreck diving.''

*Geographic Region:* Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Washington, DC, Virginia, North Carolina, South Carolina, Georgia, Florida.

The complete application is given in DOT docket MARAD–2013–0046 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: April 25, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–10179 Filed 4–30–13; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013 0047]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel NIRVANA; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0047. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel NIRVANA is:

*Intended Commercial Use of Vessel:* ''Uninspected 6 passengers or less for day sailing.''

*Geographic Region:* ''California''.

The complete application is given in DOT docket MARAD–2013–0047 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: April 25, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–10172 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0041]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel OCEAN JEDI; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before May 31, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0041. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel OCEAN JEDI is:

*Intended Commercial Use Of Vessel:* ''The intended commercial use of Ocean Jedi is to provide day and term charters for no more than 6 guests. Term charters are generally 5–7 day charters.''

*Geographic Region:* New York, Florida, North Carolina, South Carolina, California, Hawaii, Texas, Mississippi, New Jersey, Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, Oregon, Washington, Puerto Rico. We have listed most coastline states, but will most likely provide charters in Puerto Rico, Florida, Hawaii and California.

The complete application is given in DOT docket MARAD–2013–0041 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: April 16, 2013.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–10183 Filed 4–30–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

### Actions Taken Pursuant to Executive Order 13382

**AGENCY:** Office of Foreign Assets Control, Treasury Department.

**ACTION:** Notice.

**SUMMARY:** The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing on OFAC's list of Specially Designated Nationals and Blocked Persons (''SDN List'') the names of six entities and one individual, whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005,

''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.'' The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on April 11, 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.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

### Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On April 11, 2013, the Director of OFAC, in consultation with the Departments of State, Justice, and other relevant agencies, designated six entities and one individual whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees is as follows:

1. ZANJANI, Babak Morteza; DOB 12 Mar 1974; alt. DOB 12 Mar 1971; citizen Iran; Passport L18597666 (Iran); alt. Passport L95279398 (Iran) (individual) [NPWMD] [IFSR].

2. FIRST ISLAMIC INVESTMENT BANK LTD. (a.k.a. FIIB), Unit 13(C) Main Office Tower, Financial Park Labuan Complex, Jalan Merdeka Federal Territory of Labuan, Labuan 87000, Malaysia; 19A–31–3A, Level 31, Business Suite, Wisma UOA, No. 19 Jalan Pinang, Kuala Lumpur, 50450, Malaysia; SWIFT/BIC FIIB MY KA; alt. SWIFT/BIC FIIB MY KA KUL [NPWMD] [IFSR].

3. INTERNATIONAL SAFE OIL (a.k.a. ''ACCOUNT INTERNATIONAL SAFE OIL''), Tazunit Level 13, Main Office Tower Financial Park, Labuan, Jalan Merdeka Federal Territory of Labuan 87000, Malaysia [NPWMD] [IFSR].

4. KONT INVESTMENT BANK (a.k.a. KONT BANK), Kont Bank Head Office, No. 43, St Bukhara, Dushanbe 734025, Tajikistan [NPWMD] [IFSR].

5. KONT KOSMETIK (a.k.a. KONT GROUP VE KOZMETIK SANAYI DIS TICARET LTD STI KONT KOSMETIK VE DIS TICARET LTD STI KONT COSMETIC), Istanbul World Trade Center (IDTM), Block: A2 Floor: 6 No:234 Postal Code: 34149, Yesilkoy, Istanbul, Turkey [NPWMD] [IFSR].

6. NAFTIRAN INTERTRADE CO. (NICO) LIMITED (a.k.a. NAFT IRAN INTERTRADE COMPANY LTD; a.k.a. NAFTIRAN INTERTRADE COMPANY (NICO); a.k.a. NAFTIRAN INTERTRADE COMPANY LTD; a.k.a. NICO), 41, 1st Floor, International House, The Parade, St Helier JE2 3QQ, Jersey; Petro Pars Building, Saadat Abad Ave, No 35, Farhang Blvd., Tehran, Iran; all offices worldwide [IRAN] [NPWMD] [IFSR] [IRGC] (Linked To: NIOC INTERNATIONAL AFFAIRS (LONDON) LIMITED).

7. SORINET COMMERCIAL TRUST (SCT) BANKERS (a.k.a. SCT BANKERS), 1808, 18th Floor, Grosvenor House Commercial Tower, Sheik Zayed Road, Dubai, United Arab Emirates; Kish Island, Iran; SWIFT/BIC SCER AE A1; alt. SWIFT/BIC SCTS AE A1 [NPWMD] [IFSR].

Dated: April 11, 2013.

**Adam J. Szubin,**

*Director, Office of Foreign Assets Control.*

[FR Doc. 2013–10323 Filed 4–30–13; 8:45 am]

BILLING CODE 4810–AL–P

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## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Regulations Governing Payments by the Automated Clearing House Method on Account of United States Securities.

**DATES:** Written comments should be received on or before July 1, 2013 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@bpd.treas.gov.* The opportunity to make comments online is also available at *www.pracomment.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

**SUPPLEMENTARY INFORMATION:**

*Title:* Regulations Governing Payments by the Automated Clearing House Method on Account of United States Securities

*OMB Number:* 1535–0094

*Abstract:* The regulations authorize payment to investors in United States securities by the Automated Clearing House (ACH Method).

*Current Actions:* None

*Type of Review:* Extension

*Affected Public:* Individuals or households, businesses or other for-profit, and state or local governments.

*Estimated Total Annual Burden Hours:* 1

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 26, 2013.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2013–10292 Filed 4–30–13; 8:45 am]

**BILLING CODE 4810–39–P**

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## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Regulations Governing United States Savings Bonds Series E/EE and H/HH.

**DATES:** Written comments should be received on or before July 1, 2013 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@bpd.treas.gov.* The opportunity to make comments online is also available at *www.pracomment.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

**SUPPLEMENTARY INFORMATION:**

*Title:* Regulations Governing United States Savings Bonds Series E/EE and H/HH.

*OMB Number:* 1535–0095.

*Abstract:* The regulations mandate the payment of H/HH interest by Direct Deposit (ACH Method).

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* Individuals or households, businesses or other for-profit, and state or local governments.

*Estimated Total Annual Burden Hours:* 1

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 26, 2013.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2013–10291 Filed 4–30–13; 8:45 am]

**BILLING CODE 4810–39–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the Application For Disposition of Series I Savings Bonds After The Death of the Registered Owner(s).

**DATES:** Written comments should be received on or before July 1, 2013 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@bpd.treas.gov.* The opportunity to make comments online is also available at *www.pracomment.gov.*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

**SUPPLEMENTARY INFORMATION:**

*Title:* Application For Disposition of Series I Savings Bonds After The Death of the Registered Owner(s).

*OMB Number:* 1535–0131.

*Form Number:* PD F 5394.

*Abstract:* The information is requested to process early redemption requests for the owners of State and Local Government Series Securities.

*Current Actions:* Revision.

*Type of Review:* Extension.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 18,500.

*Estimated Time Per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 9,250.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of

public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 26, 2013.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2013–10288 Filed 4–30–13; 8:45 am]

**BILLING CODE 4810–39–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning the U.S. Treasury Securities State and Local Government Series Early Redemption Request.

**DATES:** Written comments should be received on or before July 1, 2013 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@bpd.treas.gov*. The opportunity to make comments online is also available at *www.pracomment.gov*

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies should be directed to Bruce A. Sharp, Bureau of the Public Debt, 200 Third Street A4–A, Parkersburg, WV 26106–1328, (304) 480–8150.

**SUPPLEMENTARY INFORMATION:**

*Title:* U.S. Treasury Securities State and Local Government Series Early Redemption Request.

*OMB Number:* 1535–0121.

*Form Number:* PD F 5377.

*Abstract:* The information is requested to process early redemption requests for the owners of State and Local Government Series Securities.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* State or Local Government.

*Estimated Number of Respondents:* 494.

*Estimated Time Per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 247.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 26, 2013.

**Bruce A. Sharp,**

*Bureau Clearance Officer.*

[FR Doc. 2013–10289 Filed 4–30–13; 8:45 am]

**BILLING CODE 4810–39–P**

# FEDERAL REGISTER

Vol. 78 Wednesday,

No. 84 May 1, 2013


Part II

## Department of Defense

Department of the Navy

32 CFR Part 776

Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General; Proposed Rule

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**[No. USN–2013–0011]**

**RIN 0703–AA92**

**32 CFR Part 776**

## Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Proposed rule.

**SUMMARY:** The Department of the Navy (DoN) is revising its Rules of Professional Conduct and procedures for receiving, processing, and taking action on complaints of professional misconduct made against attorneys practicing under the supervision of the Judge Advocate General of the Navy (JAG). The revision to this part generally aligns with recent changes to the American Bar Association Model Rules of Professional Conduct. The revisions clarify when an attorney shall reveal confidential information and when such disclosure is discretionary, and allows for covered attorneys to make reasonable disclosures necessary to ensure compliance with the Rules of Professional Conduct. The revision contains administrative corrections throughout.

**DATES:** *Comment date*: Interested parties should submit written comments on or before July 1, 2013.

**ADDRESSES:** You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by any of the following methods:

*Federal eRulemaking Portal: http://www.regulations.gov*.

Follow the instructions for submitting comments.

*Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, 2nd floor, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

*Instructions:* All submissions received must include the agency name and docket or RIN number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Catherine K. Chiappetta, JAGC, U.S. Navy, Office of the Judge Advocate General (Administrative Law), Department of the Navy, 1322 Patterson Ave. SE., Suite 3000, Washington Navy Yard, DC 20374–5066, telephone: 703–614–7408.

**SUPPLEMENTARY INFORMATION:**

### Executive Summary

This proposed rule serves as an update to the current 32 CFR Part 776 and replaces current regulations. The revision generally aligns with the American Bar Association Model Rules of Professional Conduct. Significant updates were made to Sec. 776.25 of this part (Confidentiality), clarifying when an attorney shall reveal confidential information and when such disclosure is discretionary. The update to this part also allows covered attorneys to make reasonable disclosures necessary to ensure compliance with the Rules of Professional Conduct. Section 776.26 of this part (Conflicts, generally) was revised to require that a client give informed consent, in writing, when waiving a potential or actual conflict of interest. Section 776.42 of this part (Candor and Obligations Toward the Tribunal) is revised to clearly articulate a covered attorney's responsibility for false evidence presented by a client, witness, or the attorney. Procedural revisions to this part include the addition of the Chief Judge of the Navy as the designated Rules Counsel for professional responsibility matters involving military judges, and the removal of the requirement to route professional responsibility complaints concerning Marine judge advocates through the General Court-Martial Convening Authority. Additional commentary and annotation applicable to the Navy JAG's Professional Responsibility Rules are contained in JAG Instruction 5803.1[series], which can be accessed through *www.jag.navy.mil*.

The DoN is revising 32 CFR Part 776, to comport with current policy as stated in JAG Instruction 5803.1 (Series) governing the professional conduct of attorneys practicing under the cognizance and supervision of the Judge Advocate General. This revision updates the existing part to generally align with the American Bar Association Model Rules of Professional Conduct. Interested persons are invited to comment in writing on this revision. All written comments received will be considered in making the proposed revisions to 32 CFR Part 776. It has been determined that this rule revision is not a major rule within the criteria specified in Executive Order 12866, as amended by Executive Order 13258, and does not have substantial impact on the public.

### Matters of Regulatory Procedure

*Executive Order 12866, ''Regulatory Planning and Review''*

It has been determined that 32 CFR part 776 is not a significant regulatory action. The rule does not:

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

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

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

*Unfunded Mandates Reform Act (Sec. 202, Pub. L. 104–4)*

It has been certified that 32 CFR Part 776 does not contain a Federal mandate that may result in the expenditure by State, local and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year.

*Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)*

It has been certified that 32 CFR Part 776 does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

*Federalism (Executive Order 13132)*

It has been certified that 32 CFR Part 776 does not have federalism implications, as set forth in Executive Order 13132. This rule does not have substantial direct effects on:

(1) The States;

(2) The relationship between the National Government and the States; or

(3) The distribution of power and responsibilities among the various levels of government.

### List of Subjects in 32 CFR Part 776

Rules of Professional Conduct, and Complaint Processing Procedures.

For the reasons set forth in the preamble, revise part 776 to read as follows:

## PART 776—PROFESSIONAL CONDUCT OF ATTORNEYS PRACTICING UNDER THE COGNIZANCE AND SUPERVISION OF THE JUDGE ADVOCATE GENERAL

### Subpart A—General

Sec.
776.1 Purpose.
776.2 Applicability.
776.3 Policy.
776.4 Attorney-client relationships.
776.5 Judicial conduct.
776.6 Conflict.
776.7 Reporting requirements.
776.8 Professional Responsibility Committee.
776.9 Rules Counsel.
776.10 Informal ethics advice.
776.11 Outside practice of law.
776.12 Maintenance of files.
776.13–776.17 [Reserved]

### Subpart B—Rules of Professional Conduct

776.18 Preamble.
776.19 Principles.
776.20 Competence.
776.21 Establishment and scope of representation.
776.22 Diligence.
776.23 Communication.
776.24 Fees.
776.25 Confidentiality of information.
776.26 Conflict of interest: General rule.
776.27 Conflict of interests: Prohibited transactions.
776.28 Conflict of interest: Former client.
776.29 Imputed disqualification: General rule.
776.30 Successive Government and private employment.
776.31 Former judge or arbitrator.
776.32 Department of Navy as client.
776.33 Client with diminished capacity.
776.34 Safekeeping property.
776.35 Declining or terminating representation.
776.36 Prohibited sexual relations.
776.37 Advisor.
776.38 Mediation.
776.39 Evaluation for use by third persons.
776.40 Meritorious claims and contentions.
776.41 Expediting litigation.
776.42 Candor and obligations toward the tribunal.
776.43 Fairness to opposing party and counsel.
776.44 Impartiality and decorum of the tribunal.
776.45 Extra-tribunal statements.
776.46 Attorney as witness.
776.47 Special responsibilities of a trial counsel and other government counsel.
776.48 Advocate in nonadjudicative proceedings.
776.49 Truthfulness in statements to others.
776.50 Communication with person represented by counsel.
776.51 Dealing with an unrepresented person.
776.52 Respect for rights of third persons.
776.53 Responsibilities of the Judge Advocate General and supervisory attorneys.
776.54 Responsibilities of a subordinate attorney.
776.55 Responsibilities regarding non-attorney assistants.
776.56 Professional independence of a covered USG attorney.
776.57 Unauthorized practice of law.
776.58–776.65 [Reserved]
776.66 Bar admission and disciplinary matters.
776.67 Judicial and legal officers.
776.68 Reporting professional misconduct.
776.69 Misconduct.
776.70 Jurisdiction.
776.71 Requirement to remain in good standing with licensing authorities.
776.72–776.75 [Reserved]

### Subpart C—Complaint Processing Procedures

776.76 Policy.
776.77 Related investigations and actions.
776.78 Informal complaints.
776.79 The formal complaint.
776.80 Initial screening.
776.81 Forwarding the Complaint.
776.82 Interim suspension.
776.83 Preliminary inquiry.
776.84 Ethics investigation.
776.85 Effect of separate proceeding.
776.86 Action by the Judge Advocate General.
776.87 Finality.
776.88 Report to licensing authorities.

### Subpart D—Outside Practice of Law

776.89 Background.
776.90 Definition.
776.91 Policy.
776.92 Action.
776.93 Revalidation.
776.94 Outside Law Practice Questionnaire and Request.

### Subpart E—Relations With Non-USG Counsel

776.95 Relations with Non-USG Counsel.

**Authority:** 10 U.S.C. 806, 806a, 826, 827, 1044; Manual for Courts-Martial, United States, 2012; U.S. Navy Regulations, 1990; Department of Defense Instruction 1442.02 (series); Secretary of the Navy Instruction 5430.27 (series), Responsibility of the Judge Advocate General of the Navy and the Staff Judge Advocate to the Commandant of the Marine Corps for Supervision and Provision of Certain Legal Services.

