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FEDERAL REGISTER

Vol. 78 Tuesday,
No. 93 May 14, 2013

Pages 28111–28464

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, June 11, 2013
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

Printed on recycled paper.

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Presidential Documents

Title 3—

The President

Executive Order 13642 of May 9, 2013

Making Open and Machine Readable the New Default for Government Information

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *General Principles.* Openness in government strengthens our democracy, promotes the delivery of efficient and effective services to the public, and contributes to economic growth. As one vital benefit of open government, making information resources easy to find, accessible, and usable can fuel entrepreneurship, innovation, and scientific discovery that improves Americans' lives and contributes significantly to job creation.

Decades ago, the U.S. Government made both weather data and the Global Positioning System freely available. Since that time, American entrepreneurs and innovators have utilized these resources to create navigation systems, weather newscasts and warning systems, location-based applications, precision farming tools, and much more, improving Americans' lives in countless ways and leading to economic growth and job creation. In recent years, thousands of Government data resources across fields such as health and medicine, education, energy, public safety, global development, and finance have been posted in machine-readable form for free public use on Data.gov. Entrepreneurs and innovators have continued to develop a vast range of useful new products and businesses using these public information resources, creating good jobs in the process.

To promote continued job growth, Government efficiency, and the social good that can be gained from opening Government data to the public, the default state of new and modernized Government information resources shall be open and machine readable. Government information shall be managed as an asset throughout its life cycle to promote interoperability and openness, and, wherever possible and legally permissible, to ensure that data are released to the public in ways that make the data easy to find, accessible, and usable. In making this the new default state, executive departments and agencies (agencies) shall ensure that they safeguard individual privacy, confidentiality, and national security.

Sec. 2. *Open Data Policy.* (a) The Director of the Office of Management and Budget (OMB), in consultation with the Chief Information Officer (CIO), Chief Technology Officer (CTO), and Administrator of the Office of Information and Regulatory Affairs (OIRA), shall issue an Open Data Policy to advance the management of Government information as an asset, consistent with my memorandum of January 21, 2009 (Transparency and Open Government), OMB Memorandum M–10–06 (Open Government Directive), OMB and National Archives and Records Administration Memorandum M–12–18 (Managing Government Records Directive), the Office of Science and Technology Policy Memorandum of February 22, 2013 (Increasing Access to the Results of Federally Funded Scientific Research), and the CIO's strategy entitled ''Digital Government: Building a 21st Century Platform to Better Serve the American People.'' The Open Data Policy shall be updated as needed.

(b) Agencies shall implement the requirements of the Open Data Policy and shall adhere to the deadlines for specific actions specified therein. When implementing the Open Data Policy, agencies shall incorporate a full analysis of privacy, confidentiality, and security risks into each stage

of the information lifecycle to identify information that should not be released. These review processes should be overseen by the senior agency official for privacy. It is vital that agencies not release information if doing so would violate any law or policy, or jeopardize privacy, confidentiality, or national security.

Sec. 3. *Implementation of the Open Data Policy.* To facilitate effective Government-wide implementation of the Open Data Policy, I direct the following:

(a) Within 30 days of the issuance of the Open Data Policy, the CIO and CTO shall publish an open online repository of tools and best practices to assist agencies in integrating the Open Data Policy into their operations in furtherance of their missions. The CIO and CTO shall regularly update this online repository as needed to ensure it remains a resource to facilitate the adoption of open data practices.

(b) Within 90 days of the issuance of the Open Data Policy, the Administrator for Federal Procurement Policy, Controller of the Office of Federal Financial Management, CIO, and Administrator of OIRA shall work with the Chief Acquisition Officers Council, Chief Financial Officers Council, Chief Information Officers Council, and Federal Records Council to identify and initiate implementation of measures to support the integration of the Open Data Policy requirements into Federal acquisition and grant-making processes. Such efforts may include developing sample requirements language, grant and contract language, and workforce tools for agency acquisition, grant, and information management and technology professionals.

(c) Within 90 days of the date of this order, the Chief Performance Officer (CPO) shall work with the President's Management Council to establish a Cross-Agency Priority (CAP) Goal to track implementation of the Open Data Policy. The CPO shall work with agencies to set incremental performance goals, ensuring they have metrics and milestones in place to monitor advancement toward the CAP Goal. Progress on these goals shall be analyzed and reviewed by agency leadership, pursuant to the GPRA Modernization Act of 2010 (Public Law 111–352).

(d) Within 180 days of the date of this order, agencies shall report progress on the implementation of the CAP Goal to the CPO. Thereafter, agencies shall report progress quarterly, and as appropriate.

Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) Nothing in this order shall compel or authorize the disclosure of privileged information, law enforcement information, national security information, personal information, or information the disclosure of which is prohibited by law.

(e) Independent agencies are requested to adhere to this order.

THE WHITE HOUSE,
May 9, 2013.

[FR Doc. 2013–11533
Filed 5–13–13; 8:45 am]
Billing code 3295–F3

Rules and Regulations

Federal Register
Vol. 78, No. 93
Tuesday, May 14, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Doc. No. AMS–FV–13–0009; FV13–905–2 IR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Relaxing Size and Grade Requirements on Valencia and Other Late Type Oranges

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule changes the size and grade requirements currently prescribed under the marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida (order). The order is administered locally by the Citrus Administrative Committee (Committee). This rule reduces the minimum size requirement for Valencia and other late type oranges shipped to interstate markets from 2 8/16 inches to 2 4/16 inches from May 15 through August 31 each season. This rule also reduces the minimum grade requirement for Valencia and other late type oranges shipped to interstate markets from a U.S. No. 1 to a U.S. No. 1 Golden from May 15, 2013, to June 14, 2013, and to a U.S. No. 2 external/U.S. No. 1 internal from June 15, 2013, to August 31, 2013. This rule will provide additional Valencia and other late type oranges for late season markets, helping to maximize fresh shipments.

DATES: Effective May 15, 2013; comments received by July 15, 2013 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov*. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Corey E. Elliott, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Corey.Elliott@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 905, as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule changes the minimum size requirement on Valencia and other late type oranges shipped to interstate markets from 2 8/16 inches to 2 4/16 inches from May 15 through August 31 each season. It also reduces the minimum grade requirement on Valencia and other late type oranges shipped to interstate markets from a U.S. No. 1 to a U.S. No. 1 Golden from May 15, 2013, to June 14, 2013, and to a U.S. No. 2 external/U.S. No. 1 internal from June 15, 2013, to August 31, 2013. This rule will provide additional Valencia and other late type oranges for late season markets and will help maximize fresh shipments. The Committee unanimously recommended these changes at a meeting on January 8, 2013.

Section 905.52 of the order provides, in part, authority to establish minimum grade and size requirements for Florida citrus. Section 905.306 of the order's rules and regulations specifies the minimum grade and size requirements for different varieties of fresh Florida citrus. Such requirements for domestic shipments are specified in Table I of § 905.306(a). Currently, the minimum size for Valencia and other late type oranges is 2 8/16 inches in diameter. The minimum grade for Valencia and other late type oranges is a U.S. No. 1 from August 1 to June 14 and a U.S. No. 2 external/U.S. No. 1 internal from June 15 to July 31. The characteristics of these grades are specified in the U.S. Standard for Grades of Florida Oranges and Tangelos (7 CFR 51.1140 through 51.1179).

At its meeting, the Committee discussed that there may be a late season market for Florida Valencia and other late type oranges in the food

service industry. One member stated that this market prefers a smaller-size orange and may be undersupplied during the last few months of the Florida citrus season, as supplies from other states have been declining. At the end of the season, growers still have Valencia and other late type oranges left on the tree to supply this market. However, with current size and grade regulations, it is difficult to supply this market.

During the last few seasons, approximately 97.5 percent of Valencia and other late type oranges were utilized in the production of orange juice, while approximately 2.5 percent, or about 3.1 million cartons, were utilized as shipments to the fresh market. Of the fresh shipments, 85 percent were shipped between March and May. With the current size and grade requirements, the Committee estimates that fewer than 465,000 cartons would be available after May 15 for shipment to the food service market.

According to the National Agricultural Statistics Service (NASS), approximately 10 percent of Valencia oranges measured at the end of April are 2 4/16 inches. From this forecast, the Committee estimates an additional 200,000 cartons of Valencia and other late type oranges, between 2 4/16 and 2 8/16 inches in size, still remain on the tree.

However, most of the remaining fruit wouldn't meet grade requirements due to discoloration and scarring. As fruit continues to mature on the tree, physiological changes occur that affect the color of the fruit. Also, over time, the fruit gets more blemishes due to wind scarring. Therefore, only changing the minimum size may not be sufficient to make additional fruit available late in the season.