## Subpart A—General

### § 776.1 Purpose.

In furtherance of the authority citations (which, if not found in local libraries, are available from the Office of the Judge Advocate General, 1322 Patterson Avenue SE., Suite 3000, Washington Navy Yard DC 20374–5066), which require the Judge Advocate General of the Navy (JAG) to supervise the performance of legal services under JAG cognizance throughout the Department of the Navy (DoN), this part is promulgated:

(a) To establish Rules of Professional Conduct (subpart B of this part) for attorneys subject to this part;

(b) To establish procedures for receiving, processing, and taking action on complaints of professional misconduct made against attorneys practicing under the supervision of the JAG, whether arising from professional legal activities in DoN proceedings and matters, or arising from other, non-U.S. Government related professional legal activities or personal misconduct that suggests the attorney is ethically, professionally, or morally unqualified to perform legal services within the DoN;

(c) To prescribe limitations on and procedures for processing requests to engage in the outside practice of law by those DoN attorneys practicing under the supervision of the JAG; and

(d) To ensure quality legal services at all proceedings under the cognizance and supervision of the JAG.

### § 776.2 Applicability.

(a) This part applies to all ''covered attorneys'' as defined herein.

(b) ''Covered attorneys'' include:

(1) The following U.S. Government (USG) attorneys, referred to collectively as ''covered USG attorneys'' throughout this part:

(i) All active-duty Navy judge advocates (designator 2500 or 2505) or Marine Corps judge advocates (Military Occupational Specialty (MOS) 4402 or 9914).

(ii) All active-duty judge advocates of other U.S. armed forces who practice law or provide legal services under the cognizance and supervision of the JAG.

(iii) All civil service and contracted civilian attorneys who practice law or perform legal services under the cognizance and supervision of the JAG. This includes civilian attorneys employed by the DoN as Executive Agent for Combatant Commands, and for whom the JAG serves as the ''qualifying authority'' under the authority citations.

(iv) All Reserve or Retired judge advocates of the Navy or Marine Corps (and any other U.S. armed force), who, while performing official DoN duties, practice law, provide legal services under the cognizance and supervision of the JAG or are serving in non-legal MOS billets.

(v) All other attorneys appointed by the JAG (or the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) in Marine Corps matters) to serve in billets or to provide legal services normally provided by Navy or Marine Corps judge advocates. This policy applies to officer and enlisted Reservists, active-duty personnel, and any other personnel who are licensed to practice law by any Federal or state authority but who are not members of

the Judge Advocate General's Corps or who do not hold the 4402 or 9914 MOS designation in the Marine Corps.

(vi) All qualified volunteer attorneys that have been certified as legal assistance attorneys by the JAG, or his designee, pursuant to the authority citations.

(2) The following non-U.S. Government attorneys, referred to collectively as ''covered non-USG attorneys'' throughout this part:

(i) All civilian attorneys representing individuals in any matter for which the JAG is charged with supervising the provision of legal services. These matters include, but are not limited to, courts-martial, administrative separation boards or hearings, boards of inquiry, and disability evaluation proceedings.

(3) The term ''covered attorney'' does not include those civil service or civilian attorneys who practice law or perform legal services under the cognizance and supervision of the General Counsel of the Navy.

(c) Professional or personal misconduct unrelated to a covered attorney's DoN activities, while normally outside the ambit of Subpart B of this part, may be reviewed under procedures established herein and may provide the basis for decisions by the JAG regarding the covered attorney's continued qualification to provide legal services in DoN matters.

(d) Although subpart B of this part do not apply to non-attorneys, they do define the type of ethical conduct that the public and the military community have a right to expect from DoN legal personnel. Accordingly, Subpart B of this part shall serve as the model of ethical conduct for the following personnel when involved with the delivery of legal services under the supervision of the JAG:

(1) Navy Legalmen and Marine Corps legal administrative officers, legal service specialists, and legal services reporters;

(2) Limited duty officers (LAW);

(3) Legal interns; and

(4) Civilian support personnel including paralegals, legal secretaries, legal technicians, secretaries, court reporters, and other personnel holding similar positions. Covered USG attorneys who supervise non-attorney DoN employees are responsible for their ethical conduct to the extent provided for in § 776.55 of this part.

**§ 776.3 Policy.**

(a) Covered attorneys shall maintain the highest standards of professional ethical conduct. Loyalty and fidelity to the United States, the law, clients, both institutional and individual, and the rules and principles of professional ethical conduct set forth in subpart B of this part must come before private gain or personal interest.

(b) Subpart B of this part and related procedures set forth herein concern matters solely under the purview of the JAG. Whether conduct or failure to act constitutes a violation of the professional duties imposed by this part is a matter within the sole discretion of the JAG or officials authorized to act for the JAG. Subpart B of this part are not substitutes for, and do not take the place of, other rules and standards governing DoN personnel, such as the Department of Defense Joint Ethics Regulation, the Code of Conduct for members of the Armed Forces, the Uniform Code of Military Justice (UCMJ), and the general precepts of ethical conduct to which all DoN service members and employees are expected to adhere. Similarly, action taken per this part is not supplanted or barred by, and does not, even if the underlying misconduct is the same, supplant or bar the following action from being taken by authorized officials:

(1) Punitive or disciplinary action under the UCMJ; or

(2) Administrative action under the Manual for Courts-Martial (MCM), U.S. Navy Regulations, or under other applicable authority.

(c) Inquiries into allegations of professional misconduct will normally be held in abeyance until any related criminal investigation or proceeding is complete. However, a pending criminal investigation or proceeding does not bar the initiation or completion of a professional misconduct investigation stemming from the same or related conduct or prevent the JAG from imposing professional disciplinary sanctions as provided for in this part.

**§ 776.4 Attorney-client relationships.**

(a) The executive agency to which the covered USG attorney is assigned (DoN in most cases) is the client served by the covered USG attorney unless detailed to represent another client by competent authority. Specific guidelines are contained in § 776.32 of this part.

(b) Covered USG attorneys will not establish attorney-client relationships with any individual unless detailed, assigned, or otherwise authorized to do so by competent authority. Wrongfully establishing an attorney-client relationship may subject the attorney to discipline administered per this part. See § 776.21 of this part.

(c) Employment of a non-USG attorney by an individual client does not alter the professional responsibilities of a covered USG attorney detailed or otherwise assigned by competent authority to represent that client. Specific guidance is set forth in subpart E.

**§ 776.5 Judicial conduct.**

To the extent that it does not conflict with statutes, regulations, or this part, the current version of the American Bar Association Model Code of Judicial Conduct (as amended), hereafter referred to as the 'Code of Judicial Conduct,' applies to all military and appellate judges and to all other covered USG attorneys performing judicial functions under the JAG's supervision within the DoN.

**§ 776.6 Conflict.**

(a) To the extent that a conflict exists between this part and the rules of other jurisdictions that regulate the professional conduct of attorneys, this part will govern the conduct of covered attorneys engaged in legal functions under JAG cognizance and supervision. Specific and significant instances of conflict between the rules contained in subpart B of this part and the rules of other jurisdictions shall be reported promptly to the Rules Counsel (see § 776.9 of this part), via the supervisory attorney. See § 776.53 of this part.

(b) In the case of Navy and Marine Corps personnel engaged in legal functions under Department of Defense (DoD) vice JAG cognizance and supervision (e.g., DoD Office of Military Commissions), this part and the applicable DoD professional responsibility rules apply. In such a case, to the extent that a conflict exists between Subpart B of this part and applicable DoD professional responsibility rules, the DoD rules shall take precedence.

**§ 776.7 Reporting requirements.**

Covered USG attorneys shall report promptly to the Rules Counsel (see § 776.9 of this part) any disciplinary or administrative action, including initiation of investigation, by any licensing authority or Federal, State, or local bar, possessing the power to revoke, suspend, or in any way limit the authority to practice law in that jurisdiction, upon himself, herself, or another covered attorney. Failure to report such discipline or administrative action may subject the covered USG attorney to discipline administered per this part. See § 776.71 of this part.

**§ 776.8 Professional Responsibility Committee.**

(a) *Composition.* This standing committee will consist of the Assistant Judge Advocate General (AJAG) for Military Justice; the Deputy Chiefs of

Staff for Naval Legal Service Offices (or Defense Services Offices, effective 1 October 2012), and Region Legal Service Offices; the Chief Judge, Navy-Marine Corps Trial Judiciary; and in cases involving Marine Corps judge advocates, the Deputy Staff Judge Advocate to the Commandant of the Marine Corps (DSJA to CMC); and such other personnel as the JAG from time-to-time may appoint. A majority of the members constitutes a quorum. The Chairman of the Committee shall be the AJAG for Military Justice. The Chairman may excuse members disqualified for cause, illness, or exigencies of military service, and may appoint additional or alternate members on a permanent basis.

(b) *Purpose.* (1) When requested by the JAG, the SJA to CMC, or the Rules Counsel, the Committee will provide formal advisory opinions to the JAG regarding application of subpart B of this part to individual or hypothetical cases.

(2) On its own motion, the Committee may also issue formal advisory opinions on ethical issues of importance to the DoN legal community.

(3) Upon written request, the Committee may also provide formal advisory opinions to covered attorneys about the propriety of proposed courses of action under subpart B of this part. If such requests are predicated upon full disclosure of all relevant facts, and if the Committee advises that the proposed course of conduct does not violate subpart B of this part, then no adverse action under this instruction may be taken against a covered attorney who acts consistently with the Committee's advice. Such requests must be made via the Rules Counsel.

(4) The Chairman will forward copies of all opinions issued by the Committee to the Rules Counsel.

(c) *Limitation.* The Committee will not normally provide ethics advice or opinions concerning professional responsibility matters that are then the subject of litigation.

**§ 776.9 Rules Counsel.**

Appointed by JAG to act as special assistants for the administration of subpart B of this part, the Rules Counsel derive authority from JAG and, as detailed in this part, have ''by direction'' authority. The Rules Counsel shall cause opinions issued by the Professional Responsibility Committee of general interest to the DoN legal community to be published in summarized, non-personal form in suitable publications. Unless another officer is appointed by JAG to act in individual cases, the following officers shall act as Rules Counsel:

(a) The SJA to CMC, for cases involving Marine Corps judge advocates, or civil service and contracted civilian attorneys who perform legal services under his cognizance;

(b) Assistant Judge Advocate General, Chief Judge, DoN (AJAG–CJ) for cases involving Navy and Marine Corps trial and appellate judges; and

(c) AJAG (Civil Law), in all other cases.

**§ 776.10 Informal ethics advice.**

(a) *Advisors.* Covered attorneys may seek informal ethics advice either from the officers named below or from supervisory attorneys in the field. Within the Office of the Judge Advocate General (OJAG) and the Office of the SJA to CMC, the following officials are designated to respond, either orally or in writing, to informal inquiries concerning this instruction in the areas of practice indicated:

(1) Director, Criminal Law Division (OJAG Code 20): Military justice matters;

(2) Director, Trial Counsel Assistance Program (TCAP): Trial counsel matters;

(3) Director, Defense Counsel Assistance Program (DCAP): Defense counsel matters;

(4) Director, Legal Assistance Division (OJAG Code 16): Legal assistance matters;

(5) The DSJA to CMC and Head, Research and Civil Law Branch (JAR), Judge Advocate (JA) Division, Headquarters United States Marine Corps (HQMC): Cases involving Marine Corps judge advocates, or civil service and contracted civilian attorneys who perform legal services under the cognizance and supervision of SJA to CMC;

(6) Deputy Chief Judge, Navy-Marine Corps Trial Judiciary: judicial matters; and

(7) Professional Responsibility Coordinator, Administrative Law Division (OJAG Code 13): all other matters.

(b) *Limitation.* Informal ethics advice will not normally be provided by JAG/HQMC advisors concerning professional responsibility matters that are then the subject of litigation.

(c) *Written advice.* A request for informal advice does not relieve the requester of the obligation to comply with subpart B of this part.

(1) Although covered attorneys are encouraged to seek advice when in doubt as to their responsibilities, they remain personally accountable for their professional conduct. If, however, an attorney receives written advice on an ethical matter after full disclosure of all relevant facts and reasonably relies on such advice, no adverse action under this part will be taken against the attorney. Written advice may be sought from either a supervisory attorney or the appropriate advisor in paragraph (a) of this section.

(b) The JAG is not bound by unwritten advice or by advice provided by personnel who are not supervisory attorneys or advisors. See § 776.8(b)(3) and § 776.54(c) of this part.

**§ 776.11 Outside practice of law.**

A covered USG attorney's primary professional responsibility is to the client, as defined by § 776.4 of this part, and he or she is expected to ensure that representation of such client is free from conflicts of interest and otherwise conforms to the requirements of Subpart B of this part and other regulations concerning the provision of legal services within the DoN. The outside practice of law, therefore, must be carefully monitored. Covered USG attorneys who wish to engage in the outside practice of law, including while on terminal leave, must first obtain permission from the JAG. Failure to obtain permission before engaging in the outside practice of law may subject the covered USG attorney to administrative or disciplinary action, including professional sanctions administered per subpart C of this part. Further details are contained in § 776.57 and subpart D of this part.

**§ 776.12 Maintenance of files.**

Pursuant to SECNAVINST 5211.5 (series) and SECNAVINST 5212.5 (series) ethics complaint records and outside practice of law request files shall be maintained by the Office of the Chief Judge, DoN (Code 05) for judicial conduct matters; the Research and Civil Law Branch, JA Division, HQMC (JAR) for Marine matters; and the Office of the JAG, Administrative Law Division (Code 13) for all other matters.

(a) Requests for access to such records should be referred to the Office of the Chief Judge, Washington Navy Yard, 1254 Charles Morris Street SE., Suite 320, Washington, DC, 20374–5124; Deputy Assistant Judge Advocate General (Administrative Law), Office of the Judge Advocate General (Code 13), 1322 Patterson Avenue SE., Suite 3000, Washington Navy Yard, DC 20374–5066; or to Head, Research and Civil Law Branch, Office of the Staff Judge Advocate to the Commandant of the Marine Corps, Headquarters United States Marine Corps, 3000 Marine Corps

Pentagon (Room 4D556), Washington, DC 20350–3000, as appropriate.

(b) Local command files regarding professional responsibility complaints will not be maintained. Commanding officers and other supervisory attorneys may, however, maintain personal files but must not share their contents with others.

(c) All records maintained under this part shall be maintained in accordance with the following procedures established by JAGINST 5801.2 (series) and DON Privacy Act Notice N05813–1:

(1) Records shall be maintained for a minimum of two years;

(2) Records shall be maintained for as long as an attorney remains subject to JAG-imposed limitations on practice; and

(3) Records pertaining to unsubstantiated complaints, or to attorneys who are no longer subject to limitation on practice, shall be destroyed after 10 years.

**§ 776.13–776.17 [Reserved]**

## Subpart B—Rules of Professional Conduct

**§ 776.18 Preamble.**

(a) A covered attorney is a representative of clients, an officer of the legal system, an officer of the Federal Government, and a public citizen who has a special responsibility for the quality of justice and legal services provided to the DoN and to individual clients. These Rules of Professional Conduct (Subpart B of this part) govern the ethical conduct of covered attorneys practicing under the Uniform Code of Military Justice, the MCM, 10 U.S.C. 1044 (Legal Assistance), other laws of the United States, and regulations of the DoN.

(b) Subpart B of this part not only address the professional conduct of judge advocates, but also apply to all other covered attorneys who practice under the cognizance and supervision of the Navy JAG.

(c) All covered attorneys are subject to professional disciplinary action, as outlined in this part, for violation of subpart B of this part. Action on allegations of professional or personal misconduct undertaken per Subpart B of this part does not prevent other Federal, state, or local bar associations, or other licensing authorities, from taking professional disciplinary or other administrative action for the same or similar conduct.

**§ 776.19 Principles.**

Subpart B of this part is based on the following principles. Interpretation of subpart B of this part should flow from their common meaning. To the extent that any ambiguity or conflict exists, subpart B of this part should be interpreted consistent with these general principles.

(a) Covered attorneys shall:

(1) Obey the law and applicable military regulations, and counsel clients to do so.

(2) Follow all applicable ethics rules.

(3) Protect the legal rights and interests of clients, organizational and individual.

(4) Be honest and truthful in all dealings.

(5) Not derive personal gain, except as authorized, for the performance of legal services.

(6) Maintain the integrity of the legal profession.

(b) Ethical rules should be consistent with law. If law and ethics conflict, the law prevails unless an ethical rule is constitutionally based.

(c) The military criminal justice system is a truth-finding process consistent with constitutional law.

**§ 776.20 Competence.**

(a) *Competence.* A covered attorney shall provide competent, diligent, and prompt representation to a client. Competent representation requires the legal knowledge, skill, access to evidence, thoroughness, and expeditious preparation reasonably necessary for representation. Initial determinations as to competence of a covered USG attorney for a particular assignment shall be made by a supervising attorney before case or issue assignments; however, assigned attorneys may consult with supervisors concerning competence in a particular case.

(b) [Reserved]

**§ 776.21 Establishment and scope of representation.**

(a) *Establishment and scope of representation.* Formation of attorney-client relationships by covered USG attorneys with, and representation of, clients is permissible only when the attorney is authorized to do so by competent authority. For purposes of this part, Military Rules of Evidence 502, the Manual of the Judge Advocate General (JAGINST 5800.7 series), and the Naval Legal Service Command Manual (COMNAVLEGSVCCOMINST 5800.1 series), generally define when an attorney-client relationship is formed between a covered USG attorney and a client servicemember, dependent, or employee.

(b) Generally, the subject matter scope of a covered attorney's representation will be consistent with the terms of the assignment to perform specific representational or advisory duties. A covered attorney shall inform clients at the earliest opportunity of any limitations on representation and professional responsibilities of the attorney towards the client.

(c) A covered attorney shall follow the client's well-informed and lawful decisions concerning case objectives, choice of counsel, forum, pleas, whether to testify, and settlements.

(d) A covered attorney's representation of a client does not constitute an endorsement of the client's political, economic, social, or moral views or activities.

(e) A covered attorney shall not counsel or assist a client to engage in conduct that the attorney knows is criminal or fraudulent, but a covered attorney may discuss the legal and moral consequences of any proposed course of conduct with a client, and may counsel or assist a client in making a good faith effort to determine the validity, scope, meaning, or application of the law.

(f) [Reserved]

**§ 776.22 Diligence.**

(a) *Diligence.* A covered attorney shall act with reasonable diligence and promptness in representing a client, and shall consult with a client as soon as practicable and as often as necessary upon being assigned to the case or issue.

(b) [Reserved]

**§ 776.23 Communication.**

(a) *Communication.* A covered attorney shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

(b) A covered attorney shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

(c) [Reserved]

**§ 776.24 Fees.**

(a) *Fees.* A covered USG attorney shall not accept any salary, fee, compensation, or other payments or benefits, directly or indirectly, other than Government compensation, for services provided in the course of the covered USG attorney's official duties or employment.

(b) A covered USG attorney shall not accept any salary or other payments as compensation for legal services rendered, by that covered USG attorney in a private capacity, to a client who is eligible for assistance under the DoN Legal Assistance Program, unless so authorized by the JAG. This rule does

not apply to Reserve or Retired judge advocates not then serving on extended active-duty.

(c) A Reserve or Retired judge advocate, whether or not serving on extended active-duty, who has initially represented or interviewed a client or prospective client concerning a matter as part of the attorney's official Navy or Marine Corps duties, shall not accept any salary or other payments as compensation for services rendered to that client in a private capacity concerning the same general matter for which the client was seen in an official capacity, unless so authorized by the JAG.

(d) Covered non-USG attorneys may charge fees. Fees shall be reasonable. Factors considered in determining the reasonableness of a fee include the following:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the attorney;

(3) The fee customarily charged in the locality for similar legal services;

(4) The amount involved and the results obtained;

(5) The time limitations imposed by the client or by the circumstances;

(6) The nature and length of the professional relationship with the client;

(7) The experience, reputation, and ability of the attorney or attorneys performing the services; and

(8) Whether the fee is fixed or contingent.

(e) When the covered non-USG attorney has not regularly represented the client, the basis or rate of the fee shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation.

(f) A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by paragraph (a)(7) of this section or other law. A contingent fee agreement shall be in writing and shall state the method by which the fee is to be determined, including the percentage or percentages that shall accrue to the covered non-USG attorney in the event of settlement, trial or appeal, litigation and other expenses to be deducted from the recovery, and whether such expenses are to be deducted before or after the contingent fee is calculated. Upon conclusion of a contingent fee matter, the covered non-USG attorney shall provide the client with a written statement stating the outcome of the matter and, if there is a recovery, showing the remittance to the client and the method of its determination.

(g) A covered non-USG attorney shall not enter into an arrangement for, charge, or collect a contingent fee for representing an accused in a criminal case.

(h) A division of fees between covered non-USG attorneys who are not in the same firm may be made only if:

(1) The division is in proportion to the services performed by each attorney or, by written agreement with the client, each attorney assumes joint responsibility for the representation;

(2) The client is advised of and does not object to the participation of all the attorneys involved; and

(3) The total fee is reasonable.

(i) *Covered Non-USG Attorneys.* Paragraphs (d) through (h) of this section apply only to private civilian attorneys practicing in proceedings conducted under the cognizance and supervision of the JAG. The primary purposes of paragraphs (d) through (h) of this section are not to permit the JAG to regulate fee arrangements between civilian attorneys and their clients but to provide guidance to covered USG attorneys practicing with non-USG attorneys and to supervisory attorneys who may be asked to inquire into alleged fee irregularities. Absent paragraphs (d) through (h) of this section, such supervisory attorneys have no readily available standard against which to compare allegedly questionable conduct of a civilian attorney.

**§ 776.25 Confidentiality of information.**

(a) Confidentiality of information. A covered attorney shall not reveal information relating to representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b) of this section.

(b) A covered attorney shall reveal information relating to the representation of a client to the extent the covered attorney reasonably believes necessary:

(1) To prevent reasonably certain death or substantial bodily harm; or

(2) To prevent the client from committing a criminal act that the covered attorney reasonably believes is likely to result in the significant impairment of national security or the readiness or capability of a military unit, vessel, aircraft, or weapon system.

(c) A covered attorney may reveal such information to the extent the covered attorney reasonably believes necessary:

(1) To secure legal advice about the covered attorney's compliance with Subpart B of this part;

(2) To establish a claim or defense on behalf of the covered attorney in a controversy between the covered attorney and the client, to establish a defense to a criminal charge or civil claim against the covered attorney based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the attorney's representation of the client; and/or

(3) To comply with other law or a court order.

(d) Examples of conduct likely to result in the significant impairment of national security or the readiness or capability of a military unit, vessel, aircraft, or weapon system include: Divulging the classified location of a special operations unit such that the lives of members of the unit are placed in immediate danger; sabotaging a vessel or aircraft to the extent that the vessel or aircraft could not conduct an assigned mission, or that the vessel or aircraft and crew could be lost; and compromising the security of a weapons site such that the weapons are likely to be stolen or detonated. Paragraph (b) of this section is not intended to and does not mandate the disclosure of conduct that may have a slight impact on the readiness or capability of a unit, vessel, aircraft, or weapon system. Examples of such conduct are: Absence without authority from a peacetime training exercise; intentional damage to an individually assigned weapon; and intentional minor damage to military property.

**§ 776.26 Conflict of interest: General rule.**

(a) *Conflict of interest:* General rule. Except as provided by paragraph (b) of this section, a covered attorney shall not represent a client if the representation of that client involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) The representation of one client will be directly adverse to another client; or

(2) There is a significant risk that the representation of one or more clients will be materially limited by the covered attorney's responsibilities to another client, a former client or a third person or by a personal interest of the covered attorney.

(b) Notwithstanding the existence of a concurrent conflict of interest under

paragraph (a) of this section, a covered attorney may represent a client if:

(1) The covered attorney reasonably believes that the covered attorney will be able to provide competent and diligent representation to each affected client;

(2) The representation is not prohibited by law or regulation;

(3) The representation does not involve the assertion of a claim by one client against another client represented by the covered attorney in the same litigation or other proceeding before a tribunal; and

(4) Each affected client gives informed consent, confirmed in writing.

(c) *Reserve or Retired Judge Advocates.* These conflict-of-interest rules apply to Reservists only while they are actually drilling or on active-duty-for-training, or, as is the case with Retirees, on extended active-duty or when performing other duties subject to JAG supervision. Therefore, unless otherwise prohibited by criminal conflict-of-interest statutes, Reserve or Retired attorneys providing legal services in their civilian capacity may represent clients, or work in firms whose attorneys represent clients, with interests adverse to the United States.

(1) Reserve judge advocates who, in their civilian capacities, represent persons whose interests are adverse to the DoN will provide written notification to their supervisory attorney and commanding officer, detailing their involvement in the matter.

(2) Reserve judge advocates shall refrain from undertaking any official action or representation of the DoN with respect to any particular matter in which they are providing representation or services to other clients.

**§ 776.27 Conflict of interests: Prohibited transactions.**

(a) *Conflict of interests: Prohibited transactions.* Covered USG attorneys shall strictly adhere to current DoD Ethics Regulations and shall not:

(1) Knowingly enter into any business transactions on behalf of, or adverse to, a client's interest that directly or indirectly relate to or result from the attorney-client relationship; or

(2) Provide any financial assistance to a client or otherwise serve in a financial or proprietorial fiduciary or bailment relationship, unless otherwise specifically authorized by competent authority.

(b) No covered attorney shall:

(1) Use information relating to representation of a client to the disadvantage of the client unless the client consents after consultation, except as permitted or required by Subpart B of this part;

(2) Prepare an instrument giving the covered attorney or a person related to the covered attorney as parent, child, sibling, or spouse any gift from a client, including a testamentary gift, except where the client is related to the donee;

(3) In the case of covered non-USG attorneys, accept compensation for representing a client from one other than the client unless the client consents after consultation, there is no interference with the covered attorney's independence of professional judgment or with the attorney-client relationship, and information relating to representation of a client is protected as required by § 776.25 of this part;

(4) Negotiate any settlement on behalf of multiple clients in a single matter unless each client provides fully informed consent;

(5) Prior to the conclusion of representation of the client, make or negotiate an agreement giving a covered attorney literary or media rights for a portrayal or account based in substantial part on information relating to representation of a client;

(6) Represent a client in a matter directly adverse to a person whom the covered attorney knows is represented by another attorney who is related as parent, child, sibling, or spouse to the covered attorney, except upon consent by the client after consultation regarding the relationship; or

(7) Acquire a proprietary interest in the cause of action or subject matter of litigation the covered attorney is conducting for a client.

(c) [Reserved]

**§ 776.28 Conflict of interest: Former client.**

(a) *Conflict of interest: Former client.* A covered attorney who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client, unless the former client gives informed consent, confirmed in writing.

(b) A covered attorney who has formerly represented a client in a matter shall not thereafter:

(1) Use information relating to the representation to the disadvantage of the former client or to the covered attorney's own advantage, except as Subpart B of this part would permit or require with respect to a client, or when the information has become generally known; or

(2) Reveal information relating to the representation except as subpart B of this part would permit or require with respect to a client.

(c) [Reserved]

**§ 776.29 Imputed disqualification: General rule.**

(a) *Imputed disqualification: General rule.* Covered USG attorneys working in the same military law office are not automatically disqualified from representing a client because any of them practicing alone would be prohibited from doing so by § 776.26, § 776.27, § 776.28, or § 776.38 of this part. Covered non-USG attorneys must consult their federal, state, and local bar rules governing the representation of multiple or adverse clients within the same office before such representation is initiated, as such representation may expose them to disciplinary action under the rules established by their licensing authorities.

(b)(1) The circumstances of military (or Government) service may require representation of opposing sides by covered USG attorneys working in the same law office. Such representation is permissible so long as conflicts of interests are avoided and independent judgment, zealous representation, and protection of confidences are not compromised. Thus, the principle of imputed disqualification is not automatically controlling for covered USG attorneys. The knowledge, actions, and conflicts of interests of one covered USG attorney are not imputed to another simply because they operate from the same office. For example, the fact that a number of defense attorneys operate from one office and normally share clerical assistance would not prohibit them from representing co-accused at trial by court-martial. Imputed disqualification rules for non-USG attorneys are established by their individual licensing authorities and may well proscribe all attorneys from one law office from representing a co-accused, or a party with an adverse interest to an existing client, if any attorney in the same office were so prohibited.

(2) Whether a covered USG attorney is disqualified requires a functional analysis of the facts in a specific situation. The analysis should include consideration of whether the following will be compromised: Preserving attorney-client confidentiality; maintaining independence of judgment; and avoiding positions adverse to a client. See, e.g., *U.S.* v. *Stubbs,* 23 M.J. 188 (CMA 1987).

(3) Preserving confidentiality is a question of access to information. Access to information, in turn, is essentially a question of fact in a particular circumstance, aided by inferences, deductions, or working presumptions that reasonably may be made about the way in which covered

USG attorneys work together. A covered USG attorney may have general access to files of all clients of a military law office (e.g., legal assistance attorney) and may regularly participate in discussions of their affairs; it may be inferred that such a covered USG attorney in fact is privy to all information about all the office's clients. In contrast, another covered USG attorney (e.g., military defense counsel) may have access to the files of only a limited number of clients and participate in discussion of the affairs of no other clients; in the absence of information to the contrary, it should be inferred that such a covered USG attorney in fact is privy to information about the clients actually served but not to information of other clients. Additionally, a covered USG attorney changing duty stations or changing assignments within a military office has a continuing duty to preserve confidentiality of information about a client formerly represented. See § 776.25 and § 776.28 of this part.

(4) In military practice, where covered USG attorneys representing adverse interests are sometimes required to share common spaces, equipment, and clerical assistance, inadvertent disclosure of confidential or privileged material may occur. A covered attorney who mistakenly receives any such confidential or privileged materials should refrain from reviewing them (except for the limited purpose of ascertaining ownership or proper routing), notify the attorney to whom the material belongs that he or she has such material, and either follow instructions of the attorney with respect to the disposition of the materials or refrain from further reviewing or using the materials until a definitive resolution of the proper disposition of the materials is obtained from a court. A covered attorney's duty to provide his or her client zealous representation does not justify a rule allowing the receiving attorney to take advantage of inadvertent disclosures of privileged and/or confidential materials. This policy recognizes and reinforces the principles of: Confidentiality and the attorney-client privilege; analogous principles governing the inadvertent waiver of the attorney-client privilege; the law governing bailments and missent property; and considerations of common sense, reciprocity, and professional courtesy.

(5) Maintaining independent judgment allows a covered USG attorney to consider, recommend, and carry out any appropriate course of action for a client without regard to the covered USG attorney's personal interests or the interests of another. When such independence is lacking or unlikely, representation cannot be zealous.

(6) Another aspect of loyalty to a client is the general obligation of any attorney to decline subsequent representations involving positions adverse to a former client in substantially related matters. This obligation normally requires abstention from adverse representation by the individual covered attorney involved, but, in the military legal office, abstention is not required by other covered USG attorneys through imputed disqualification.

**§ 776.30 Successive Government and private employment.**

(a) *Successive Government and private employment.* Except as the law or regulations may otherwise expressly permit, a former covered USG attorney, who has information known to be confidential Government information about a person that was acquired while a covered USG attorney, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. The former covered USG attorney may continue association with a firm, partnership, or association representing any such client only if the disqualified covered USG attorney is screened from any participation in the matter and is apportioned no part of the fee or any other benefit therefrom.

(1) The disqualified former covered USG attorney must ensure that he or she is screened from any participation in the matter and is apportioned no part of the fee or any other benefit therefrom; and,

(2) Must provide written notice promptly to the appropriate Government agency to enable it to ascertain compliance with the provisions of applicable law and regulations.