Consequently, to provide additional Valencia and other late type oranges to supply the food service market, the Committee recommended a relaxation in size and grade. This rule changes the minimum size requirement for Valencia and other late type oranges shipped to interstate markets from 2 8/16 inches to 2 4/16 inches from May 15 through August 31 each season. It also reduces the minimum grade requirement for Valencia and other late type oranges shipped to interstate markets from a U.S. No. 1 to a U.S. No. 1 Golden from May 15, 2013, to June 14, 2013, and to a U.S. No. 2 external/U.S. No. 1 internal from June 15, 2013, to August 31, 2013. The Committee believes that relaxing the size and grade requirements will provide an outlet for fruit that may otherwise go un-harvested. This will maximize fresh shipments, allowing more fruit to be shipped to the fresh market, and increasing returns to both handlers and growers.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 29 Valencia and other late type orange handlers subject to regulation under the marketing order and approximately 8,000 producers of citrus in the production area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those whose annual receipts are less than $7,000,000, and small agricultural producers are defined as those having annual receipts less than $750,000 (13 CFR 121.201).

Based on industry and Committee data, the average f.o.b. price for fresh Valencia and other late type oranges during the 2011–12 season was approximately $12.42 per 4/5 bushel carton, and total fresh shipments were approximately 3.2 million cartons. Using the average f.o.b. price and shipment data, the majority of Florida Valencia and other late type orange handlers could be considered small businesses under SBA's definition. In addition, the average annual grower revenue is below $750,000 based on production data, grower prices as reported by NASS, and the total number of Florida citrus growers. Thus, assuming a normal distribution, the majority of Valencia and other late type orange handlers and producers may be classified as small entities.

This rule relaxes the size and grade requirements prescribed under the order. These changes will allow additional late season fruit to be shipped to the fresh market, maximizing shipments and providing additional returns to both handlers and growers. This rule revises § 905.306 by reducing the minimum size requirements for interstate shipments of fresh Valencia and other late type oranges from 2 8/16 inches to 2 4/16 inches from May 15 to August 31 each season. This rule further revises § 905.306 by reducing the minimum grade requirements for interstate shipments of Valencia and other late type oranges from a U.S. No. 1 to a U.S. No. 1 Golden from May 15, 2013, to June 14, 2013, and to a U.S. No. 2 external/U.S. No. 1 internal from June 15, 2013, to August 31, 2013. Authority for these changes is provided for in § 905.52. These changes were unanimously recommended by the Committee at a January 8, 2013, meeting.

This action does not impose any additional costs on the industry. However, it is anticipated that this action will have a beneficial impact. Reducing size and grade requirements for Valencia and other late type oranges from May 15 to August 31 will make additional fruit available for shipment to the fresh market, providing the opportunity to supply the potential food service industry market. The Committee believes that relaxing the size and grade requirements will provide an outlet for fruit that may otherwise go un-harvested. This will allow more fruit to be shipped to the fresh market and increase returns to both handlers and growers. The benefits of this rule are expected to be equally available to all fresh citrus growers and handlers, regardless of their size.

Regarding alternatives to this action, the Committee considered two different approaches to providing additional fruit to the market. They considered changing the minimum size and leaving the current grade standard in place. However, the consensus of the Committee was that late in the season the additional quantity demanded could not be met through a size change alone. The Committee also considered changing the minimum size and establishing U.S. No. 1 Golden as the grade from May 15 to August 31. However, this option would effectively increase the grade from June 15 to July 31, which was not the Committee's intention for the 2013 season. Therefore, the Committee rejected both of these alternatives.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Florida citrus handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee meeting was widely publicized throughout the Florida citrus industry. All interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the January 8, 2013, meeting was a public meeting. All entities, both large and small, were able to express their views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on changes to the size and grade requirements currently prescribed under the Florida citrus marketing order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that this interim rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action relaxes the current size and grade requirements under the order; (2) these changes need to be in effect by May 15, 2013; (3) the Committee recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (4) this rule provides a 60-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR parts 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. In § 905.306, Table I in paragraph (a) is amended by revising the entry for ''Valencia and other late type'' under ''Oranges'' to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
* *	* *	* *	*
Valencia and other late type	08/01/2012–05/14/2013	U.S. No. 1	2 8/16
	05/15/2013–06/14/2013	U.S. No. 1 Golden	2 4/16
	06/15/2013–08/31/2013	U.S. No. 2, External	2 4/16
		U.S. No. 1, Internal.	
	On or after 09/01/13	U.S. No. 1	2 8/16
	September 1–May 14	U.S. No. 1	2 4/16
	May 15–June 14	U.S. No. 2, External	2 4/16
	June 15–July 31	U.S. No. 1, Internal.	
	August 1–August 31	U.S. No. 1	2 4/16
* *	* *	* *	*

* * * * *

Dated: May 8, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013–11389 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 955

[Doc. No. AMS–FV–12–0071; FV13–955–1 IR]

Vidalia Onions Grown in Georgia; Change in Reporting and Assessment Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule changes the reporting and assessment requirements currently prescribed under the marketing order for Vidalia onions grown in Georgia (order). The order regulates the handling of Vidalia onions grown in Georgia and is administered locally by the Vidalia Onion Committee (Committee). This rule changes the date by which handlers are required to submit monthly shipping reports and their corresponding assessments to the Committee from the fifth day of the month to the tenth day of the month. In addition, this rule also changes the due date to the first business day after the tenth of the month should the tenth fall on a weekend or a holiday. These changes are expected to benefit handlers without negatively affecting program compliance.

DATES: Effective May 15, 2013; comments received by July 15, 2013 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov*. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Corey Elliott, Marketing Specialist, or Christian Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3378, Fax: (863) 325–8793, or Email: *Corey.Elliott@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 955, as amended (7 CFR part 955), regulating the handling of Vidalia onions grown in Georgia, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule changes the reporting and assessment requirements currently prescribed under the order. This rule changes the date by which handlers are required to submit monthly shipping reports and their corresponding assessments to the Committee from the fifth day of the month to the tenth day of the month. In addition, this rule also changes the due date to the first business day after the tenth of the month should the tenth fall on a weekend or a holiday. These changes are expected to benefit handlers without negatively affecting program compliance. The Committee unanimously recommended these changes at a meeting on August 9, 2012.

Section 955.60 of the order provides authority for the Committee to require handlers to file reports and provide information as may be necessary for the Committee to perform its duties. Section 955.101 of the regulations provides the requisite reporting requirements. Currently this section provides, in part, that handlers are required to file with the Committee a monthly shipping report on the fifth day of each month following the month in which shipments were made.

Section 955.42 provides the authority for the collection of assessments from handlers to administer the order and the authority to establish the time and rate of assessments. Section 955.142 specifies that handler assessments are required to be paid on a monthly basis corresponding with the due date of the monthly shipping reports. In addition, §§ 955.101 and 955.142 specify that should the fifth day of the month fall on a weekend or holiday, both reports and assessments are due on the first business day prior to the fifth.

This rule revises §§ 955.101 and 955.142 to require that handlers submit monthly shipping reports and assessments to the Committee by the tenth day of the month following the month in which shipments were made. This rule also changes the reporting and assessment requirements to state that if the tenth falls on a weekend or holiday, the monthly reports and assessments are due on the first business day after the tenth day of the month.

At the August meeting, the Committee discussed that the industry has expressed concern regarding the difficulties some handlers were having in submitting their reports and assessments by the fifth of the month. Some handlers have reported that the current due date of the fifth of the month has created a hardship for them because of the short turnaround time for preparing the monthly shipping report and getting it submitted to the

Committee with their assessment payment by the due date.

Some of the data on the shipping report is not available or verifiable until after the final day of the month when all shipments have been made. This data is necessary for the handlers to prepare and submit accurate shipping reports to the Committee and to pay assessments associated with those shipments. Handlers routinely find that they do not have sufficient time to close out their internal month-end sales paperwork in time to complete and submit their monthly reports and the assessment payment by the fifth of the month.

Further, for those times when the fifth falls on a weekend or holiday, the first business day before the weekend or holiday could be as early as the second of the month. This can make it even more difficult for handlers to meet the established due date. Handlers who have the staff necessary to gather data quickly can have a difficult time getting reports and assessments to the Committee office in just two days. Such a short turnaround can be even more challenging for smaller operations.

In addition, the Committee established penalties and an increased interest rate for late assessments in 2011. Although this has helped improve compliance with reporting and assessment requirements, handlers that were already having trouble submitting their monthly reports and assessments now face interest and late fees on late payments.

Therefore, the Committee voted unanimously to extend the monthly reporting and assessment due date an additional five days to the tenth of the month. For those occasions when the tenth falls on a weekend or a holiday, the due date will be the next business day following the tenth. These changes will allow handlers additional reporting time, and should provide handlers sufficient time to receive the sales and shipment data information needed to complete their monthly reports and to submit their assessments.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 40 handlers of Vidalia onions who are subject to regulation under the order and approximately 80 onion producers in the designated production area. Small agricultural service firms, which include handlers, are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. (13 CFR 121.201).

Based on National Agricultural Statistical Service (NASS) and Committee data, the average annual grower price for fresh Vidalia onions during the 2012 season was around $17 per 40-pound container, and total Vidalia onion shipments were around 4,450,000 40-pound containers. Using available data, more than 90 percent of Vidalia onion handlers have annual receipts less than $7,000,000. However, the average receipts for Vidalia producers were around $946,000 in 2012, which is higher than the SBA threshold for small producers. Assuming a normal distribution, the majority of handlers of Vidalia onions may be classified as small entities, while the majority of producers may be classified as large entities, according to the SBA definition.