(b) Except as the law or regulations may otherwise expressly permit, a former covered USG attorney, who has information known to be confidential Government information about a person which was acquired while a covered USG attorney, may not represent a private client whose interests are adverse to that person in a matter in which the information could be used to the material disadvantage of that person. The former covered USG attorney may continue association with a firm, partnership, or association representing any such client only if the disqualified covered USG attorney is screened from any participation in the matter and is apportioned no part of the fee or any other benefit therefrom.

(c) Except as the law or regulations may otherwise expressly permit, a covered USG attorney shall not:

(1) Participate in a matter in which the covered USG attorney participated personally and substantially while in private practice or nongovernmental employment, unless under applicable law no one is, or by lawful delegation may be, authorized to act in the covered USG attorney's stead in the matter; or,

(2) Negotiate for private employment with any person who is involved as a party or as attorney for a party in a matter in which the covered USG attorney is participating personally and substantially.

(d) As used in this Rule, the term ''matter'' includes:

(1) Any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties, and

(2) Any other matter covered by the conflict-of-interest rules of the DoD, DoN, or other appropriate Government agency.

(e) As used in the Rule, the term ''confidential Governmental information'' means information that has been obtained under Governmental authority and that, at the time this Rule is applied, the Government is prohibited by law or regulations from disclosing to the public or has a legal privilege not to disclose, and that is not otherwise available to the public.

(f) [Reserved]

**§ 776.31 Former judge or arbitrator.**

(a) *Former judge or arbitrator.* Except as stated in paragraph (c) of this section, a covered USG attorney shall not represent anyone in connection with a matter in which the covered USG attorney participated personally and substantially as a judge or other adjudicative officer, arbitrator, or law clerk to such a person, unless all parties to the proceeding give informed consent, confirmed in writing.

(b) A covered USG attorney shall not negotiate for employment with any person who is involved as a party or as attorney for a party in a matter in which the covered USG attorney is participating personally and substantially as a judge or other adjudicative officer. A covered USG attorney serving as law clerk to a judge, other adjudicative officer, or arbitrator may negotiate for employment with a party or attorney involved in a matter in which the clerk is participating

personally and substantially, but only after the covered USG attorney has notified the judge, other adjudicative officer, or arbitrator, and been disqualified from further involvement in the matter.

(c) An arbitrator selected as a partisan of a party in a multi-member arbitration panel is not prohibited from subsequently representing that party.

(d) [Reserved]

**§ 776.32 Department of the Navy as client.**

(a) *Department of the Navy as client.* Except when representing an individual client pursuant to paragraph (f) of this section, a covered USG attorney represents the DoN (or the Executive agency to which assigned) acting through its authorized officials. These officials include the heads of organizational elements within the naval service, such as the commanders of fleets, divisions, ships and other heads of activities. When a covered USG attorney is assigned to such an organizational element and designated to provide legal services to the head of the organization, an attorney-client relationship exists between the covered attorney and the DoN as represented by the head of the organization as to matters within the scope of the official business of the organization. The head of the organization may not invoke the attorney-client privilege or the rule of confidentiality for the head of the organization's own benefit but may invoke either for the benefit of the DoN. In invoking either the attorney-client privilege or attorney-client confidentiality on behalf of the DoN, the head of the organization is subject to being overruled by higher authority.

(b) If a covered USG attorney knows that an officer, employee, or other member associated with the organizational client is engaged in action, intends to act or refuses to act in a matter related to the representation that is either adverse to the legal interests or obligations of the DoN or a violation of law that reasonably might be imputed to the DoN, the covered USG attorney shall proceed as is reasonably necessary in the best interest of the naval service. In determining how to proceed, the covered USG attorney shall give due consideration to the seriousness of the violation and its consequences, the scope and nature of the covered USG attorney's representation, the responsibility in the naval service and the apparent motivation of the person involved, the policies of the naval service concerning such matters, and any other relevant considerations. Any measures taken shall be designed to minimize prejudice to the interests of the naval service and the risk of revealing information relating to the representation to persons outside the service. Such measures shall include:

(1) Asking for reconsideration of the matter by the acting official;

(2) Advising that a separate legal opinion on the matter be sought for presentation to appropriate authority in the naval service;

(3) Referring the matter to, or seeking guidance from, higher authority in the chain of command including, if warranted by the seriousness of the matter, referral to the supervisory attorney assigned to the staff of the acting official's next superior in the chain of command; or

(4) Advising the acting official that his or her personal legal interests are at risk and that he or she should consult counsel as there may exist a conflict of interest for the covered USG attorney, and the covered USG attorney's responsibility is to the organization.

(c) If, despite the covered USG attorney's efforts per paragraph (b) of this section, the highest authority that can act concerning the matter insists upon action or refuses to act, in clear violation of law, the covered USG attorney shall terminate representation with respect to the matter in question. In no event shall the attorney participate or assist in the illegal activity. In this case, a covered USG attorney shall report such termination of representation to the attorney's supervisory attorney or attorney representing the next superior in the chain of command.

(d) In dealing with the officers, employees, or members of the naval service a covered USG attorney shall explain the identity of the client when it is apparent that the naval service's interests are adverse to those of the officer, employee, or member.

(e) A covered USG attorney representing the naval service may also represent any of its officers, employees, or members, subject to the provisions of § 776.26 of this part and other applicable authority. If the DoN's consent to dual representation is required by § 776.26 of this part, the consent shall be given by an appropriate official of the DoN other than the individual who is to be represented.

(f) A covered USG attorney who has been duly assigned to represent an individual who is subject to criminal or disciplinary action or administrative proceedings, or to provide legal assistance to an individual, has, for those purposes, an attorney-client relationship with that individual.

(g) [Reserved]

**§ 776.33 Client with diminished capacity.**

(a) *Client with diminished capacity.* When a client's capacity to make adequately considered decisions in connection with the representation is diminished, whether because of minority, mental impairment, or for some other reason, the covered attorney shall, as far as reasonably possible, maintain a normal attorney-client relationship with the client.

(b) When the covered attorney reasonably believes that the client has diminished capacity, is at risk of substantial physical, financial, or other harm unless action is taken and cannot adequately act in the client's own interest, the covered attorney may take reasonably necessary protective action, including consulting with individuals or entities that have the ability to take action to protect the client.

(c) Information relating to the representation of a client with diminished capacity is protected by § 776.25 of this part. When taking protective action pursuant to paragraph (b) of this section, the covered attorney is impliedly authorized under § 776.25(a) of this part to reveal information about the client, but only to the extent reasonably necessary to protect the client's interests.

(d) [Reserved]

**§ 776.34 Safekeeping property.**

(a) *Safekeeping property.* Covered USG attorneys shall not normally hold or safeguard property of a client or third persons in connection with representational duties. See § 776.27 of this part.

(b) [Reserved]

**§ 776.35 Declining or terminating representation.**

(a) *Declining or terminating representation.* Except as stated in paragraph (c) of this section, a covered attorney shall not represent a client or, when representation has commenced, shall seek to withdraw from the representation of a client if:

(1) The representation will result in violation of subpart B of this part or other law or regulation;

(2) The covered attorney's physical or mental condition materially impairs his or her ability to represent the client; or

(3) The covered attorney is dismissed by the client.

(b) Except as stated in paragraph (c) of this section, a covered attorney may seek to withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if:

(1) The client persists in a course of action involving the covered attorney's

services that the covered attorney reasonably believes is criminal or fraudulent;

(2) The client has used the covered attorney's services to perpetrate a crime or fraud;

(3) The client insists upon pursuing an objective that the covered attorney considers repugnant or imprudent;

(4) In the case of covered non-USG attorneys, the representation will result in an unreasonable financial burden on the attorney or has been rendered unreasonably difficult by the client; or

(5) Other good cause for withdrawal exists.

(c) A covered attorney must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. When ordered to do so by a tribunal or other competent authority, a covered attorney shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a covered attorney shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for assignment or employment of other counsel, and surrendering papers and property to which the client is entitled and, where a non-USG attorney provided representation, refunding any advance payment of fee that has not been earned. The covered attorney may retain papers relating to the client to the extent permitted by law.

(e) [Reserved]

**§ 776.36 Prohibited sexual relations.**

(a) *Prohibited sexual relations.* A covered attorney shall not have sexual relations with a current client. A covered attorney shall not require, demand, or solicit sexual relations with a client incident to any professional representation.

(b) A covered attorney shall not engage in sexual relations with another attorney currently representing a party whose interests are adverse to those of a client currently represented by the covered attorney.

(c) A covered attorney shall not engage in sexual relations with a judge who is presiding or who is likely to preside over any proceeding in which the covered attorney will appear in a representative capacity.

(d) A covered attorney shall not engage in sexual relations with other persons involved in the particular case, judicial or administrative proceeding, or other matter for which representation has been established, including but not limited to witnesses, victims, co-accused, and court-martial or board members.

(e) For purposes of this Rule, ''sexual relations'' means:

(1) Sexual intercourse; or

(2) Any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the covered attorney for the purpose of arousing or gratifying the sexual desire of either party.

(f) [Reserved]

**§ 776.37 Advisor.**

(a) *Advisor.* In representing a client, a covered attorney shall exercise independent professional judgment and render candid advice. In rendering advice, a covered attorney may refer not only to law but to other considerations such as moral, economic, social, and political factors that may be relevant to the client's situation.

(b) [Reserved]

**§ 776.38 Mediation.**

(a) *Mediation.* A covered attorney may act as a mediator between individuals if:

(1) The covered attorney consults with each individual concerning the implications of the mediation, including the advantages and risks involved, and the effect on the attorney-client confidentiality, and obtains each individual's consent to the mediation;

(2) The covered attorney reasonably believes that the matter can be resolved on terms compatible with each individual's best interests, that each individual will be able to make adequately informed decisions in the matter, and that there is little risk of material prejudice to the interests of any of the individuals if the contemplated resolution is unsuccessful; and,

(3) The covered attorney reasonably believes that the mediation can be undertaken impartially and without improper effect on other responsibilities the covered attorney has to any of the individuals.

(b) While acting as a mediator, the covered attorney shall consult with each individual concerning the decisions to be made and the considerations relevant in making them, so that each individual can make adequately informed decisions.

(c) A covered attorney shall withdraw as a mediator if any of the individuals so requests, or if any of the conditions stated in paragraph (a)(1) of this section is no longer satisfied. Upon withdrawal, the covered attorney shall not represent any of the individuals in the matter that was the subject of the mediation unless each individual consents.

(d) [Reserved]

**§ 776.39 Evaluation for use by third persons.**

(a) *Evaluation for use by third persons.* A covered attorney may provide an evaluation of a matter affecting a client for the use of someone other than the client if:

(1) The covered attorney reasonably believes that making the evaluation is compatible with other aspects of the covered attorney's relationship with the client; and

(2) The client provides informed consent, confirmed in writing.

(b) Except as disclosure is required in connection with a report of an evaluation, information relating to the evaluation is otherwise protected by § 776.25 of this part.

(c) [Reserved]

**§ 776.40 Meritorious claims and contentions.**

(a) *Meritorious claims and contentions.* A covered attorney shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis for doing so that is not frivolous, which includes a good faith argument for an extension, modification, or reversal of existing law. A covered attorney representing an accused in a criminal proceeding or the respondent in an administrative proceeding, that could result in incarceration, discharge from the Naval service, or other adverse personnel action, may nevertheless defend the client at the proceeding as to require that every element of the case is established.

(b) [Reserved]

**§ 776.41 Expediting litigation.**

(a) *Expediting litigation.* A covered attorney shall make reasonable efforts to expedite litigation or other proceedings consistent with the interests of the client.

(b) [Reserved]

**§ 776.42 Candor and obligations toward the tribunal.**

(a) *Candor and obligations toward the tribunal.* A covered attorney shall not knowingly:

(1) Make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the covered attorney;

(2) Fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the covered attorney to be directly adverse to the position of the client and not disclosed by opposing counsel;

(3) Offer evidence that the covered attorney knows to be false.

(i) If a covered attorney, the attorney's client, or a witness called by the covered attorney, has offered material evidence and the covered attorney comes to know of its falsity, the covered attorney shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(ii) A covered attorney may refuse to offer evidence, other than the testimony of an accused in a criminal matter, that the covered attorney reasonably believes is false; or

(4) Disobey an order imposed by a tribunal unless done openly before the tribunal in a good faith assertion that no valid order should exist.

(b) A covered attorney who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

(c) The duties stated in paragraph (a) of this section continue to the conclusion of the proceedings, and apply even if compliance requires disclosure of information otherwise protected by § 776.25 of this part.

(d) In an ex parte proceeding, a covered attorney shall inform the tribunal of all material facts known to the covered attorney that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

(e) [Reserved]

**§ 776.43 Fairness to opposing party and counsel.**

(a) *Fairness to opposing party and counsel.* A covered attorney shall not:

(1) Unlawfully obstruct a party's access to evidence or unlawfully alter, destroy, or conceal a document or other material having potential evidentiary value. A covered attorney shall not counsel or assist another person to do any such act;

(2) Falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law;

(3) Knowingly disobey an order of the tribunal except for an open refusal based on an assertion that no valid obligation exists;

(4) In pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by a party;

(5) In trial, allude to any matter that the covered attorney does not reasonably believe is relevant or that will not be supported by admissible evidence, assert personal knowledge of facts in issue except when testifying as a witness, or state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant, or the guilt or innocence of an accused; or

(6) Request a person other than a client to refrain from voluntarily giving relevant information to another party unless:

(i) The person is a relative, an employee, or other agent of a client; and

(ii) The covered attorney reasonably believes that the person's interests will not be adversely affected by refraining from giving such information.

(b) [Reserved]

**§ 776.44 Impartiality and decorum of the tribunal.**

(a) *Impartiality and decorum of the tribunal.* A covered attorney shall not:

(1) Seek to influence a judge, court member, member of a tribunal, prospective court member or member of a tribunal, or other official by means prohibited by law or regulation;

(2) Communicate ex parte with such a person except as permitted by law or regulation; or

(3) Engage in conduct intended to disrupt a tribunal.

(b) [Reserved]

**§ 776.45 Extra-tribunal statements.**

(a) *Extra-tribunal statements.* A covered attorney shall not make an extrajudicial statement about any person or case pending investigation or adverse administrative or disciplinary proceedings that a reasonable person would expect to be disseminated by means of public communication if the covered attorney knows or reasonably should know that it will have a substantial likelihood of materially prejudicing an adjudicative proceeding or an official review process thereof.

(b) A statement referred to in paragraph (a) of this section ordinarily is likely to have such an effect when it refers to a civil matter triable to a jury, a criminal matter (including before a military tribunal or commission), or any other proceeding that could result in incarceration, discharge from the naval service, or other adverse personnel action, and the statement relates to:

(1) The character, credibility, reputation, or criminal record of a party, suspect in a criminal investigation, victim, or witness, or the identity of a victim or witness, or the expected testimony of a party, suspect, victim, or witness;

(2) The possibility of a plea of guilty to the offense or the existence or contents of any confession, admission, or statement given by an accused or suspect or that person's refusal or failure to make a statement;

(3) The performance or results of any forensic examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

(4) Any opinion as to the guilt or innocence of an accused or suspect in a criminal case or other proceeding that could result in incarceration, discharge from the naval service, or other adverse personnel action;

(5) Information the covered attorney knows or reasonably should know is likely to be inadmissible as evidence before a tribunal and would, if disclosed, create a substantial risk of materially prejudicing an impartial proceeding;

(6) The fact that an accused has been charged with a crime, unless there is included therein a statement explaining that the charge is merely an accusation and that the accused is presumed innocent until and unless proven guilty; or

(7) The credibility, reputation, motives, or character of civilian or military officials of the DoD.

(c) Notwithstanding paragraphs (a) and (b)(1) through (7) of this section, a covered attorney involved in the investigation or litigation of a matter may state without elaboration:

(1) The general nature of the claim, offense, or defense;

(2) The information contained in a public record;

(3) That an investigation of the matter is in progress, including the general scope of the investigation, the offense or claim or defense involved and, except when prohibited by law or regulation, the identity of the persons involved;

(4) The scheduling or result of any step in litigation;

(5) A request for assistance in obtaining evidence and information necessary thereto;

(6) A warning of danger concerning the behavior of the person involved, when there is reason to believe that there exists the likelihood of substantial harm to an individual or to the public interest; and

(7) In a criminal case, in addition to paragraphs (c)(1) through (6) of this section:

(i) The identity, duty station, occupation, and family status of the accused;

(ii) If the accused has not been apprehended, information necessary to aid in apprehension of that person;

(iii) The fact, time, and place of apprehension; and

(iv) The identity of investigating and apprehending officers or agencies and the length of the investigation.

(d) Notwithstanding paragraphs (a) and (b)(1) through (7) of this section, a covered attorney may make a statement that a reasonable covered attorney would believe is required to protect a client from the substantial undue prejudicial effect of recent publicity not initiated by the covered attorney or the attorney's client. A statement made pursuant to this paragraph shall be limited to such information as is necessary to mitigate the recent adverse publicity.

(e) The protection and release of information in matters pertaining to the DoN is governed by such statutes as the Freedom of Information Act and the Privacy Act, in addition to those governing protection of national defense information. In addition, other laws and regulations may further restrict the information that can be released or the source from which it is to be released (e.g., the Manual of the Judge Advocate General).

(f) [Reserved]

**§ 776.46 Attorney as witness.**

(a) *Attorney as witness.* A covered attorney shall not act as advocate at a trial in which the covered attorney is likely to be a necessary witness except when:

(1) The testimony relates to an uncontested issue;

(2) The testimony relates to the nature and quality of legal services rendered in the case; or

(3) Disqualification of the covered attorney would work substantial hardship on the client.

(b) A covered attorney may act as advocate in a trial in which another attorney in the covered attorney's office is likely to be called as a witness, unless precluded from doing so by § 776.26 or § 776.28 of this part.

(c) [Reserved]

**§ 776.47 Special responsibilities of a trial counsel and other government counsel.**

(a) *Special responsibilities of a trial counsel and other government counsel.* A trial counsel in a criminal case shall:

(1) Recommend to the convening authority that any charge or specification not supported by probable cause be withdrawn;

(2) Make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;

(3) Not seek to obtain from an unrepresented accused a waiver of important pretrial rights;

(4) Make timely disclosure to the defense of all evidence or information known to the trial counsel that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense all unprivileged mitigating information known to the trial counsel, except when the trial counsel is relieved of this responsibility by a protective order or regulation;

(5) Exercise reasonable care to prevent investigators, law enforcement personnel, employees, or other persons assisting or associated with the trial counsel from making an extrajudicial statement that the trial counsel would be prohibited from making under § 776.45 of this part; and

(6) Except for statements that are necessary to inform the public of the nature and extent of the trial counsel's actions and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused.

(b)(1) Trial counsel and other government counsel shall exercise reasonable care to avoid intercepting, seizing, copying, viewing, or listening to communications protected by the attorney-client privilege during investigation of a suspected offense (particularly when conducting government-sanctioned searches where attorney-client privileged communications may be present), as well as in the preparation or prosecution of a case. Such communications expressly include, but are not limited to:

(i) Land-line telephone conversations;

(ii) Facsimile transmissions;

(iii) U.S. mail, and;

(iv) Email.

(2) Trial counsel and other government counsel must not infringe upon the confidential nature of attorney-client privileged communications and are responsible for the actions of their agents or representatives when they induce or assist them in intercepting, seizing, copying, viewing, or listening to such privileged communications.

(c)(1) The trial counsel represents the United States in the prosecution of special and general courts-martial. See Article 38(a), UCMJ; see also R.C.M. 103(16), 405(d)(3)(A), and 502(d)(5). Accordingly, a trial counsel has the responsibility of administering justice and is not simply an advocate. This responsibility carries with it specific obligations to see that the accused is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.

(i) Paragraph (a)(1) of this section recognizes that the trial counsel does not have all the authority vested in modern civilian prosecutors.

(ii) The authority to convene courts-martial, and to refer and withdraw specific charges, is vested in convening authorities.

(iii) Trial counsel may have the duty, in certain circumstances, to bring to the court's attention any charge that lacks sufficient evidence to support a conviction. See *United States* v. *Howe,* 37 M.J. 1062 (NMCMR 1993). Such action should be undertaken only after consultation with a supervisory attorney and the convening authority. See also § 776.42(d) of this part (governing ex parte proceedings). Applicable law may require other measures by the trial counsel.

(iv) Knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of § 776.69 of this part.

(2) Paragraph (a)(3) of this part does not apply to an accused appearing pro se with the approval of the tribunal. Nor does it forbid the lawful questioning of a suspect who has knowingly waived the rights to counsel and to remain silent.

(3) The exception in paragraph (a)(4) of this section recognizes that a trial counsel may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in substantial harm to an individual or organization or to the public interest. This exception also recognizes that applicable statutes and regulations may proscribe the disclosure of certain information without proper authorization.

(4) A trial counsel may comply with paragraph (a)(5) of this section in a number of ways. These include personally informing others of the trial counsel's obligations under § 776.46 of this part, conducting training of law enforcement personnel, and appropriately supervising the activities of personnel assisting the trial counsel.

(5) Paragraph (a)(6) of this part supplements § 776.45 of this part, which prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding. A trial counsel can, and should, avoid comments that have no legitimate law enforcement purpose and have a substantial likelihood of increasing public opprobrium of the accused. Nothing in this Comment is intended to restrict the statements that a trial counsel may make that comply with § 776.45 of this part.

(6) The ''ABA Standards for Criminal Justice: The Prosecution Function,'' (3d

ed. 1993), has been used by appellate courts in analyzing issues concerning trial counsel conduct. To the extent consistent with these Rules, the ABA standards may be used to guide trial counsel in the prosecution of criminal cases. See *United States* v. *Howe,* 37 M.J. 1062 (NMCRS 1993); *United States* v. *Dancy,* 38 M.J. 1 (CMA 1993); *United States* v. *Hamilton,* 41 M.J. 22 (CMA 1994); *United States* v. *Meek,* 44 M.J. 1 (CMA 1996).

(d) [Reserved]

**§ 776.48 Advocate in nonadjudicative proceedings.**

(a) *Advocate in nonadjudicative proceedings.* A covered attorney representing a client before a legislative or administrative tribunal in a nonadjudicative proceeding shall disclose that the appearance is in a representative capacity and shall conform to the provisions of § 776.42 (a) through (d), § 776.43 and § 776.44 of this part.

(b) [Reserved]

**§ 776.49 Truthfulness in statements to others.**

(a) *Truthfulness in statements to others.* In the course of representing a client a covered attorney shall not knowingly;

(1) Make a false statement of material fact or law to a third person; or

(2) Fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by § 776.25 of this part.

(b) [Reserved]

**§ 776.50 Communication with person represented by counsel.**

(a) *Communication with person represented by counsel.* In representing a client, a covered attorney shall not communicate about the subject of the representation with a party the covered attorney knows to be represented by another attorney in the matter, unless the covered attorney has the consent of the other attorney or is authorized by law to do so.

(b) [Reserved]

**§ 776.51 Dealing with an unrepresented person.**

(a) *Dealing with an unrepresented person.* When dealing on behalf of a client with a person who is not represented by counsel, a covered attorney shall not state or imply that the covered attorney is disinterested. When the covered attorney knows or reasonably should know that the unrepresented person misunderstands the covered attorney's role in the matter, the covered attorney shall make reasonable efforts to correct the misunderstanding.

(b) [Reserved]

**§ 776.52 Respect for rights of third persons.**

(a) *Respect for rights of third persons.* In representing a client, a covered attorney shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person.

(b) [Reserved]

**§ 776.53 Responsibilities of the Judge Advocate General and supervisory attorneys.**

(a) *Responsibilities of the Judge Advocate General and supervisory attorneys.* The JAG and supervisory attorneys shall make reasonable efforts to ensure that all covered attorneys conform to Subpart B of this part.

(b) A covered attorney having direct supervisory authority over another covered attorney shall make reasonable efforts to ensure that the other attorney conforms to Subpart B of this part.

(c) A supervisory attorney shall be responsible for another subordinate covered attorney's violation of Subpart B of this part if:

(1) The supervisory attorney orders or, with knowledge of the specific conduct, ratifies the conduct involved; or

(2) The supervisory attorney has direct supervisory authority over the other attorney and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(d) A supervisory attorney is responsible for ensuring that the subordinate covered attorney is properly trained and is competent to perform the duties to which the subordinate covered attorney is assigned.

(e) [Reserved]

**§ 776.54 Responsibilities of a subordinate attorney.**

(a) *Responsibilities of a subordinate attorney.* A covered attorney is bound by this part notwithstanding that the covered attorney acted at the direction of another person.

(b) In recognition of the judge advocate's unique dual role as a commissioned officer and attorney, subordinate judge advocates shall obey lawful directives and regulations of supervisory attorneys when not inconsistent with this part or the duty of a judge advocate to exercise independent professional judgment as to the best interest of an individual client.

(c) A subordinate covered attorney does not violate this part if that covered attorney acts in accordance with a supervisory attorney's written and reasonable resolution of an arguable question of professional duty.

(d) [Reserved]

**§ 776.55 Responsibilities regarding non-attorney assistants.**

(a) *Responsibilities regarding non-attorney assistants.* With respect to a non-attorney acting under the authority, supervision, or direction of a covered attorney:

(1) The senior supervisory attorney in an office shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of a covered attorney;

(2) A covered attorney having direct supervisory authority over the non-attorney shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of a covered attorney; and

(3) A covered attorney shall be responsible for conduct of such a person that would be a violation of this part if engaged in by a covered attorney if:

(i) The covered attorney orders or, with the knowledge of the specific conduct, explicitly or impliedly ratifies the conduct involved; or

(ii) The covered attorney has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(b) [Reserved]

**§ 776.56 Professional independence of a covered USG attorney.**

(a) *Professional independence of a covered USG attorney.* Notwithstanding a judge advocate's status as a commissioned officer subject, generally, to the authority of superiors, a judge advocate detailed or assigned to represent an individual member or employee of the DoN is expected to exercise unfettered loyalty and professional independence during the representation consistent with subpart B of this part and remains ultimately responsible for acting in the best interest of the individual client.

(b) Notwithstanding a civilian USG attorney's status as a Federal employee subject, generally, to the authority of superiors, a civilian USG attorney detailed or assigned to represent an individual member or employee of the DoN is expected to exercise unfettered loyalty and professional independence during the representation consistent with this part and remains ultimately responsible for acting in the best interest of the individual client.

(c) The exercise of professional judgment in accordance with paragraphs (a) or (b) of this section shall not, standing alone, be a basis for an adverse evaluation or other prejudicial action.

(1) Subpart B of this part recognizes that a judge advocate is a military officer required by law to obey the lawful orders of superior officers. It also recognizes the similar status of a civilian USG attorney. Nevertheless, the practice of law requires the exercise of judgment solely for the benefit of the client and free of compromising influences and loyalties. Thus, when a covered USG attorney is assigned to represent an individual client, neither the attorney's personal interests, the interests of other clients, nor the interests of third persons should affect loyalty to the individual client.

(2) Not all direction given to a subordinate covered attorney is an attempt to influence improperly the covered attorney's professional judgment. Each situation must be evaluated by the facts and circumstances, giving due consideration to the subordinate's training, experience, and skill. A covered attorney subjected to outside pressures should make full disclosure of them to the client. If the covered attorney or the client believes the effectiveness of the representation has been or will be impaired thereby, the covered attorney should take proper steps to withdraw from representation of the client.

(3) Additionally, a judge advocate has a responsibility to report any instances of unlawful command influence. See R.C.M. 104, MCM, 1998.

**§ 776.57 Unauthorized practice of law.**

(a) *Unauthorized practice of law.* A covered USG attorney shall not:

(1) Except as authorized by an appropriate military department, practice law in a jurisdiction where doing so is prohibited by the regulations of the legal profession in that jurisdiction; or

(2) Assist a person who is not a member of the bar in the performance of activity that constitutes the unauthorized practice of law.

(3) Engage in the outside practice of law without receiving proper authorization from the JAG.

(b) Limiting the practice of law to members of the bar protects the public against rendition of legal services by unqualified persons. A covered USG attorney's performance of legal duties pursuant to a military department's authorization, however, is considered a Federal function and not subject to regulation by the states. Thus, a covered USG attorney may perform legal assistance duties even though the covered attorney is not licensed to practice in the jurisdiction within which the covered attorney's duty station is located. Paragraph (a)(2) of this section does not prohibit a covered USG attorney from using the services of non-attorneys and delegating functions to them, so long as the covered attorney supervises the delegated work and retains responsibility for it. See § 776.55 of this part. Likewise, it does not prohibit covered USG attorneys from providing professional advice and instruction to non-attorneys whose employment requires knowledge of law; for example, claims adjusters, social workers, accountants and persons employed in Government agencies. In addition, a covered USG attorney may counsel individuals who wish to proceed pro se or non-attorneys authorized by law or regulation to appear and represent themselves or others before military proceedings.

**§§ 776.58–776.65 [Reserved]**

**§ 776.66 Bar admission and disciplinary matters.**

(a) *Bar admission and disciplinary matters.* A covered attorney, in connection with any application for bar admission, appointment as a judge advocate, employment as a civilian USG attorney, certification by the JAG or his designee, or in connection with any disciplinary matter, shall not:

(1) Knowingly make a false statement of fact; or

(2) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this part does not require disclosure of information otherwise protected by § 776.25 of this part.

(b) The duty imposed by subpart B of this part extends to covered attorneys and other attorneys seeking admission to a bar, application for appointment as a covered USG attorney (military or civilian) or certification by the JAG or his designee. Hence, if a person makes a false statement in connection with an application for admission or certification (e.g., misstatement by a civilian attorney before a military judge regarding qualifications under R.C.M. 502), it may be the basis for subsequent disciplinary action if the person is admitted, and in any event may be relevant in a subsequent admission application.

(1) The duty imposed by subpart B of this part applies to a covered attorney's own admission or discipline as well as that of others. Thus, it is a separate professional offense for a covered attorney to make a knowing misrepresentation or omission in connection with a disciplinary investigation of the covered attorney's own conduct.

(2) Subpart B of this part also requires affirmative clarification of any misunderstanding on the part of the admissions, certification, or disciplinary authority of which the person involved becomes aware.

**§ 776.67 Judicial and legal officers.**

(a) *Judicial and legal officers.* A covered attorney shall not make a statement that the covered attorney knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, investigating officer, hearing officer, adjudicatory officer, or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) [Reserved]

**§ 776.68 Reporting professional misconduct.**

(a) *Reporting professional misconduct.* A covered attorney having knowledge that another covered attorney has committed a violation of subpart B of this part that raises a substantial question as to that covered attorney's honesty, trustworthiness, or fitness as a covered attorney in other respects, shall report such violation in accordance with the procedures set forth in this part.

(b) A covered attorney having knowledge that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall report such violation in accordance with the procedures set forth in this part.

(c) This part does not require disclosure of information otherwise protected by § 776.25 of this part.

(d) [Reserved]

**§ 776.69 Misconduct.**

(a) *Misconduct.* It is professional misconduct for a covered attorney to:

(1) Violate or attempt to violate subpart B of this part, knowingly assist or induce another to do so, or do so through the acts of another;

(2) Commit a criminal act that reflects adversely on the covered attorney's honesty, trustworthiness, or fitness as an attorney in other respects;

(3) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(4) Engage in conduct that is prejudicial to the administration of justice;

(5) State or imply an ability to influence improperly a government agency or official; or

(6) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

(b)(1) Judge advocates hold a commission as an officer in the Navy or Marine Corps and assume legal responsibilities going beyond those of other citizens. A judge advocate's abuse of such commission can suggest an inability to fulfill the professional role of judge advocate and attorney. This concept has similar application to civilian USG attorneys.

(2) Covered non-USG attorneys, Reservists, and Retirees (acting in their civilian capacity), like their active-duty counterparts, are expected to demonstrate model behavior and exemplary integrity at all times. The JAG may consider any and all derogatory or beneficial information about a covered attorney, for purposes of determining the attorney's qualification, professional competence, or fitness to practice law in DoN matters, or to administer discipline under this instruction. Such consideration shall be made, except in emergency situations necessitating immediate action, according to the procedures established in this instruction.