This rule changes the reporting and assessment requirements currently prescribed under the order. This rule revises §§ 955.101 and 955.142 to change when monthly shipping reports and assessments, respectively, are due to the Committee from the fifth day of the month to the tenth day of the month following the month in which the shipments were made. In addition, this rule also changes both sections to specify that should the tenth fall on a weekend or a holiday, the due date will be the first business day after the tenth of the month. Authority for these changes is provided for in §§ 955.60 and 955.42. These changes are expected to benefit handlers without negatively affecting program compliance. The Committee unanimously recommended these changes at a meeting on August 9, 2012.

It is not anticipated that this action will impose any additional costs on the industry. This action relaxes the current due dates for monthly reports and assessments, which should benefit all businesses. Handlers may see reduced costs as they will have more time to submit reports without accruing late payment penalties. While the majority of Vidalia onion handlers are considered to be small businesses, the effects of this rule are not expected to be disproportionately greater or less for small entities than for larger entities.

As an alternative to this action, the Committee considered making no change to the current regulations. However, filing reports and paying assessments by the fifth day of the month was a hardship for some handlers. Thus, the Committee determined that action was needed, and this alternative was rejected.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 (Generic Vegetable Crops). No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large Vidalia onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Vidalia onion industry, and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 9, 2012, meeting was a public meeting, and all entities, both large and small, were able to express their views on this issue.

Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide*. Any questions about the compliance

guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

This rule invites comments on changes to the reporting and assessment requirements currently prescribed under the order. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, including the Committee's recommendation and other information, it is found that this interim rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule relaxes requirements by giving handlers additional time to submit monthly reports and assessments; (2) Vidalia onion handlers began shipping onions on April 17; (3) this issue has been widely discussed at industry meetings, and the Committee has kept the industry well informed; (4) the Committee unanimously recommended these changes at a public meeting and interested parties had an opportunity to provide input; and (5) this rule provides a 60-day comment period, and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 955

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 955 is amended as follows:

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

■ 1. The authority citation for 7 CFR part 955 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 955.101 [Amended]

■ 2. In § 955.101, paragraph (b) is amended by revising the word ''fifth'' to read ''tenth'', and the words ''prior to'' to read ''following'' respectively, everywhere they appear.

§ 955.142 [Amended]

■ 3. In § 955.142, paragraph (a) is amended by revising the word ''fifth'' to read ''tenth'', and the words ''prior to'' to read ''following'' respectively, everywhere they appear.

Dated: May 9, 2013.

Rex A. Barnes,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2013–11393 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Doc. No. AMS–FV–12–0051; FV12–966–1 FIR]

Tomatoes Grown in Florida; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim rule that decreased the assessment rate established for the Florida Tomato Committee (Committee) for the 2012–13 and subsequent fiscal periods from $0.037 to $0.024 per 25-pound carton of tomatoes handled. The Committee locally administers the marketing order which regulates the handling of tomatoes grown in Florida. The interim rule was necessary to allow the Committee to reduce its financial reserve and to help reduce overall industry costs, while still providing adequate funding to meet program expenses.

DATES: Effective May 15, 2013.

FOR FURTHER INFORMATION CONTACT: Corey Elliott, Marketing Specialist or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Corey.Elliott@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may obtain information on complying with this and other marketing order regulations by viewing a guide at the following Web site: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide;* or by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

Under the order, Florida tomato handlers are subject to assessments, which provide funds to administer the order. Assessment rates issued under the order are intended to be applicable to all assessable Florida tomatoes for the entire fiscal period, and continue indefinitely until amended, suspended, or terminated. The Committee's fiscal period began on August 1, and ends on July 31.

In an interim rule published in the **Federal Register** on February 8, 2013, and effective on February 11, 2013, (78 FR 9307, Doc. No. AMS–FV–12–0051, FV12–966–1 IR), § 966.234 was amended by decreasing the assessment rate established for Florida tomatoes for the 2012–13 and subsequent fiscal periods from $0.037 to $0.024 per 25-pound carton. The decrease in the per 25-pound carton assessment rate allows the Committee to reduce its financial reserve and helps to reduce overall industry cost, while still providing adequate funding to meet program expenses.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 80 handlers of tomatoes in the production area and approximately 100 producers subject to regulation under the marketing order.

Small agricultural service firms are defined by the Small Business Administration (SBA) as those whose annual receipts are less than $7,000,000 and small agricultural producers are defined as those having annual receipts less than $750,000 (13 CFR 121.201).

Based on industry and Committee data, the average annual price for fresh Florida tomatoes during the 2011–12 season was approximately $6.62 per 25-pound container, and total fresh shipments for the 2011–12 season were approximately 38,175,363 25-pound cartons of tomatoes. Committee data indicates that approximately 21 percent of the handlers handle 90 percent of the total volume shipped. Based on the average price, about 80 percent of handlers could be considered small businesses under SBA's definition. In addition, based on production data, grower prices as reported by the National Agricultural Statistics Service, and the total number of Florida tomato growers, the average annual grower revenue is below $750,000. Thus, the majority of handlers and producers of Florida tomatoes may be classified as small entities.

This rule continues in effect the action that decreased the assessment rate established for the Committee and collected from handlers for the 2012–13 and subsequent fiscal periods from $0.037 to $0.024 per 25-pound carton of tomatoes. The Committee unanimously recommended 2012–13 expenditures of $1,672,952 and an assessment rate of $0.024 per 25-pound carton of tomatoes. The assessment rate of $0.024 is $0.013 lower than the rate previously in effect. Applying the $0.024 rate per 25-pound carton assessment rate to the Committee's 35 million cartons crop estimate should provide $840,000, in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve, interest income, and funds from block grants, will be adequate to cover budgeted expenses. This action will allow the Committee to reduce its financial reserve and will help lower overall industry cost, while still providing adequate funding to meet program expenses.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the Florida tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 22, 2012, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178, Vegetable and Specialty Crops. No changes in those requirements as a result of this action are anticipated. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida tomato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Comments on the interim rule were required to be received on or before April 9, 2013. No comments were received. Therefore, for reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-12-0051-0001*.

This action also affirms information contained in the interim rule concerning Executive Orders 12866 and 12988, and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (78 FR 9307, February 8, 2013) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

PART 966—TOMATOES GROWN IN FLORIDA

Accordingly, the interim rule amending 7 CFR part 966, which was published at 78 FR 9307 on February 8, 2013, is adopted as a final rule, without change.

Dated: May 8, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013–11385 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[No. AMS–LS–11–0038]

Lamb Promotion, Research, and Information Order; Amendment to the Order To Raise the Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Lamb Promotion, Research, and Information Order (Order) to increase the assessment rate on all live ovine animals sold from $0.005 per pound to $0.007 per pound for producers, feeders, and seedstock producers, and from $0.30 per head of ovine animals purchased for slaughter to $0.42 per head for first handlers. The increase is provided for under the Order, which is authorized by the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. 7411–7425). The American Lamb Board (Board), which administers the Order, recommended this action to maintain and expand their promotional, research, advertising, and communications programs.

DATES: Effective June 13, 2013.

FOR FURTHER INFORMATION CONTACT: Emily DeBord, Agricultural Marketing Specialist, Research and Promotion Division, on 202–690–2611, fax 202–720–1125, or by email at *Emily.DeBord@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has waived the review process required by Executive Order (E.O.) 12866 for this action.

Executive Order 12988

This final rule has been reviewed under E.O. 12988, Civil Justice Reform. The rule is not intended to have retroactive effect and will not affect or preempt any other State or Federal law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act a person subject to the Order may file a petition

with the Secretary of Agriculture (Secretary) stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not established in accordance with the law, and may request a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order, or any obligation imposed in connection with the Order, shall be filed within 2 years after the effective date of the Order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on the petition.

The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's final ruling.

Regulatory Flexibility Act and Paperwork Reduction Act

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic effect of this action on small entities and has determined that this final rule will not have a significant impact on a substantial number of small entities. The purpose of the RFA is to fit regulatory action to the scale of businesses subject to such action in order that small businesses will not be unduly burdened.

The U.S. Department of Agriculture's (Department) National Agricultural Statistics Service estimated that in 2012 the number of operations in the United States with sheep totaled approximately 79,500. The majority of these operations that are subject to the Order may be classified as small entities.

The Small Business Administration defines, in 13 CFR Part 121, small agricultural producers as those having annual receipts of no more than $750,000, and small agricultural service firms (handlers and importers) as those having annual receipts of no more than $7 million. Under these definitions, the majority of the producers, feeders, seedstock producers, and first handlers that will be affected by this final rule are considered small entities.

Funds collected under the programs are used for promotion, information, research, and advertising of American lamb and for the administration, maintenance, and functioning of the Board. At the current assessment rate of one-half of a cent ($0.005) per pound on all live lambs sold by producers, feeders, and seedstock producers and thirty cents ($0.30) per head of lamb purchased by first handlers for slaughter, the program generates about $1.8 million in annual revenues. The current assessment rate was established in April 11, 2002, when the Order was issued (70 FR 17848). The Order is administered by the Board under Department oversight. According to the Board, additional revenue is required in order to sustain and expand the promotional, research, advertising, and communications programs.