**§ 776.70 Jurisdiction.**

(a) *Jurisdiction.* All covered attorneys shall be governed by this part.

(b)(1) Many covered USG attorneys practice outside the territorial limits of the jurisdiction in which they are licensed. While covered attorneys remain subject to the governing authority of the jurisdiction in which they are licensed to practice, they are also subject to subpart B of this part.

(2) When covered USG attorneys are engaged in the conduct of Navy or Marine Corps legal functions, whether serving the Navy or Marine Corps as a client or serving an individual client as authorized by the Navy or Marine Corps, the provisions contained in Subpart B of this part supersede any conflicting rules applicable in jurisdictions in which the covered attorney may be licensed. However, covered attorneys practicing in State or Federal civilian court proceedings will abide by the rules adopted by that State or Federal civilian court during the proceedings. As for covered non-USG attorneys practicing under the supervision of the JAG, violation of the provisions contained in Subpart B of this part may result in suspension from practice in DoN proceedings.

(3) Covered non-USG attorneys, Reservists, or Retirees (acting in their civilian capacity) who seek to provide legal services in any DoN matter under JAG cognizance and supervision, may be precluded from such practice of law if, in the opinion of the JAG (as exercised through this instruction) the attorney's conduct in any venue renders that attorney unable or unqualified to practice in DoN programs or proceedings.

**§ 776.71 Requirement to remain in good standing with licensing authorities.**

(a) *Requirement to remain in good standing with licensing authorities.* Each officer of the Navy appointed as a member of the JAG Corps, each officer of the Marine Corps designated a judge advocate, and each civil service and contracted civilian attorney who practices law under the cognizance and supervision of the JAG shall maintain a status considered ''in good standing'' at all times with the licensing authority admitting the individual to the practice of law before the highest court of at least one State, Territory, Commonwealth, or the District of Columbia.

(b) The JAG, the Staff Judge Advocate to the Commandant of the Marine Corps, or any other supervisory attorney may require any covered USG attorney over whom they exercise authority to establish that the attorney continues to be in good standing with his or her licensing authority. Representatives of the JAG or of the Staff Judge Advocate to the Commandant of the Marine Corps, may also inquire directly of any such covered USG attorney's licensing authority to establish whether he or she continues to be in good standing and has no disciplinary action pending.

(c) Each covered USG attorney shall immediately report to the JAG if any jurisdiction in which the covered USG attorney is or has been a member in good standing commences disciplinary investigation or action against him or her or if the covered USG attorney is disciplined, suspended, or disbarred from the practice of law in any jurisdiction.

(d) Each covered non-USG attorney representing an accused in any court-martial or administrative separation proceeding shall be a member in good standing with, and authorized to practice law by, the bar of a Federal court or of the bar of the highest court of a State, or a lawyer otherwise authorized by a recognized licensing authority to practice law and found by the military judge to be qualified to represent the accused.

(e)(1) Generally, the JAG relies on the licensing authority granting the certification or privilege to practice law to define the phrase ''good standing.'' However, as circumstances require, the JAG may, instead, use separate criteria to determine compliance. At a minimum, ''good standing'' means the individual:

(i) Is subject to the jurisdiction's disciplinary review process;

(ii) Has not been suspended or disbarred from the practice of law within the jurisdiction;

(iii) Is current in the payment of all required fees;

(iv) Has met applicable continuing legal education requirements that the jurisdiction has imposed (or the cognizant authority has waived); and

(v) Has met such other requirements as the cognizant authority has set for eligibility to practice law. So long as these conditions are met, a covered USG attorney may be ''inactive'' as to the practice of law within a particular jurisdiction and still be ''in good standing'' for purposes of subpart B of this part.

(2) Rule for Court-Martial 502(d)(3)(A) requires that any civilian defense counsel representing an accused in a court-martial be a member of the bar of a Federal court or of the bar of the highest court of a State. This civilian defense counsel qualification only has meaning if the attorney is a member ''in good standing,'' and is then authorized to practice law within that jurisdiction. See *United States* v. *Waggoner,* 22 M.J. 692 (AFCMR 1986). It is appropriate for the military judge, in each and every case, to ensure that a civilian defense counsel is qualified to represent the accused.

(3) Failure of a judge advocate to comply with the requirements of subpart B of this part may result in professional disciplinary action as provided for in this instruction, loss of certification under Articles 26 and/or 27(b), UCMJ, adverse entries in military service records, and administrative separation under SECNAVINST 1920.6 (series) based on the officer's failure to maintain professional qualifications. In the case of civil service and contracted civilian attorneys practicing under the JAG's cognizance and supervision, failure to maintain good standing or otherwise to comply with the requirements of subpart B of this part may result in adverse administrative action under applicable personnel regulations, including termination of employment.

(4) A covered USG attorney need only remain in good standing in one jurisdiction. If admitted to the practice of law in more than one jurisdiction, however, and any jurisdiction commences disciplinary action against or disciplines, suspends or disbars the covered USG attorney from the practice of law, the covered USG attorney must so advise the JAG.

(5) An essential time to verify that a judge advocate is currently in good standing is upon accession. Other appropriate times for verification are before a judge advocate is promoted to a higher grade, detailed to a new command, or assigned to duties where there is a statutory requirement to be a member of the bar, such as a military judge per 10 U.S.C. 826(b). The JAG, the SJA to CMC, or any other supervisory attorney may need to verify the professional qualifications of a judge advocate, either periodically or on an occasional basis. JAGINST 5803.2 (series) establishes a biennial requirement for all covered attorneys to provide proof of good standing.

(6) Certification by the United States Court of Appeals for the Armed Forces that a judge advocate is in good standing with that court will not satisfy the requirement of this section, since such status is normally dependent on Article 27, UCMJ, certification.

**§§ 776.72–776.75 [Reserved]**

## Subpart C—Complaint Processing Procedures

**§ 776.76 Policy.**

(a) It is JAG's policy to investigate and resolve, expeditiously and fairly, all allegations of professional impropriety lodged against covered attorneys under JAG supervision.

(b) Rules Counsel approval will be obtained before conducting any preliminary inquiry or formal investigation into an alleged violation of the Rules of Professional Conduct (subpart B of this part) or the ABA Model Code of Judicial Conduct (Code of Judicial Conduct). The Rules Counsel will notify the JAG prior to the commencement of any preliminary inquiry or investigation. The preliminary inquiry and any subsequent investigation will be conducted according to the procedures set forth in this subpart.

**§ 776.77 Related investigations and actions.**

Acts or omissions by covered attorneys may constitute professional misconduct, criminal misconduct, poor performance of duty, or a combination of all three. Care must be taken to characterize appropriately the nature of a covered attorney's conduct to determine who may and properly should take official action.

(a) Questions of legal ethics and professional misconduct by covered attorneys are within the exclusive province of the JAG. Ethical or professional misconduct will not be attributed to any covered attorney in any official record without a final JAG determination, made in accordance with this part, that such misconduct has occurred.

(b) Criminal misconduct is properly addressed by the covered USG attorney's commander through the disciplinary process provided under the UCMJ and implementing regulations, or through referral to appropriate civil authority.

(c) Poor performance of duty is properly addressed by the covered USG attorney's reporting senior through a variety of administrative actions, including documentation in fitness reports or employee appraisals.

(d) Prior JAG approval is not required to investigate allegations of criminal conduct or poor performance of duty involving covered attorneys. When, however, investigations into criminal conduct or poor performance reveal conduct that constitutes a violation of this part, or of the Code of Judicial Conduct in the case of judges, such conduct shall be reported to the Rules Counsel immediately.

(e) Generally, professional responsibility complaints will be processed in accordance with this part upon receipt. Rules Counsel may, however, on a case-by-case basis, delay such processing to await the outcome of pending related criminal, administrative, or investigative proceedings.

(f) Nothing in this part prevents a military judge or other appropriate official from removing a covered attorney from acting in a particular court-martial or prevents the JAG, the SJA to CMC, or the appropriate official from reassigning a covered attorney to different duties prior to, during, or subsequent to proceedings conducted under the provision of this part.

**§ 776.78 Informal complaints.**

Informal, anonymous, or ''hot line'' type complaints alleging professional misconduct must be referred to the appropriate authority (such as the JAG Inspector General or the concerned supervisory attorney) for inquiry. Such complaints are not, by themselves, cognizable under this subpart but may, if reasonably confirmed, be the basis of a formal complaint described in § 776.79 of this part.

**§ 776.79 The formal complaint.**

(a) The formal complaint shall:

(1) Be in writing and be signed by the complainant;

(2) State that the complainant has personal knowledge, or has otherwise received reliable information indicating, that:

(i) The covered attorney concerned is, or has been, engaged in misconduct that demonstrates a lack of integrity, that constitutes a violation of this part or the Code of Judicial Conduct or a failure to meet the ethical standards of the profession; or

(ii) The covered attorney concerned is ethically, professionally, or morally unqualified to perform his or her duties; and

(iii) Contain a complete, factual statement of the acts or omissions constituting the substance of the complaint, as well as a description of any attempted resolution with the covered attorney concerned. Supporting statements, if any, should be attached to the complaint.

(b) A complaint may be initiated by any person, including the Administrative Law Division of the Office of the Judge Advocate General (OJAG) Administrative Law Division (Code 13) or the Judge Advocate Research and Civil Law Branch, Office of the SJA to CMC, HQMC (JAR).

**§ 776.80 Initial screening.**

(a) Complaints involving conduct of a Navy or Marine Corps trial or appellate judge shall be forwarded to OJAG (Code 05). All other complaints shall be forwarded to OJAG (Code 13) or, in cases involving Marine Corps judge advocates or civil service and contracted civilian attorneys who perform legal services under the cognizance and supervision of the SJA to CMC, to JAR. In cases involving Marine judge advocates, including trial and appellate judges, where the SJA to CMC is not the Rules Counsel, the cognizant Rules Counsel will notify the SJA to CMC when a complaint is received.

(b) OJAG (Code 05), OJAG (Code 13), and JAR shall log all formal complaints received and will ensure a copy of the complaint and allied papers is provided to the covered attorney who is the subject of the complaint. Service of the formal complaint and other materials on the covered attorney must be accomplished through personal service or registered/certified mail sent to the covered attorney's last known address reflected in official Navy and Marine Corps records or in the records of the

state bar(s) that licensed the attorney to practice law. The covered attorney's supervisory attorney must also be provided notice of the complaint.

(c) The covered attorney concerned may elect to provide an initial statement, normally within ten calendar days from receipt, regarding the complaint for the Rules Counsel's consideration. The covered attorney will promptly inform OJAG (Code 05), OJAG (Code 13), or JAR if he or she intends to submit any such statement. At this screening stage, forwarding of the complaint to the Rules Counsel will not be unduly delayed to await the covered attorney's submission.

(d) The cognizant Rules Counsel shall initially review the complaint, and any statement submitted by the covered attorney complained of, to determine whether it complies with the requirements set forth in paragraph (4) of this section. The Rules Counsel is not required to delay the initial review of the complaint awaiting the covered attorney's submission.

(1) Complaints that do not comply with the requirements may be returned to the complainant for correction or completion, and resubmission to OJAG (Code 05), OJAG (Code 13), or JAR.

(i) If the complaint is not corrected or completed and resubmitted within 30 days of the date of its return, the Rules Counsel may close the file without further action.

(ii) OJAG (Code 05), OJAG (Code 13), and JAR will maintain copies of all correspondence relating to the return and resubmission of a complaint, and shall notify the covered attorney concerned, as well as the supervisory attorney, if and when the Rules Counsel takes action to close the file.

(2) Complaints that comply with the requirements shall be further reviewed by the cognizant Rules Counsel to determine whether the complaint establishes probable cause to believe that a violation of subpart B of this part or Code of Judicial Conduct has occurred.

(e) The cognizant Rules Counsel shall close the file without further action if the complaint does not establish probable cause to believe a violation has occurred. The Rules Counsel shall notify the complainant, the covered attorney concerned, and the supervisory attorney, that the file has been closed. OJAG (Code 05), OJAG (Code 13), and JAR will maintain copies of all correspondence related to the closing of the file.

(f) The cognizant Rules Counsel may close the file if there is a determination that the complaint establishes probable cause but the violation is of a minor or technical nature appropriately addressed through corrective counseling. The Rules Counsel shall report any such decision, to include a brief summary of the case, to the JAG. (In cases relating to Marine judge advocates, including trial and appellate judges, in which the SJA to CMC is not the cognizant Rules Counsel, an information copy shall be forwarded to the SJA to CMC.)

(1) The Rules Counsel shall ensure the covered attorney concerned receives appropriate counseling and shall notify the complainant, the covered attorney concerned, and the supervisory attorney that the file has been closed. OJAG (Code 05), OJAG (Code 13), and JAR will maintain copies of all correspondence related to the closing of the file.

(2) The covered attorney concerned is responsible, under these circumstances, to determine if his or her Federal, state, or local licensing authority requires reporting of such action.

**§ 776.81 Forwarding the Complaint.**

(a) If the Rules Counsel determines there is probable cause to believe that a violation of subpart B of this part or of the Code of Judicial Conduct has occurred, and the violation is not of a minor or technical nature, the Rules Counsel shall notify the JAG. (In cases relating to Marine Corps judge advocates, including trial and appellate judges, in which the SJA to CMC is not the cognizant Rules Counsel, the SJA to CMC shall also be notified.) The Rules Counsel shall forward the complaint and any allied papers, as follows:

(1) In cases involving a military trial judge, if practicable, to a covered attorney with experience as a military trial judge (normally senior to and of the same Service (Navy or Marine Corps) as the covered attorney complained of and not previously involved in the case) and assign the officer to conduct a preliminary inquiry into the matter;

(2) In cases involving a military appellate judge, if practicable, to a covered attorney with experience as a military appellate judge (normally senior to and of the same Service (Navy or Marine Corps) as the covered attorney complained of and not previously involved in the case) and assign the officer to conduct a preliminary inquiry into the matter;

(3) In all other cases, to such covered attorney as the cognizant Rules Counsel may designate (normally senior to the covered attorney complained of and not previously involved in the case), and assign the officer to conduct a preliminary inquiry into the matter.

(b) The Rules Counsel shall provide notice of the complaint (if not previously informed) as well as notice of the preliminary inquiry:

(1) To the covered attorney against whom the complaint is made as well as the supervisory attorney;

(2) In cases involving a covered USG attorney on active duty or in civilian Federal service, to the commanding officer, or equivalent, of the covered USG attorney concerned;

(3) In cases involving Navy or Marine Corps judge advocates serving in Naval Legal Service Command (NLSC) units, to Commander, NLSC;

(4) In cases involving Navy attorneys serving in Marine Corps units, involving Marine Corps attorneys serving in Navy units, or involving Marine Corps trial and appellate judges, to the SJA to CMC (Attn: JAR);

(5) In cases involving trial or appellate court judges, to either the Chief Judge, Navy-Marine Corps Trial Judiciary or Chief Judge, Navy-Marine Corps Court of Criminal Appeals, as appropriate; and

(6) In cases involving covered attorneys certified by the Judge Advocates General/Chief Counsel of the other uniformed services, to the appropriate military service attorney discipline section.

**§ 776.82 Interim suspension.**

(a) Where the Rules Counsel determines there is probable cause to believe that a covered attorney has committed misconduct and poses a substantial threat of irreparable harm to his or her clients or the orderly administration of military justice, the Rules Counsel shall so advise the JAG. Examples of when a covered attorney may pose a ''substantial threat of irreparable harm'' include, but are not limited to:

(1) When charged with the commission of a crime which involves moral turpitude or reflects adversely upon the covered attorney's fitness to practice law, and where substantial evidence exists to support the charge;

(2) When engaged in the unauthorized practice of law (e.g., failure to maintain good standing in accordance with § 776.71 of this part); or

(3) Where unable to represent client interests competently.

(b) Upon receipt of information from the Rules Counsel, JAG may order the covered attorney to show cause why he or she should not face interim suspension, pending completion of a professional responsibility investigation. The covered attorney shall have 10 calendar days in which to respond. Notice of the show cause order shall be provided as outlined in § 776.81(b) of this part.

(c) If an order to show cause has been issued under paragraph (b) of this section, and the period for response has passed without a response, or after consideration of any response and finding sufficient evidence demonstrating probable cause to believe that the covered attorney is guilty of misconduct and poses a substantial threat of irreparable harm to his or her client or the orderly administration of military justice, the JAG may direct an interim suspension of the covered attorney's certification under Articles 26(b) or 27(b), UCMJ, or R.C.M. 502(d)(3), or the authority to provide legal assistance, pending the results of the investigation and final action under this part. Notice of such action shall be provided as outlined in § 776.81(b) of this part.

(d) Within 10 days of the JAG's decision to impose an interim suspension, the covered attorney may request an opportunity to be heard before an impartial officer designated by the JAG. Where so requested, that opportunity will be scheduled within 10 calendar days of the request. The designated officer shall receive any information that the covered attorney chooses to submit on the limited issue of whether to continue the interim suspension. The designated officer shall submit a recommendation to the JAG within 5 calendar days of conclusion.

(e) A covered attorney may, based upon a claim of changed circumstances or newly discovered evidence, petition for dissolution or amendment of the JAG's imposition of interim suspension.

(f) Any professional responsibility investigation involving a covered attorney who has been suspended pursuant to subpart B of this part shall proceed and be concluded without appreciable delay. However, the JAG may determine it necessary to await completion of a related criminal investigation or proceeding, or completion of a professional responsibility action initiated by other licensing authorities. In such cases, the JAG shall cause the Rules Counsel to so notify the covered attorney under interim suspension as well as those officials outlined in § 776.81(b) of this part. Where necessary, continuation of the interim suspension shall be reviewed by the JAG every 6 months.

**§ 776.83 Preliminary inquiry.**

(a) The purpose of the preliminary inquiry is to determine whether, in the opinion of the officer appointed to conduct the preliminary inquiry (PIO), the questioned conduct occurred and, if so, whether the preponderance of the evidence demonstrates that such conduct constitutes a violation of subpart B of this part or the Code of Judicial Conduct. The PIO is to recommend appropriate action in cases of substantiated violations.

(b) Upon receipt of the complaint, the PIO shall promptly investigate the allegations, generally following the format and procedures set forth in the Manual of the Judge Advocate General (JAGMAN) for the conduct of command investigations. Reports of relevant investigations by other authorities including, but not limited to, the command, the Inspector General, and State licensing authorities should be used. The PIO should also:

(1) Identify and obtain sworn affidavits or statements from all relevant and material witnesses to the extent practicable;

(2) Identify, gather, and preserve all other relevant and material evidence; and

(3) Provide the covered attorney concerned an opportunity to review all evidence, affidavits, and statements collected and a reasonable period of time (normally not exceeding 10 calendar days) to submit a written statement or any other written material that the covered attorney wishes considered.

(c) The PIO may appoint and use such assistants as may be necessary to conduct the preliminary inquiry.

(d) The PIO shall personally review the results of the preliminary inquiry to determine whether, by a preponderance of the evidence, a violation of subpart B of this part or of the Code of Judicial Conduct has occurred.

(1) If the PIO determines that no violation has occurred or that the violation is minor or technical in nature and warrants only corrective counseling, then he or she may recommend that the file be closed.

(2) If the PIO determines by a preponderance of the evidence that a violation did occur, and that corrective action greater than counseling may be warranted, he or she shall:

(i) Draft a list of substantiated violations of these Rules of Professional Conduct or the Code of Judicial Conduct;

(ii) Recommend appropriate action; and

(iii) Forward the preliminary inquiry to the Rules Counsel, providing copies to the covered attorney concerned and the supervisory attorney.

(e) The Rules Counsel shall review all preliminary inquiries. If the report is determined by the Rules Counsel to be incomplete, the Rules Counsel shall return it to the PIO, or to another inquiry officer, for further or supplemental inquiry. If the report is complete, then:

(1) If the Rules Counsel determines, either consistent with the PIO recommendation or through the Rules Counsel's own review of the report, that a violation of this part has not occurred and that further action is not warranted, the Rules Counsel shall close the file and notify the complainant, the covered attorney concerned, and all officials previously provided notice of the complaint. OJAG (Code 05), OJAG (Code 13), and/or JAR, as appropriate, will maintain copies of all correspondence related to the closing of the file.

(2) If the Rules Counsel determines, either consistent with a PIO recommendation or through the Rules Counsel's own review of the report, that a violation of subpart B of this part has occurred but that the violation is of a minor or technical nature, then the Rules Counsel may determine that corrective counseling is appropriate and close the file.

(i) The Rules Counsel shall report any such decision, to include a brief summary of the case, to the JAG. The Rules Counsel shall ensure that the covered attorney concerned receives appropriate counseling and shall notify the complainant, the covered attorney concerned, and all officials previously provided notice of the complaint that the file has been closed. OJAG (Code 05), OJAG (Code 13), and/or JAR, as appropriate, will maintain copies of all correspondence related to the closing of the file.

(ii) The covered attorney concerned is responsible, under these circumstances, to determine if his or her Federal, state, or local licensing authority requires reporting such action.

(3) If the Rules Counsel determines, either consistent with a PIO recommendation or through the Rules Counsel's own review of the report, that further professional discipline or corrective action may be warranted, the Rules Counsel shall notify the JAG and take the following action:

(i) In cases involving a military trial judge, if practicable, forward the recommendation to a covered attorney with experience as a military trial judge (normally senior to and of the same Service (Navy or Marine Corps) as the covered attorney complained of and not previously involved in the case) and assign the officer to conduct an ethics investigation into the matter (see R.C.M. 109 of reference (b));

(ii) In cases involving a military appellate judge, forward the recommendation to a covered attorney with experience as a military appellate judge (normally senior to and of the

same Service (Navy or Marine Corps) as the covered attorney complained of and not previously involved in the case) and assign the officer to conduct an ethics investigation into the matter (see R.C.M. 109 of reference (b)); or

(iii) In all other cases, assign a covered attorney (normally senior to the covered attorney complained of and not previously involved in the case) to conduct an ethics investigation.

**§ 776.84 Ethics investigation.**

(a) When an ethics investigation is initiated, the covered attorney concerned shall be so notified, in writing, by the Rules Counsel. Notice of such action shall also be provided as outlined in § 776.81(b) of this part.

(b) The covered attorney concerned will be provided written notice of the following rights in connection with the ethics investigation:

(1) To request a hearing before the investigating officer (IO);

(2) To inspect all evidence gathered;

(3) To present written or oral statements or materials for consideration;

(4) To call witnesses at his or her own expense (local military witnesses should be made available at no cost);

(5) To be assisted by counsel (see paragraph (c) of this section);

(6) To challenge the IO for cause (such challenges must be made in writing and sent to the Rules Counsel via the challenged officer); and

(7) To waive any or all of these rights. Failure to affirmatively elect any of the rights included in this section shall be deemed a waiver by the covered attorney.

(c) If a hearing is requested, the covered attorney may be represented by counsel at the hearing. Such counsel may be:

(1) A civilian attorney retained at no expense to the Government; or,

(2) In the case of a covered USG attorney, another USG attorney:

(i) Detailed by the cognizant Naval Legal Service Office (NLSO), (or Defense Services Office (DSO), effective October 1, 2012), Law Center, or Legal Service Support Section (LSSS); or

(ii) Requested by the covered attorney concerned, if such counsel is deemed reasonably available in accordance with the provisions regarding individual military counsel set forth in Chapter I of the JAGMAN. There is no right to detailed counsel if requested counsel is made available.

(d) If a hearing is requested, the IO will conduct the hearing after reasonable notice to the covered attorney concerned.

(1) The hearing will not be unreasonably delayed. The hearing is not adversarial in nature and there is no right to subpoena witnesses.

(2) Rules of evidence do not apply.

(3) The covered attorney concerned or his or her counsel may question witnesses that appear.

(4) The proceedings shall be recorded but no transcript of the hearing need be made.

(5) Evidence gathered during, or subsequent to, the preliminary inquiry and such additional evidence as may be offered by the covered attorney shall be considered.

(e) The IO may appoint and use such assistants as may be necessary to conduct the ethics investigation.

(f) The IO shall prepare a report which summarizes the evidence, to include information presented at any hearing.

(1) If the IO believes that no violation has occurred or, by clear and convincing evidence, that the violation has occurred but the violation is minor or technical in nature and warrants only corrective counseling, then he or she may recommend that the file be closed.

(2) If the IO believes by clear and convincing evidence that a violation did occur, and that corrective action greater than counseling is warranted, he or she shall:

(i) Modify, as necessary, the list of substantiated violations of this part or, in the case of a military trial or appellate judge, the Code of Judicial Conduct;

(ii) Recommend appropriate action; and

(iii) Forward the ethics investigation to the Rules Counsel with a copy to the attorney investigated.

(g) The Rules Counsel shall review all ethics investigations. If the report is determined by the Rules Counsel to be incomplete, the Rules Counsel shall return it to the IO, or to another inquiry officer, for further or supplemental inquiry. If the report is complete, then:

(1) If the Rules Counsel determines, either consistent with the IO recommendation or through the Rules Counsel's own review of the investigation, that a violation of subpart B of this part or Code of Judicial Conduct has not occurred and that further action is not warranted, the Rules Counsel shall close the file and notify the complainant, the covered attorney concerned, and all officials previously notified of the complaint. OJAG (Code 05), OJAG (Code 13) and/or JAR, as appropriate, will maintain copies of all correspondence related to the closing of the file.

(2) If the Rules Counsel determines, either consistent with the IO recommendation or through the Rules Counsel's own review of the investigation, that a violation of this part or Code of Judicial Conduct has occurred but that the violation is of a minor or technical nature, then the Rules Counsel may determine that corrective counseling is appropriate and close the file. The Rules Counsel shall report any such decision, to include a brief summary of the case, to the JAG.

(i) In cases relating to Marine judge advocates, including trial and appellate judges, in which the SJA to CMC is not the cognizant Rules Counsel, an information copy shall be forwarded to the SJA to CMC.

(ii) The Rules Counsel shall ensure that the covered attorney concerned receives appropriate counseling and shall notify the complainant, the covered attorney concerned, and all officials previously notified of the complaint that the file has been closed. OJAG (Code 05), OJAG (Code 13), and/or JAR, as appropriate, will maintain copies of all correspondence related to the closing of the file.

(iii) The covered attorney concerned is responsible, under these circumstances, to determine if his or her Federal, state, or local licensing authority requires reporting such action.

(3) If the Rules Counsel believes, either consistent with the IO recommendation or through the Rules Counsel's own review of the inquiry report, that professional disciplinary action greater than corrective counseling is warranted, the Rules Counsel shall forward the investigation, with recommendations as to appropriate disposition, to the JAG. (In cases relating to Marine judge advocates, including trial and appellate judges, in which the SJA to CMC is not the cognizant Rules Counsel, an information copy shall be forwarded to the SJA to CMC.)

**§ 776.85 Effect of separate proceeding.**

(a) For purposes of this section, the term ''separate proceeding'' includes, but is not limited to, court-martial, non-judicial punishment, administrative board, or similar civilian or military proceeding.

(b) In cases in which a covered attorney is determined, at a separate proceeding determined by the Rules Counsel to afford procedural protection equal to that provided by a preliminary inquiry under this part, to have committed misconduct that forms the basis for ethics charges under this part, the Rules Counsel may dispense with the preliminary inquiry and proceed directly with an ethics investigation.

(c) In those cases in which a covered attorney is determined to have committed misconduct at a separate

proceeding which the Rules Counsel determines has afforded procedural protection equal to that provided by an ethics investigation under this part, the previous determination regarding the underlying misconduct is res judicata with respect to that issue during an ethics investigation. A subsequent ethics investigation based on such misconduct shall afford the covered attorney a hearing into whether the underlying misconduct constitutes a violation of subpart B of this part, whether the violation affects his or her fitness to practice law, and what sanctions, if any, are appropriate.

(d) Notwithstanding paragraphs (b) and (c) in this section, the Rules Counsel may dispense with the preliminary inquiry and ethics investigation and, after affording the covered attorney concerned written notice and an opportunity to be heard in writing, recommend to the JAG that the covered attorney concerned be disciplined under this part when the covered attorney has been:

(1) Decertified or suspended from the practice of law or otherwise subjected to professional responsibility discipline by the JAG or Chief Counsel of another Military Department;

(2) Disbarred or suspended from the practice of law or otherwise subjected to professional responsibility discipline by the Court of Appeals for the Armed Forces or by any Federal, State, or local bar; or

(3) Convicted of a felony (or any offense punishable by one year or more of imprisonment) in a civilian or military court that, in the opinion of the Rules Counsel, renders the attorney unqualified or incapable of properly or ethically representing the DoN or a client when the Rules Counsel has determined that the attorney was afforded procedural protection equal to that provided by an ethics investigation under this part.

**§ 776.86 Action by the Judge Advocate General.**

(a) The JAG is not bound by the recommendation rendered by the Rules Counsel, IO, PIO, or any other interested party, but will base any action on the record as a whole. Nothing in this part limits the JAG's authority to suspend from the practice of law in DoN matters any covered attorney alleged or found to have committed professional misconduct or violated subpart B of this part, either in DoN or civilian proceedings, as detailed in this part.

(b) The JAG may, but is not required to, refer any case to the Professional Responsibility Committee for an advisory opinion on interpretation of subpart B of this part or its application to the facts of a particular case.

(c) Upon receipt of the ethics investigation, and any requested advisory opinion, the JAG will take such action as the JAG considers appropriate in the JAG's sole discretion. The JAG may, for example:

(1) Direct further inquiry into specified areas.

(2) Determine the allegations are unfounded, or that no further action is warranted, and direct the Rules Counsel to make appropriate file entries and notify the complainant, covered attorney concerned, and all officials previously notified of the complaint.

(3) Determine the allegations are supported by clear and convincing evidence, and take appropriate corrective action including, but not limited to:

(i) Limiting the covered attorney to practice under direct supervision of a supervisory attorney;

(ii) Limiting the covered attorney to practice in certain areas or forbidding him or her from practice in certain areas;

(iii) Suspending or revoking, for a specified or indefinite period, the covered attorney's authority to provide legal assistance;

(iv) Finding that the misconduct so adversely affects the covered attorney's ability to practice law in the naval service or so prejudices the reputation of the DoN legal community, the administration of military justice, the practice of law under the cognizance of the JAG, or the armed services as a whole, that certification under Article 27(b), UCMJ, or R.C.M. 502(d)(3), should be suspended or is no longer appropriate, and directing such certification to be suspended for a prescribed or indefinite period or permanently revoked;

(v) In the case of a judge, finding that the misconduct so prejudices the reputation of military trial and/or appellate judges that certification under Article 26(b), UCMJ (10 U.S.C. 826(b)), should be suspended or is no longer appropriate, and directing such certification to be suspended for a prescribed or indefinite period or to be permanently revoked; and

(vi) Directing the Rules Counsel to contact appropriate authorities such as the Chief of Naval Personnel or the Commandant of the Marine Corps so that pertinent entries in appropriate DoN records may be made; notifying the complainant, covered attorney concerned, and any officials previously provided copies of the complaint; and notifying appropriate tribunals and authorities of any action taken to suspend, decertify, or limit the practice of a covered attorney as counsel before courts-martial or the U.S. Navy-Marine Corps Court of Criminal Appeals, administrative boards, as a legal assistance attorney, or in any other legal proceeding or matter conducted under JAG cognizance and supervision.

**§ 776.87 Finality.**

Any action taken by the JAG is final.

**§ 776.88 Report to licensing authorities.**

Upon determination by the JAG that a violation of subpart B of this part or the Code of Judicial Conduct has occurred, the JAG may cause the Rules Counsel to report that fact to the Federal, State, or local bar or other licensing authority of the covered attorney concerned. If so reported, notice to the covered attorney shall be provided by the Rules Counsel. This decision in no way diminishes a covered attorney's responsibility to report adverse professional disciplinary action as required by the attorney's Federal, State, and local bar or other licensing authority.