On May 26, 2011, the Board passed a motion to raise the assessment rate as authorized under the Act and Order (7 CFR Part 1280). This final rule is consistent with section 1280.217(e) of the Order, which states that the rate of assessment for producers, seedstock producers, and feeders may be raised or lowered no more than twenty-hundredths of a cent ($0.002) in any one year. In addition, section 1280.219 states the rate of assessment for first handlers shall be increased or decreased proportionately if the assessment paid by producers, feeders, and seedstock producers is increased or decreased. The current rate producers pay on a per pound basis, $0.005 per pound, is 16.7 percent of the rate first handlers pay on a per head basis, $0.30 per head. To keep the same proportionality when producers are assessed a rate of $0.007 per pound, the first handlers will be assessed a rate of $0.42 per head. Currently, section 1280.217 of the Order states that the rate of assessment shall be one-half of a cent ($0.005) per pound on all live lambs sold. Section 1280.219 currently states each first handler, in addition to remitting the assessment collected pursuant to section 1280.217, shall pay an assessment equal to thirty cents ($0.30) per head of lambs purchased by the first handler for slaughter or slaughtered by such first handler pursuant to a custom slaughter arrangement. This final rule will amend the aforementioned sections.

The Board's most recent return on investment study, *Analyzing the Effectiveness of the Lamb Promotion, Research, and Information Order,* by Oral Capps, Jr. and Gary W. Williams, showed that for the period 2002 through 2010 the Lamb Checkoff Program continued to enhance the demand for American lamb. The analysis shows that the Board's promotion programs have generated roughly 7.1 to 7.5 additional pounds of total lamb consumption per dollar spent on advertising and promotion and $37.16 to $39.34 in additional lamb sales per dollar spent on advertising and promotion. Copies of this study can be obtained from the Board.

Over the last several fiscal years, however, several trends have asserted downward pressure on the Board's continued ability to sustain the industry's recognized high level of return. Domestic lamb production levels have continued to decrease. A growing percentage of domestic lamb is being sold into non-traditional markets and higher costs driven by worldwide inflation have increased the expense of implementing Board programs. The Board's assessment collections have continued to decrease from $2.8 million in 2003 to $1.9 million in 2012. Over the past few years the Board's budget has decreased and business costs have increased. The Board has explored ways to maintain effective programs by cutting programs that are not meeting the Board's expectations. The Board believes that marketing and promotions programs should not be reduced any further at a time when it is critical for the industry to protect American lamb's position in retail and foodservice and maintain market share.

The Board states that the proposed assessment rate increase would enable it to maintain, enhance, and expand its efforts to build demand, increase awareness, and create preference for American lamb through targeted advertising, retail promotions, public relations campaigns and media outreach, foodservice programs, consumer events, social marketing, and nutrition education. The Board strongly believes that it is a critical time for the industry to protect their position in retail and foodservice and maintain market share in order for there to be a future for domestic lamb. The Board believes that it is essential to increase the lamb checkoff revenue and get its marketing and promotion budget back to the original budget levels in fiscal years 2003 and 2004 in order to maintain its efforts to promote American lamb and deliver a good return on the industry's investment.

This final rule does not impose additional recordkeeping requirements on producers, feeders, seedstock producers, or first handlers of American lamb. There are no Federal rules that duplicate, overlap, or conflict with this rule. In accordance with OMB regulation (5 CFR part 1320), which implements the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements have been approved previously under OMB control number 0581–0093. This final rule does not result in a change to the

information collection and recordkeeping requirements previously approved.

We have performed this initial RFA regarding the impact of this final amendment to the Order on small entities.

Background and Final Action

Under the Order, which became effective April 11, 2002, the Board administers a nationally coordinated program of research, development, advertising, and promotion designed to strengthen the position of, and to develop and expand the markets for, ovine animals and ovine products. This program is currently financed by assessments from producers, feeders, and seedstock producers who pay an assessment of one-half cent ($0.005) per pound when live ovine animals are sold. First handlers, primarily packers, pay an additional $0.30 per head on ovine animals purchased for slaughter. Importers are not assessed.

This final rule will increase the assessment rate on all live lambs sold from $0.005 per pound to $0.007 per pound for producers, feeders, and seedstock producers and from $0.30 per head of lamb purchased for slaughter to $0.42 per head for first handlers. According to the Board, in order to sustain and expand the promotion, research, and communications programs at present levels, the Board contends that additional revenue is required. The assessment rate increase is estimated to generate $700,000 in new revenue, depending upon production levels.

The Board's budget is based on the amount of assessments collected on an annual basis. As assessments have continued to decline, the Board's budget has decreased from $2.8 million in 2003 to $1.9 million in 2012. As expenses to successfully promote and increase the consumption of American lamb continue to rise, the Board believes it is necessary to amend the Order to increase the rate of assessment.

On May 26, 2011, the Board unanimously approved a motion to request that the Secretary amend sections 1280.217 (e) and 1280.219 of the Order to increase the assessment rate on all live lambs sold from $0.005 per pound to $0.007 per pound for producers, feeders, and seedstock producers and from $0.30 per head of lamb purchased for slaughter to $0.42 per head for first handlers. The Board has not amended the Order to raise or lower the assessment rate since the inception of the program. The vote to recommend the assessment increase was unanimous.

The Act provides for the creation of, and amendments to, the Order. The Order provides in section 1280.210 that the Board shall have the powers and duties to recommend to the Secretary such amendments to the Order as the Board considers appropriate.

Comments

On June 12, 2012, the Department published in the **Federal Register** (77 FR 34868) for public comment a proposed rule to amend the Order to increase the assessment rate on all live ovine animals sold from $0.005 to $0.007 per pound for producers, feeders, and seedstock producers, and from $0.30 to $0.42 per head for first handlers. Comments were due to the Department by August 13, 2012.

The Department received 121 timely comments related to the proposed rule, of which 94, or 77.7% were in support of the assessment rate increase, and 26, or 21.5%, were opposed to the increase. One comment was neither for nor against the increase, and four comments, which generally reflected the views of those who supported the increase, were received after the closing date. Commenters included producers, feeders, seedstock producers, first handlers, and other interested parties.

Commenters supporting the assessment rate increase pointed to the need to raise sufficient funding for lamb promotions in the face of rising costs. Many noted that the assessment rate had not been increased during the past decade and that the increase would restore marketing funding to earlier levels. Several commenters suggested that the lamb industry would lose share of voice in the market without increased funding. Commenters also noted that the rate increase would offset the decline in lamb inventories across the country. Other commenters pointed out that the lamb industry increasingly was being outspent by competing meats and international competitors in marketing activities.

Commenters who opposed the assessment rate increase cited the decline of the industry (lamb numbers falling; prices not competitive with imported lamb meat). Many suggested that lamb producers were losing money and could not afford the additional cost. Several commenters based their opposition to the rate increase on their belief that the Lamb Checkoff has not been driving increased lamb consumption. Two commenters noted that the lamb industry is too diversified for the generic checkoff program to be successful.

AMS has carefully considered all comments submitted and is not making any changes to the proposed rule. As has been stated previously in this rulemaking, in the Board's view, it is a critical time for the lamb industry to protect its position in retail and foodservice, and maintain market share, in order for there to be a future for domestic lamb. Therefore, it is essential to increase the lamb checkoff revenue and get its marketing and promotion budget back to the original budget levels in fiscal years 2003 and 2004 in order to maintain the Board's efforts to promote American lamb and deliver a good return on the industry's investment.

List of Subjects in 7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Lamb and Lamb products, Reporting and recordkeeping requirements.

For reasons set forth in the preamble, this final rule amends 7 CFR part 1280 as follows:

PART 1280—LAMB PROMOTION, RESEARCH, AND INFORMATION

■ 1. The authority citation for 7 CFR part 1280 continues to read as follows:

Authority: 7 U.S.C. 7411–7425 and 7 U.S.C. 7401.

■ 2. In § 1280.217, paragraph (e) is revised to read as follows:

§ 1280.217 Lamb purchases.

* * * * *

(e) *Rate.* Except as otherwise provided, the rate of assessment shall be seven-tenths of a cent ($0.007) per pound on all live lambs sold. The rate of assessment may be raised or lowered no more than twenty-hundredths of a cent ($0.002) in any one year. The Board may recommend any change to the Department. Prior to a change in the assessment rate, the Department will provide notice by publishing in the **Federal Register** any proposed changes with interested parties allowed to provide comment.

* * * * *

■ 3. Section 1280.219 is revised to read as follows:

§ 1280.219 First handlers.

Each first handler, in addition to remitting the assessment collected pursuant to § 1280.217, shall pay an assessment equal to forty-two cents ($0.42) per head of lambs purchased by the first handler for slaughter or slaughtered by such first handler pursuant to a custom slaughter arrangement. The rates of assessment for first handlers shall be increased or

decreased proportionately if the assessment paid by producers, seedstock producers, and feeders is increased or decreased. Such assessment shall be remitted with the assessments collected pursuant to § 1280.217.