## Subpart D—Outside Practice of Law by Covered USG Attorneys

**§ 776.89 Background.**

(a) A covered USG attorney's primary professional responsibility is to the DoN, and he or she is expected to devote the required level of time and effort to satisfactorily accomplish assigned duties. Covered USG attorneys engaged in the outside practice of law, including while on terminal leave, must comply with local bar rules governing professional responsibility and conduct and obtain proper authorization from the JAG as required by § 776.57 and § 776.88 of this part.

(b) Outside employment of DoN personnel, both military and civilian, is limited by the UCMJ, MCM, and 10 U.S.C. 1044. A covered USG attorney may not provide compensated legal services, while working in a private capacity, to persons who are eligible for legal assistance, unless specifically authorized by the JAG. See § 776.24. Because of the appearance of misuse of public office for private gain, this prohibition is based upon the status of the proposed client and applies whether or not the services provided are actually available in a DoN/DoD legal assistance office.

(c) Additionally, DoN officers and employees are prohibited by 18 U.S.C. 209 from receiving pay or allowances from any source other than the United States for the performance of any official service or duty unless specifically

authorized by law. Furthermore, 18 U.S.C. 203 and 205 prohibit Federal officers and employees from personally representing or receiving, directly or indirectly, compensation for representing any other person before any Federal agency or court on matters in which the United States is a party or has an interest.

(d) These limitations are particularly significant when applied to covered USG attorneys who intend to engage concurrently in a civilian law practice. In such a situation, the potential is high for actual or apparent conflict arising from the mere opportunity to obtain clients through contacts in the course of official business. Unique conflicts or adverse appearances may also develop because of a covered USG attorney's special ethical responsibilities and loyalties.

**§ 776.90 Definition.**

(a) Outside practice of law is defined as any provision of legal advice, counsel, assistance or representation, with or without compensation, that is not performed pursuant or incident to duties as a covered USG attorney (including while on terminal leave). Occasional uncompensated assistance rendered to relatives or friends is excluded from this definition (unless otherwise limited by statute or regulation). Teaching a law course as part of a program of education or training offered by an institution of higher education is not practicing law for purposes of this instruction.

(b) The requirement to seek permission prior to engaging in the outside practice of law does not apply to non-USG attorneys, or to Reserve or Retired judge advocates unless serving on active duty for more than 30 consecutive days.

**§ 776.91 Policy.**

(a) As a general rule, the JAG will not approve requests by covered USG attorneys to practice law in association with attorneys or firms which represent clients with interests adverse to the DoN.

(b) The JAG's approval of a particular request does not constitute DoN certification of the requesting attorney's qualifications to engage in the proposed practice or DoN endorsement of activities undertaken after such practice begins. Moreover, because any outside law practice is necessarily beyond the scope of a covered USG attorney's official duties, the requesting attorney should consider obtaining personal malpractice insurance coverage.

**§ 776.92 Action.**

(a) Covered USG attorneys, who contemplate engaging in the outside practice of law, including while on terminal leave, must first obtain approval from the JAG. Requests should be forwarded in the form prescribed in § 776.94 of this part to OJAG (Code 05), JAG (Code 13), or JAR, as appropriate, via the attorney's chain of command.

(b) The requesting attorney's commanding officer may:

(1) Disapprove and return the request if he or she perceives actual or apparent conflicts of interests;

(2) Recommend disapproval of the request and forward it, along with his or her rationale for such a recommendation; or

(3) Forward the request recommending approval and providing such other information as may be relevant.

(c) The JAG will review the request and advise applicants in writing of the decision, and of any conditions and limitations under which a particular practice may be undertaken. Until permission is granted, applicants will not commence any outside law practice.

**§ 776.93 Revalidation.**

(a) Covered USG attorneys to whom permission is given to engage in the outside practice of law will notify the JAG in writing, via their chain of command, within 30 days of any material change in:

(1) The nature or scope of the outside practice described in their requests, including termination, or

(2) Their DoN assignment or responsibilities.

(b) Covered USG attorneys to whom permission is given to engage in the outside practice of law will annually resubmit an application to continue the practice, with current information, by October 1 each year.

**§ 776.94 Outside Law Practice Questionnaire and Request.**

DATE

From: (Attorney Requesting Outside Practice of Law)

To: Deputy Chief Judge, Navy-Marine Corps Trial Judiciary/Deputy Assistant Judge Advocate General (Administrative Law)/Head, Judge Advocate Research and Civil Law Branch, Judge Advocate Division

Via: (Chain of Command)

Subj: OUTSIDE PRACTICE OF LAW REQUEST ICO (Name of attorney)

1. Background Data

a. Name, rank/pay grade:

b. Current command and position:

c. Description of duties and responsibilities (including collateral duty assignments):

d. Describe any DoN responsibilities that require you to act officially in any way with respect to any matters in which your anticipated outside employer or clients have interests:

e. Normal DoN working hours:

2. Proposed Outside Practice of Law Information

a. Mailing address and phone number:

b. Working hours:

c. Number of hours per month:

d. Description of proposed practice (indicate the type of clientele you anticipate serving, as well as the type of work that you will perform):

e. Describe whether you will be a sole practitioner, or collocated, renting from, or otherwise affiliated or associated in any matter with other attorneys:

f. Describe, in detail, any anticipated representation of any client before the United States or in any matter in which the United States has an interest:

g. Describe the manner in which you will be compensated (hourly, by case, fixed salary, and how much of your fees will be related in any way to any representational services before the Federal Government by yourself or by another):

h. Provide a description of any military-related work to which your proposed practice may be applied including, but not limited to, courts-martial, administrative discharge boards, claims against the Department of the Navy, and so forth:

3. Attorneys With Whom Outside Practice is/will be Affiliated, Collocated, or Otherwise Associated

a. Identify the type of organization with which you will be affiliated (sole practitioner, partnership, and so forth), the number of attorneys in the firm, and the names of the attorneys with whom you will be working:

b. Identify the attorneys in the firm who are associated in any way with the military legal community (e.g., active, Reserve, or retired judge advocate), and specify their relationship to any of the military services:

c. Identify the nature of your affiliation with the organization with which you intend to be associated (staff attorney, partner, associate, space-sharing, rental arrangement, other):

d. Provide a brief description of the type of legal practice engaged in by the organization with which you intend to affiliate, including a general description of the practice, as well as the clientele:

e. Describe the clientele who are military personnel or their dependents,

and the number and type of cases handled:

f. Describe whether your affiliates will refer clients to you, and the anticipated frequency of referral:

g. Describe

(1) Whether your associates will assist or represent clients with interests adverse to the United States or in matters in which the United States has an interest:

(2) Those clients, matters, and interests in detail:

(3) What support will you provide in such cases:

(4) What compensation, in any form, you will receive related to such cases:

4. Desired Date of Commencement of Outside Practice

a. Identify if this is your first request or an annual submission for re-approval:

b. If this is an annual submission, indicate when your outside practice began:

c. If this is your first request, indicate when you wish to begin your practice:

5. Conflicts of Interest and Professional Conduct (Include the following statement in your request)

''I certify that I have read and understand my obligations under enclosure (3) to JAGINST 5803.1 (series), DOD 5500.7–R, Joint Ethics Regulation, JAGMAN Chapter VII, the Legal Assistance Manual, and Title 18, U.S.C. 203, 205, and 209. I certify that no apparent or actual conflict of interests or professional improprieties are presented by my proposed initiation/continuation of an outside law practice. I also certify that if an apparent conflict of interest or impropriety arises during such outside practice, I will report the circumstances to my supervisory attorney immediately.''

6. Privacy Act Statement. I understand that the preceding information is gathered per the Privacy Act as follows:

Authority: Information is solicited per Executive Order 12731 and DOD 5500.7–R.

Primary purpose: To determine whether outside employment presents conflicts of interest with official duties.

Routine use: Information will be treated as sensitive and used to determine propriety of outside employment.

Disclosure: Disclosure is voluntary. Failure to provide the requested information will preclude the Judge Advocate General from approving your outside practice of law request.

Signature

## Subpart E—Relations With Non-USG Counsel

### § 776.95 Relations With Non-USG Counsel.

(a) This part applies to non-USG attorneys representing individuals in any matter for which the JAG is charged with supervising the provision of legal services, including but not limited to, courts-martial, administrative separation boards or hearings, boards of inquiry, and disability evaluation proceedings.

(1) Employment of a non-USG attorney by an individual client does not alter the responsibilities of a covered USG attorney to that client.

(2) Although a non-USG attorney is individually responsible for adhering to the contents of this part, the covered USG attorney detailed or otherwise assigned to that client shall take reasonable steps to inform the non-USG attorney:

(i) Of the contents of this part;

(ii) That subpart B of this part apply to civilian counsel practicing before military tribunals, courts, boards, or in any legal matter under the supervision of the JAG as a condition of such practice; and

(iii) That subpart B of this part take precedence over other rules of professional conduct that might otherwise apply, but that the attorney may still be subject to rules and discipline established by the attorney's Federal, state, or local bar association or other licensing authority.

(b) If an individual client designates a non-USG attorney as chief counsel, the detailed USG attorney must defer to civilian counsel in any conflict over trial tactics. If, however, the attorneys have ''co-counsel'' status, then conflict in proposed trial tactics requires the client to be consulted to resolve the conflict.

(c) If the non-USG attorney has, in the opinion of the involved covered USG attorney, acted or failed to act in a manner which is contrary to subpart B of this part, the matter should be brought to the attention of the civilian attorney. If the matter is not resolved with the civilian counsel, the covered USG attorney should discuss the situation with the supervisory attorney. If not resolved between counsel, the client must be informed of the matter by the covered USG attorney. If, after being apprised of possible misconduct, the client approves of the questioned conduct, the covered USG attorney shall attempt to withdraw from the case in accordance with § 776.35 of this part. The client shall be informed of such intent to withdraw prior to action by the covered USG attorney.

Dated: April 18, 2013.

**C.K. Chiappetta,**

*Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2013–09676 Filed 4–30–13; 8:45 am]

BILLING CODE P

# FEDERAL REGISTER

Vol. 78 Wednesday,

No. 84 May 1, 2013


Part III

## The President

Proclamation 8964—Workers Memorial Day, 2013

Federal Register
Vol. 78, No. 84
Wednesday, May 1, 2013

# Presidential Documents

**Title 3—**

## The President

**Proclamation 8964 of April 26, 2013**

## Workers Memorial Day, 2013

**By the President of the United States of America**

**A Proclamation**

Our country boasts the world's most talented, driven, effective labor force. American workers power our homes and feed our families. They raise skyscrapers, transport goods to market, and manufacture products that are the envy of the world. Together, they form the backbone of our economy. As a Nation, we have an obligation to protect the men and women who perform these vital tasks. Yet tragically, thousands of American workers die on the job each year, and millions more suffer work-related injuries or illnesses. On Workers Memorial Day, we honor them, and we reaffirm that no one should have to put their life on the line to bring home a paycheck.

At the turn of the 20th century, laborers faced hazardous conditions. Factory doors were locked from the outside, which prevented quick evacuation in emergencies. A combination of shoddy equipment and fatigue from long shifts made serious injury and death all too common. Career-ending injuries often led to poverty and starvation.

From mine shafts to railroads to factory floors, workers began to speak out. Thanks to generations of union organizers and advocates, conditions slowly improved. But it was not until decades later that our laws assured the right to a safe workplace. The Federal Coal Mine Health and Safety Act of 1969 established comprehensive health and safety standards for the mining industry, and the Occupational Safety and Health Act of 1970 enacted similar standards for all workers. These statutes remain the cornerstone of our protections today, and my Administration remains committed to enforcing them by ensuring workers know their rights, worksites comply with the law, and wrongdoers are held accountable.

Today, our thoughts and prayers are with all those who have lost a loved one to a workplace accident or work-related illness. But we owe them more than prayers. We owe them action and accountability. While we cannot eliminate all risk from the world's most dangerous professions, we can guarantee that when a worker steps up to an assembly line or into a mine shaft, their country stands alongside them, protecting their safety and their stake in the American dream.

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 April 28, 2013, as Workers Memorial Day. I call upon all Americans to participate in ceremonies and activities in memory of those killed or injured due to unsafe working conditions.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of April, 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. 2013–10447
Filed 4–30–13; 11:15 am]
Billing code 3295–F3

# Reader Aids

**Federal Register**

Vol. 78, No. 84

Wednesday, May 1, 2013

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## FEDERAL REGISTER PAGES AND DATE, MAY

25361–25564 ..... 1

## CFR PARTS AFFECTED DURING MAY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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**S. 716/P.L. 113–7**
To modify the requirements under the STOCK Act regarding online access to certain financial disclosure statements and related forms. (Apr. 15, 2013; 127 Stat. 438)
**Last List March 28, 2013**

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

| Date of FR publication | 15 days after publication | 21 days after publication | 30 days after publication | 35 days after publication | 45 days after publication | 60 days after publication | 90 days after publication |
|---|---|---|---|---|---|---|---|
| May 1 | May 16 | May 22 | May 31 | Jun 5 | Jun 17 | Jul 1 | Jul 30 |
| May 2 | May 17 | May 23 | Jun 3 | Jun 6 | Jun 17 | Jul 1 | Jul 31 |
| May 3 | May 20 | May 24 | Jun 3 | Jun 7 | Jun 17 | Jul 2 | Aug 1 |
| May 6 | May 21 | May 28 | Jun 5 | Jun 10 | Jun 20 | Jul 5 | Aug 5 |
| May 7 | May 22 | May 28 | Jun 6 | Jun 11 | Jun 21 | Jul 8 | Aug 5 |
| May 8 | May 23 | May 29 | Jun 7 | Jun 12 | Jun 24 | Jul 8 | Aug 6 |
| May 9 | May 24 | May 30 | Jun 10 | Jun 13 | Jun 24 | Jul 8 | Aug 7 |
| May 10 | May 28 | May 31 | Jun 10 | Jun 14 | Jun 24 | Jul 9 | Aug 8 |
| May 13 | May 28 | Jun 3 | Jun 12 | Jun 17 | Jun 27 | Jul 12 | Aug 12 |
| May 14 | May 29 | Jun 4 | Jun 13 | Jun 18 | Jun 28 | Jul 15 | Aug 12 |
| May 15 | May 30 | Jun 5 | Jun 14 | Jun 19 | Jul 1 | Jul 15 | Aug 13 |
| May 16 | May 31 | Jun 6 | Jun 17 | Jun 20 | Jul 1 | Jul 15 | Aug 14 |
| May 17 | Jun 3 | Jun 7 | Jun 17 | Jun 21 | Jul 1 | Jul 16 | Aug 15 |
| May 20 | Jun 4 | Jun 10 | Jun 19 | Jun 24 | Jul 5 | Jul 19 | Aug 19 |
| May 21 | Jun 5 | Jun 11 | Jun 20 | Jun 25 | Jul 5 | Jul 22 | Aug 19 |
| May 22 | Jun 6 | Jun 12 | Jun 21 | Jun 26 | Jul 8 | Jul 22 | Aug 20 |
| May 23 | Jun 7 | Jun 13 | Jun 24 | Jun 27 | Jul 8 | Jul 22 | Aug 21 |
| May 24 | Jun 10 | Jun 14 | Jun 24 | Jun 28 | Jul 8 | Jul 23 | Aug 22 |
| May 28 | Jun 12 | Jun 18 | Jun 27 | Jul 2 | Jul 12 | Jul 29 | Aug 26 |
| May 29 | Jun 13 | Jun 19 | Jun 28 | Jul 3 | Jul 15 | Jul 29 | Aug 27 |
| May 30 | Jun 14 | Jun 20 | Jul 1 | Jul 5 | Jul 15 | Jul 29 | Aug 28 |
| May 31 | Jun 17 | Jun 21 | Jul 1 | Jul 5 | Jul 15 | Jul 30 | Aug 29 |