Dated: May 8, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013–11390 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

8 CFR Part 1292

[Docket No. EOIR 138]

RIN 1125–AA39

Registry for Attorneys and Representatives

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Notice of implementation of registration requirement.

SUMMARY: The Executive Office for Immigration Review (EOIR) has established a mandatory electronic registry for attorneys and accredited representatives who practice before EOIR's immigration courts and Board of Immigration Appeals (BIA or Board). This notice provides additional instructions regarding the registration process.

DATES: Attorneys and accredited representatives will be able to register beginning on June 10, 2013. After December 10, 2013, attorneys and accredited representatives must be registered in order to practice before EOIR's immigration courts and the Board and may be subject to administrative suspension for failure to register.

FOR FURTHER INFORMATION CONTACT: Jeff Rosenblum, General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041, telephone (703) 305–0470 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

I. Background

On April 1, 2013, the Department published in the **Federal Register** a final rule that establishes a mandatory electronic registry (eRegistry) for attorneys [1] and accredited representatives [2] who practice before EOIR's immigration courts and the Board.[3] *See* 78 FR 19400 (April 1, 2013). The final rule amends 8 CFR part 1292 by establishing a new paragraph in § 1292.1(f) that provides for attorneys and accredited representatives to register electronically with EOIR in order to practice before its immigration courts and the Board.

eRegistry is part of a long-term agency plan to create an electronic case access and filing system for the immigration courts and the Board. The eRegistry will individually and uniquely identify each registered attorney or accredited representative and associate the information provided during registration with that attorney or accredited representative. This will increase efficiency by reducing system errors in scheduling matters and providing improved notice to attorneys and accredited representatives. Further, registration will ultimately enable an electronic filing system that will reduce the time and expense presently incurred with paper filings.

II. Who Must Register

All attorneys and accredited representatives who practice before EOIR's immigration courts or the Board must register with EOIR's eRegistry. *See* 8 CFR 1292.1(a)(1), (a)(4), (f). At this time, the electronic registration requirements apply only to attorneys and to accredited representatives who are authorized to appear before EOIR. (This includes attorneys and accredited representatives who appear before both EOIR and DHS, but the registration requirements only pertain to their practice before EOIR.) Accordingly, accredited representatives authorized to appear only before DHS, law students, law graduates, reputable individuals, or accredited foreign government officials will not be able to register at this time. Similarly, law firms and recognized organizations will not be able to register.

III. How To Register

Registration is a two-step process, which consists of an online registration and an identity validation. Both steps must be completed in order for an attorney or accredited representative to be registered before EOIR.

Attorneys and accredited representatives will begin the online registration process by selecting their relevant account type, creating an individual UserID and password, and providing answers to password-related security questions.[4] Thereafter, attorneys and accredited representatives will follow on-screen instructions to enter and submit the requested information. After registering, a registry applicant will need to appear at an immigration court location or the Board to present photo identification, so that EOIR can verify the applicant's identity. Once that step is completed, EOIR will notify the registrant that his or her account has been activated.

Attorneys will be required to provide the following information when registering: full name; date of birth; business address(es); business telephone number(s); email address(es)[5]; and bar admission information for all the jurisdictions in which they are licensed to practice, including those in which they are inactive. If they are licensed in a jurisdiction that does not provide bar numbers, they will not be required to submit a bar number for that jurisdiction. Attorneys may also enter the name of their business or law firm.

Accredited representatives will be required to provide the following information when registering: full name; date of birth; business address(es); business telephone number(s); email address(es); and name(s) of all the recognized organization(s) that have obtained accreditation for the representative to appear before EOIR.

EOIR will process the submitted information and then communicate with the registry applicant via email. First, EOIR will send an email to the registry applicant with instructions for the identity validation process.[6] After the

[1] For purposes of this notice, the term ''attorney'' refers to any individual meeting the definition of ''attorney'' in 8 CFR 1001.1(f), except any attorney who represents the Federal Government before EOIR.

[2] An accredited representative is a non-attorney who is designated by a recognized organization and accredited by the Board pursuant to 8 CFR 1292.2(d) to represent individuals before the Department of Homeland Security (DHS), or before both DHS and EOIR. All accredited representatives must be affiliated with an organization established in the United States that has received recognition by the Board pursuant to 8 CFR 1292.2(a). For purposes of this notice, the term ''accredited representative'' refers only to an accredited representative who is accredited to appear before both EOIR and DHS. *See* 8 CFR 1292.2(d).

[3] The electronic registration requirement does not apply to representatives who appear before EOIR's Office of the Chief Administrative Hearing Officer.

[4] A registered attorney or accredited representative will be able to provide the answers to these questions in order to reset a forgotten password.

[5] Registrants will be able to provide more than one email address, when appropriate, i.e., an email address for eRegistry account-related emails and an email address for case specific correspondence.

[6] As indicated in the final rule, registry applicants will be able to appear at an immigration court or the Board's Clerk's Office to present specified photo identification, so that EOIR can verify the registrant's identity. In addition, EOIR anticipates

registry applicant successfully completes the identity validation process, EOIR will send an email notifying the registrant that it has activated his or her account and will assign an EOIR ID number. Each registrant will be required to include the EOIR ID number when filing a Form EOIR–27, Notice of Entry of Appearance as Attorney or Representative Before the Board of Immigration Appeals, or Form EOIR–28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court.

IV. Failure To Register

By December 10, 2013, all attorneys and accredited representatives authorized to appear before EOIR must be registered as a condition to practice before the immigration courts and the Board. If an attorney or accredited representative who has cases pending before EOIR fails to register by December 10, 2013, EOIR may administratively suspend that individual from practicing before EOIR. *See* 8 CFR 1292.1(f). An attorney or accredited representative subject to administrative suspension can resume practicing before EOIR upon completing the registration process. While administrative suspension, on its own, is not disciplinary in nature, an unregistered attorney or accredited representative's multiple attempts to appear before EOIR may result in disciplinary sanctions. Any individual who meets the definition of attorney in 8 CFR 1001.1(f) or the definition of representative in 8 CFR 1001.1(j) is subject to disciplinary sanctions for misconduct, even if the individual is not registered. *See* 8 CFR 1003.101(b).

V. Voluntary Electronic Submission of Form EOIR–27 and Form EOIR–28

Upon implementation of eRegistry, registered attorneys and accredited representatives will be able to use their stored eRegistry information to pre-populate and, on a voluntary basis, electronically file entry of appearance forms for certain designated proceedings before the immigration courts and the Board.[7] Registered attorneys and accredited representatives who electronically file a Form EOIR–27 or Form EOIR–28 will still be required to serve DHS with a printed copy of the completed Form EOIR–27 or Form EOIR–28.

EOIR will continue to accept paper submissions of the Form EOIR–27 and Form EOIR–28. At this time, immigration practitioners who are not required to register will not be able to file these forms electronically.

VI. Official Correspondence and Representative Change of Address

EOIR will send all official correspondence to the representative's address included on the most recent Form EOIR–27 or Form EOIR–28 for each case. Representatives are under an obligation to notify the immigration court and the Board of any change in their current address or any change in affiliations with recognized organizations, including branch offices.

Registrants may change their addresses electronically by completing a two-step process. First, registrants must log in to their eRegistry account and add the new address to their account profile. Second, registrants must electronically file a Form EOIR–27 or Form EOIR–28 for each of their cases to which the newly-added address should be assigned. In such cases, registrants should check the ''new address'' box on the Form EOIR–27 or Form EOIR–28. As with all submissions of the Form EOIR–27 or the Form EOIR–28, registrants are required to serve DHS with a printed copy of the completed Form EOIR–27 or Form EOIR–28.

Registrants should note that adding a new address to their eRegistry profiles will not serve to update their addresses with the immigration court or the Board unless and until the Form EOIR–27 or Form EOIR–28 has been filed in each of their cases with their updated address.

In matters in which EOIR does not yet accept electronic filings of the Form EOIR–27 or Form EOIR–28, registrants will need to file paper versions of those forms with the immigration court or the Board to complete the address change.

VII. Responsibilities of Users

Registered attorneys and accredited representatives will be responsible for all activity conducted under the attorney's or accredited representative's account. Once eRegistry is operational, registered attorneys and accredited representatives should immediately contact EOIR if they think that their account has been compromised.

VIII. Effect of Disciplinary Orders on Registry

Individuals with law licenses are not permitted to register as attorneys if they are under any order suspending, enjoining, restraining, disbarring, or otherwise restricting them in the practice of law, or are otherwise not a member in good standing of the bar. Such individuals do not meet the definition of ''attorney'' under 8 CFR 1001.1(f).

EOIR will deactivate the EOIR ID of an attorney or accredited representative who has been disbarred or suspended pursuant to 8 CFR 1003.101 *et seq.* unless and until the Board reinstates or otherwise permits the attorney or accredited representative to practice.

IX. Additional Information

Additional information regarding eRegistry will be available on EOIR's Web site.

Dated: May 7, 2013.

Juan P. Osuna,

Director.

[FR Doc. 2013–11426 Filed 5–13–13; 8:45 am]

BILLING CODE 4410–30–P

that applicants may be able to present their identification at other locations where EOIR hearings are conducted, including those where hearings are conducted by video conference. Detailed information about the required identity validation process for eRegistry, including permissible forms of identification and locations where EOIR will validate identities, will be available on EOIR's Web site. The list of permissible forms of identification will also be available during the online registration process.

[7] EOIR will not permit electronic filing of the Form EOIR–27 and Form EOIR–28 in certain limited situations, including, but not limited to, bond redetermination requests made before the filing of a Notice to Appear with the immigration court, appeals of decisions involving fines and penalties, and appeals of decisions of adjudicating officials in practitioner disciplinary proceedings. A complete list of situations in which EOIR will not permit electronic filing of the Form EOIR–27 and Form EOIR–28 will be available on EOIR's Web site.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0393; Directorate Identifier 2012–CE–025–AD; Amendment 39–17446; AD 2013–09–05]

RIN 2120–AA64

Airworthiness Directives; Twin Commander Aircraft LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Twin Commander Aircraft LLC Models 690, 690A, and 690B airplanes. This AD requires inspection for cracking of the outer fuselage attachments, the lower wing main spar, the vertical channels, the upper picture window channels, aft cabin pressure web, external wing to fuselage fillets, and fasteners; repair or replacement of damaged parts as necessary; and modification of the structure with reinforced parts. This AD

was prompted by cracks found in the upper picture window frame channels, left- and right-hand wing main spar frame support channels, and aft pressure bulkhead web. This condition, if not corrected, could result in structural failure of the airplane. We are issuing this AD to correct the unsafe condition on these products.

DATES: This AD is effective May 29, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of May 29, 2013.

We must receive comments on this AD by June 28, 2013.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* 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 Twin Commander Aircraft LLC; 1176 Telecom Drive, Creedmoor, NC 27522; telephone: (360) 403–0258; email: *gpence@twincommander.com;* Internet: *http://www.twincommander.com.* 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 (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vince Massey, Aerospace Engineer, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, WA 98057; telephone: (425) 917–6475; fax: (425) 917–6590; email: *vince.massey@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We were notified of cracks found in the left and right wing main spar frame support channels, the aft pressure bulkhead web, and the left and right picture window upper frame channels of a Twin Commander Aircraft LLC Model 690B airplane. Nineteen airplanes were inspected with one having severe cracking in the left and right wing main spar frame support channels, the aft pressure bulkhead web, and the left and right picture window upper frame channels. Five other of the inspected airplanes had similar but less severe damage. This condition, if not corrected, could result in structural failure of the aircraft.

Relevant Service Information

We reviewed Twin Commander Aircraft LLC Service Bulletin 241, dated September 26, 2012. The service information describes procedures for access, disassembly, and inspecting the outer fuselage attachments, the lower wing main spar, the vertical channels, the upper picture window channels, aft cabin pressure web, external wing to fuselage fillets, and fasteners for cracking. The service information also describes procedures for modifying the structure with reinforced parts and reassembly.

FAA's Determination

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

AD Requirements

This AD requires inspection for cracking of the outer fuselage attachments, the lower wing main spar, the vertical channels, the upper picture window channels, aft cabin pressure web, external wing to fuselage fillets, and fasteners; repair or replacement of damaged parts as necessary; and modification of the structure with reinforced parts.

FAA's Justification and 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 cracking in the upper picture window frame channels, left- and right-hand wing main spar frame support channels, and/or aft pressure bulkhead web could result in structural failure of the aircraft. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2013–0393 and Directorate Identifier 2012–CE–025–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 affects 280 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
Disassembly, inspection, and modification	584 work-hours × $85 per hour = $49,640.	$8,450	$58,090	$16,265,200

The scope of damage found in the required inspection could vary significantly from airplane to airplane. We have no way of determining how much damage may be found on each airplane or the cost to repair damaged parts on each airplane. The damage could be as minor as replacing rivets or fasteners or as extensive as a major wing/fuselage repair or replacement.

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

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes as a principle of regulatory issuance that agencies shall endeavor, consistent with the objective of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation.

To achieve that principle, the RFA requires agencies to solicit and consider flexible regulatory proposals and to explain the rationale for their actions. The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a proposed or final rule will have a significant economic impact on a substantial number of small entities. In accordance with Section 608 of the Regulatory Flexibility Act, an agency head may waive or delay completion of some or all of the requirements of Section 603 by providing a written finding that this final rule is being promulgated in response to an emergency that makes compliance or timely compliance with the provisions of Section 603 impracticable.

We are performing a review to determine whether this final rule AD action will have a significant economic impact on a substantial number of small entities. However, the immediate safety of flight conditions of this AD action make compliance with the provisions of Section 603 impracticable. Our justification for immediate adoption of this rule, and therefore of impracticability, is stated in FAA's Justification and Determination of the Effective Date. After we determine whether this final rule AD action has a significant economic impact on a substantial number of small entities or not, we will publish in the **Federal Register** our determination and, if required, our final regulatory flexibility analysis.

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):

2013–09–05 Twin Commander Aircraft LLC: Amendment 39–17446 ; Docket No. FAA–2013–0393; Directorate Identifier 2012–CE–025–AD.

(a) Effective Date

This AD is effective May 29, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following Twin Commander Aircraft LLC airplanes, certificated in any category:

(1) Model 690, all serial numbers except 11057;

(2) Model 690A, all serial numbers except 11104, 11106, 11129, 11134, 11146, 11159, 11173, 11192, 11220, 11237, 11252, 11263, 11280, 11287, 11298, 11303, 11317, 11339, and 11341; and

(3) Model 690B, all serial numbers except 11383, 11384, 11401, and 11436.

(4) Aircraft equipped with AVIADESIGN, Inc. STC No. SA5740NM (You may find information on STC No. SA5740NM at Internet: *http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/FEC5B7544E15F14C85256CC200122B19?OpenDocument&Highlight=sa5740nm*) are not compatible with the modifications contained in Twin Commander Aircraft LLC Service Bulletin 241, dated September 26, 2012. When an airplane has been modified, altered, or repaired in the area addressed by the AD action, according to 14 CFR part 39.15, the AD action still applies to that airplane. Following 14 CFR 39.19, the owner/operator of that airplane must request approval from the FAA for an alternative method of compliance (AMOC) following the instructions in paragraph (j) of this AD.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by cracks found in the upper picture window frame channels, left- and right-hand wing main spar frame support channels, and aft pressure bulkhead web. This condition, if not corrected, could result in structural failure of the airplane. We are issuing this AD to correct the unsafe condition on these products.

(f) Compliance

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

(g) Inspection

(1) Inspect the airplane structural components, at the compliance times specified in paragraphs (g)(1)(i) through (g)(1)(iv) of this AD following Part I of Twin Commander Aircraft LLC Service Bulletin 241, September 26, 2012:

(i) For airplanes with 10,000 or more hours time-in-service (TIS), inspect within the next 30 days after the effective date of this AD.

(ii) For airplanes with 7,500 through 9,999 hours TIS, inspect within the next 60 days after the effective date of this AD.

(iii) For airplanes with 5,000 through 7,499 hours TIS, inspect within the next 6 months after the effective date of this AD.

(iv) For airplanes with less than 5,000 hours TIS, inspect when the airplane accumulates a total of 5,000 hours TIS or within the next 12 months after the effective date of this AD, whichever occurs later.

(h) Repair

If any damage, cracks, and/or cracks that exceed the allowable limits specified in the service bulletin are found during the inspection required in paragraph (g)(1) of this AD, before further flight, repair or replace parts as necessary following Twin Commander Aircraft LLC Service Bulletin 241, dated, September 26, 2012. If Twin Commander Aircraft LLC Service Bulletin 241, dated, September 26, 2012, does not give procedures for repair of the damaged area, before further flight, you must contact Twin Commander Aircraft LLC to obtain repair instructions approved by the Seattle Aircraft Certification Office (ACO) specifically for compliance with this AD and incorporate those instructions. You can find contact information for Twin Commander Aircraft LLC in paragraph (l)(2) of this AD.

(i) Modification and Reassembly

(1) Before further flight after completing the actions in paragraphs (g) and (h) of this AD, modify and reassemble the airplane using the modification and reassembly procedures in Part II of Twin Commander Aircraft LLC Service Bulletin 241, dated, September 26, 2012.

(2) Although Twin Commander Aircraft LLC Service Bulletin 241, dated September 26, 2012, states that at least one person on the modification team must have completed the Twin Commander Aircraft LLC approved training, the FAA does not require that a mechanic complete this specialized training to do the modification work required in this AD. Regulations 14 CFR 65.81(a) and 14 CFR 65.81(b) provide criteria about qualifications of those performing maintenance; in this case, the requirements of this AD.

(j) 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.

(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.

(k) Related Information

For more information about this AD, contact Vince Massey, Aerospace Engineer, FAA, Seattle ACO, 1601 Lind Avenue SW., Renton, WA 98057; telephone: (425) 917–6475; fax: (425) 917–6590; email: *vince.massey@faa.gov*.

(l) Material Incorporated by Reference

(1) You must use the following service information to do the actions required by this AD, unless the AD specifies otherwise. The Director of the Federal Register approved the incorporation by reference (IBR) under 5 U.S.C. 552(a) and 1 CFR part 51:

(i) Twin Commander Aircraft LLC Service Bulletin 241, dated September 26, 2012.

(ii) Reserved.

(2) For service information identified in this AD, contact Twin Commander Aircraft LLC; 1176 Telecom Drive, Creedmoor, NC 27522; telephone: (360) 403–0258; email: *gpence@twincommander.com*; Internet: *http://www.twincommander.com*.

(3) You may review copies of the 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.

(4) You may also review copies of the 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 25, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–10498 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2008–0614; Directorate Identifier 2007–NM–351–AD; Amendment 39–17450; AD 2013–09–08]

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 all The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by reports of two in-service occurrences on Model 737–400 airplanes of total loss of boost pump pressure of the fuel feed system, followed by loss of fuel system suction feed capability on one engine, and in-flight shutdown of the engine. This AD requires repetitive operational tests of the engine fuel suction feed of the fuel system, and corrective actions if necessary. We are issuing this AD to detect and correct loss of the engine fuel suction feed capability of the fuel system, which, in the event of total loss of the fuel boost pumps, could result in dual engine flameout, inability to restart the engines, and consequent forced landing of the airplane.

DATES: This AD is effective June 18, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in the AD as of June 18, 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: Sue Lucier, Aerospace Engineer, Propulsion Branch, ANM–140S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6438; fax: 425–917–6590; email: *suzanne.lucier@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That SNPRM published in the **Federal Register** on January 30, 2013 (78 FR 6254). The original NPRM (73 FR 32258, June 6, 2008) proposed to require repetitive operational tests of the engine

fuel suction feed of the fuel system, and other related testing if necessary. That SNPRM revised the NPRM by proposing to require repetitive operational tests and corrective actions if necessary.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the SNPRM (78 FR 6254, January 30, 2013) or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD as proposed.

Costs of Compliance

We estimate that this AD affects 827 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Cost per product	Cost on U.S. operators
Operational Test	Up to 12 work-hours × $85 per hour = $1,020 per engine, per test	Up to $2,040	Up to $1,687,080.

We have received no definitive data that would enable us to provide a cost estimate 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

We have 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 airworthiness directive (AD):

2013–09–08 the Boeing Company: Amendment 39–17450; Docket No. FAA–2008–0614; Directorate Identifier 2007–NM–351–AD.

(a) Effective Date

This AD is effective June 18, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 737–300, –400, and –500 series airplanes, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 2800, Aircraft Fuel System.

(e) Unsafe Condition

This AD was prompted by reports of two in-service occurrences on Model 737–400 airplanes of total loss of boost pump pressure of the fuel feed system, followed by loss of fuel system suction feed capability on one engine, and in-flight shutdown of the engine. We are issuing this AD to detect and correct loss of the engine fuel suction feed capability of the fuel system, which in the event of total loss of the fuel boost pumps could result in dual engine flameout, inability to restart the engines, and consequent forced landing of the airplane.

(f) Compliance

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

(g) Operational Test and Corrective Actions

Within 7,500 flight hours or 24 months after the effective date of this AD, whichever occurs first: Perform an operational test of the engine fuel suction feed of the fuel system, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–28A1407, dated May 14, 2012. Do all applicable corrective actions before further flight. Repeat the operational test thereafter at intervals not to exceed 7,500 flight hours or 24 months, whichever occurs first. Thereafter, except as provided in paragraph (h) of this AD, no alternative procedures or repetitive test intervals are allowed.

(h) 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.

(i) Related Information

For more information about this AD, contact Sue Lucier, Aerospace Engineer, Propulsion Branch, ANM–140S, Seattle Aircraft Certification Office, FAA, 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6438; fax: 425–917–6590; email: *suzanne.lucier@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 Alert Service Bulletin 737–28A1407, dated May 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, WA 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 24, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–10657 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2012–1072; Directorate Identifier 2012–NM–141–AD; Amendment 39–17449; AD 2013–09–07]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. This AD was prompted by reports of two in-service incidents where the left main landing gear (MLG) failed to extend. This AD requires installing stopper plates on the aft uplock frames in the MLG bay adjacent to the right and left MLG uplock assemblies. We are issuing this AD to prevent incorrect installation of the upper bolt in the MLG uplock assembly, which could prevent the MLG from extending and could adversely affect the safe landing of the airplane.

DATES: This AD becomes effective June 18, 2013.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 18, 2013.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* or in person at the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office (ACO), 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; phone: 516–228–7328; fax: 516–794–5531.

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 was published in the **Federal Register** on October 16, 2012 (77 FR 63281). That NPRM proposed to correct an unsafe condition for the specified products. The Mandatory Continuing Airworthiness Information (MCAI) states:

> There have been two reported in-service incidents where the left main landing gear (MLG) failed to extend. The investigation revealed that in both cases, the uplock assembly had been replaced prior to the in-service incidents and the upper bolt of the uplock assembly was incorrectly installed. The incorrect installation of the upper bolt resulted in the uplock assembly pivoting on the lower attachment bolt and preventing the MLG from extending under normal or alternate extension.
>
> The potential for an incorrect installation of the upper bolt could occur at both the left hand side (LHS) and/or the right hand side (RHS) MLG uplock assembly. Failure of the MLG to extend could adversely affect the safe landing of the aeroplane.
>
> This [Canadian] AD mandates the installation of stopper plates on the aft uplock frames in the MLG bay, adjacent to both the RHS and LHS MLG uplock assemblies, to prevent an incorrect installation of the MLG uplock assembly.

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

Actions Since the NPRM (77 FR 63281, October 16, 2012) Was Issued

We have reviewed Bombardier Service Bulletin 601R–32–109, Revision A, dated February 26, 2013. In the NPRM (77 FR 63281, October 16, 2012), we referred to Bombardier Service Bulletin 601R–32–109, dated May 29, 2012, as the appropriate source of service information for doing the actions specified in the NPRM. Revision A of the service information adds information for parts that are listed in paragraph 1.G. ''Material—Price and Availability,'' and small editorial changes that do not have an effect on the technical content of the service information.

We have updated paragraphs (g) and (j) of this AD to refer to Bombardier Service Bulletin 601R–32–109, Revision A, dated February 26, 2013. We have also added a new paragraph (h) to this AD to give credit for actions done before the effective date of this AD, using Bombardier Service Bulletin 601R–32–109, dated May 29, 2012, and re-identified the subsequent paragraph identifiers accordingly.

Comments

We gave the public the opportunity to participate in developing this AD. We have considered the comments received.

The National Transportation Safety Board supported the NPRM (77 FR 63281, October 16, 2012).

Request To Shorten the Compliance Time

The Air Line Pilots Association International (ALPA) requested that the proposed compliance time in the NPRM (77 FR 63281, October 16, 2012) be shortened from ''Within 5,500 flight hours or 48 months after the effective date of this AD, whichever occurs first . . . .'' to ''Within 2,400 flight hours or 24 months after the effective date of the AD, whichever occurs first . . . .'' The ALPA based its suggested compliance time on the two reported in-service incidents and the potential safety implication of landing with an MLG fully or partially retracted.

We do not agree with the request to shorten the compliance time. The proposed compliance time in the NPRM (77 FR 63281, October 16, 2012) was based on a risk assessment completed by the airplane manufacturer, Bombardier, Inc. The risk was conservatively assessed with a compliance time of 6,000 flight hours, based on the estimated release date of Bombardier service information. Transport Canada Civil Aviation (TCCA), the State of Design Authority,

concurred with Bombardier, Inc.'s risk assessment. Bombardier, Inc. reduced the compliance time from 6,000 flight hours to 5,500 flight hours because the release date of the service information was delayed. Also, the compliance time of 5,500 flight hours or 48 months after the effective date of this AD, whichever occurs first, corresponds with the compliance time of parallel TCCA AD CF–2012–22, dated July 24, 2012. We have not changed the AD in this regard.

Request To Add a Required Inspection Item

The ALPA also recommended that, until operators have complied with the proposed AD (77 FR 63281, October 16, 2012), the operators be required to have a Required Inspection Item for any maintenance work involving the upper MLG assembly. The ALPA recommended this requirement to ensure correct installation of the upper MLG assembly until the proposed AD is complied with.

We do not agree with this recommendation. If operators properly follow the instructions in the airplane maintenance manual, the upper MLG uplock assembly will be correctly installed. In addition, Bombardier, Inc. issued All Operators Message No. 1307, dated September 6, 2011, to inform operators of the second in-flight MLG incident; and Service Letter CRJ100/200/440–SL–32–046, dated October 11, 2011, to provide additional information and recommendations to address the second in-flight MLG incident. We have not changed the AD in this regard.

Conclusion

We reviewed the available data 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 changes:

- Are consistent with the intent that was proposed in the NPRM (77 FR 63281, 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 63281, October 16, 2012).

Costs of Compliance

We estimate that this AD will affect 574 products of U.S. registry. We also estimate that it will take about 5 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD to the U.S. operators to be $243,950, or $425 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.

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

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 the NPRM (77 FR 63281, October 16, 2012), the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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:

2013–09–07 Bombardier, Inc.: Amendment 39–17449. Docket No. FAA–2012–1072; Directorate Identifier 2012–NM–141–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective June 18, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category, serial numbers 7003 through 7990 inclusive, and 8000 through 8999 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by reports of two in-service incidents where the left main landing gear (MLG) failed to extend. We are issuing this AD to prevent incorrect installation of the upper bolt in the MLG uplock assembly, which could prevent the MLG from extending and could adversely affect the safe landing of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Installation of Stopper Plates

Within 5,500 flight hours or 48 months after the effective date of this AD, whichever occurs first: Install stopper plates on the aft uplock frame of both the right and left MLG uplock assemblies, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 601R–32–109, Revision A, dated February 26, 2013.

(h) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service

Bulletin 601R–32–109, dated May 29, 2012, which is not incorporated by reference in this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office (ACO), ANE–170, 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 ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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. The AMOC approval letter must specifically reference this AD.

(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.

(j) Related Information

(1) Refer to MCAI Canadian Airworthiness Directive CF–2012–22, dated July 24, 2012; and Bombardier Service Bulletin 601R–32–109, Revision A, dated February 26, 2013; for related information.

(2) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514 855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(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) Bombardier Service Bulletin 601R–32–109, Revision A, dated February 26, 2013.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514 855–7401; email *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.*

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

(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 23, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–10659 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2011–1242; Airspace Docket No. 11–AWP–16]

Amendment of Class D Airspace; El Monte, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace at El Monte Airport, El Monte, CA. This action, initiated by the FAA's biennial review of the El Monte Airspace area, creates additional Class D airspace to accommodate aircraft departures and arrivals. This improves the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective date, 0901 UTC, August 22, 2013. The Director of the Federal Register approves this incorporation by reference action under 1 CFR Part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Rick Roberts, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA, 98057; telephone (425) 203–4517.

SUPPLEMENTARY INFORMATION:

History

On March 4, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to amend Class D airspace at El Monte, CA (78 FR 14031). 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 D airspace designations 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 designations listed in this document will be published subsequently in that Order.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class D airspace at El Monte Airport, El Monte, CA. The FAA's biennial review of the airspace found additional controlled airspace necessary laterally for the safety and management of aircraft departing and arriving under IFR operations at El Monte Airport, along with a reduction in the ceiling from 2,800 feet MSL to and including 2,400 feet MSL due to arrivals to Los Angeles International Airport that overfly El Monte Airport.

The FAA has determined this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this 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 only affects air traffic procedures and air navigation, it is certified 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 U.S. Code. Subtitle 1, Section 106 discusses 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 El Monte Airport, El Monte, CA.

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.

List 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 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 5000 Class D airspace areas.

* * * * *

AWP CA D El Monte Airport, CA [Amended]

El Monte Airport, CA
(lat. 34°05′10″ N., long. 118°02′05″ W.)

That airspace extending upward from the surface to and including 2,400 feet MSL within a 4-mile radius of El Monte Airport and within 1.8 miles each side of the El Monte Airport 097° bearing extending from the 4-mile radius to 4.5 miles east of the airport. This Class D airspace area is effective during the specific dates and times established by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Seattle, Washington, on May 2, 2013.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–11182 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30899; Amdt. No. 3534]

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 14, 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 14, 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 26, 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.

■ 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	CA	Bishop	Eastern Sierra Rgnl	3/3396	4/1/13	This NOTAM, published in TL 13–11, is hereby rescinded in its entirety.
5/30/13	CA	Bishop	Eastern Sierra Rgnl	3/3397	4/1/13	This NOTAM, published in TL 13–11, is hereby rescinded in its entirety.
5/30/13	CA	Bishop	Eastern Sierra Rgnl	3/3398	4/1/13	This NOTAM, published in TL 13–11, is hereby rescinded in its entirety.
5/30/13	CA	Bishop	Eastern Sierra Rgnl	3/3399	4/1/13	This NOTAM, published in TL 13–11, is hereby rescinded in its entirety.
5/30/13	CA	Bishop	Eastern Sierra Rgnl	3/3400	4/1/13	This NOTAM, published in TL 13–11, is hereby rescinded in its entirety.
5/30/13	CA	Bishop	Eastern Sierra Rgnl	3/3401	4/1/13	This NOTAM, published in TL 13–11, is hereby rescinded in its entirety.
5/30/13	CA	Monterey	Monterey Regional	3/0278	4/17/13	RNAV (RNP) Z RWY 28L, Orig-A.
5/30/13	CA	Monterey	Monterey Regional	3/0279	4/17/13	LOC/DME RWY 28L, Amdt 3F.
5/30/13	CA	Monterey	Monterey Regional	3/0280	4/17/13	RNAV (GPS) Y RWY 28L, Orig.
5/30/13	MD	Elkton	Cecil County	3/0428	4/17/13	RNAV (GPS) RWY 13, Orig-A.
5/30/13	NJ	Millville	Millville Muni	3/0435	4/17/13	ILS OR LOC RWY 10, Amdt 2.
5/30/13	NJ	Millville	Millville Muni	3/0436	4/17/13	VOR A, Amdt 1.
5/30/13	NJ	Millville	Millville Muni	3/0437	4/17/13	RNAV (GPS) RWY 28, Orig.
5/30/13	NJ	Millville	Millville Muni	3/0438	4/17/13	NDB RWY 14, Amdt 6.
5/30/13	AL	Courtland	Courtland	3/0442	4/17/13	VOR RWY 13, Amdt 1.
5/30/13	FL	Daytona Beach	Daytona Beach Intl	3/0496	4/17/13	RNAV (GPS) RWY 7R, Orig-B.
5/30/13	FL	Daytona Beach	Daytona Beach Intl	3/0504	4/17/13	RADAR–1, Amdt 8B.
5/30/13	FL	Plant City	Plant City	3/0670	4/17/13	RNAV (GPS) RWY 10, Amdt 1.
5/30/13	IL	Chicago/West Chicago	Dupage	3/0698	4/17/13	ILS OR LOC RWY 2L, Amdt 2A.
5/30/13	IL	Chicago/West Chicago	Dupage	3/0699	4/17/13	VOR RWY 2L, Amdt 1.
5/30/13	IL	Chicago/West Chicago	Dupage	3/0700	4/17/13	VOR RWY 10, Amdt 12A.
5/30/13	IL	Chicago/West Chicago	Dupage	3/0702	4/17/13	RNAV (GPS) RWY 20R, Amdt 1A.
5/30/13	IL	Chicago/West Chicago	Dupage	3/0703	4/17/13	RNAV (GPS) RWY 2L, Orig.
5/30/13	IL	Chicago/West Chicago	Dupage	3/0704	4/17/13	ILS OR LOC RWY 10, Amdt 8.
5/30/13	IL	Chicago/West Chicago	Dupage	3/0705	4/17/13	RNAV (GPS) RWY 2R, Orig.
5/30/13	FL	Crestview	Bob Sikes	3/0857	4/17/13	RNAV (GPS) RWY 35, Amdt 1.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
5/30/13	MD	Baltimore	Baltimore/Washington Intl Thurgood Marshall.	3/0860	4/17/13	RNAV (RNP) Z RWY 10, Amdt 2.
5/30/13	NC	Mount Olive	Mount Olive Muni	3/1235	4/17/13	VOR A, Amdt 2.
5/30/13	PA	Pittsburgh	Pittsburgh Intl	3/1250	4/17/13	RNAV (GPS) RWY 14, Amdt 3A.
5/30/13	PA	Pittsburgh	Pittsburgh Intl	3/1285	4/17/13	RNAV (RNP) Z RWY 28R, Orig-B.
5/30/13	TN	Athens	McMinn County	3/1337	4/17/13	RNAV (GPS) RWY 20, Amdt 1.
5/30/13	ID	Lewiston	Lewiston-Nez Perce County.	3/1615	4/17/13	ILS RWY 26, Amdt 13A.
5/30/13	IA	Davenport	Davenport Muni	3/1621	4/17/13	RNAV (GPS) RWY 3, Amdt 1A.
5/30/13	IA	Davenport	Davenport Muni	3/1622	4/17/13	RNAV (GPS) RWY 33, Amdt 1A.
5/30/13	IA	Davenport	Davenport Muni	3/1629	4/17/13	RNAV (GPS) RWY 21, Amdt 1B.
5/30/13	IA	Davenport	Davenport Muni	3/1630	4/17/13	RNAV (GPS) RWY 15, Amdt 2.
5/30/13	IA	Davenport	Davenport Muni	3/1634	4/17/13	ILS OR LOC RWY 15, Amdt 1.
5/30/13	IA	Davenport	Davenport Muni	3/1640	4/17/13	VOR RWY 21, Amdt 8.
5/30/13	IA	Davenport	Davenport Muni	3/2468	4/17/13	VOR RWY 3, Amdt 9.
5/30/13	PA	Mount Pocono	Pocono Mountains Muni	3/5791	4/19/13	RNAV (GPS) RWY 31, Amdt 2.
5/30/13	WI	Fort Atkinson	Fort Atkinson Muni	3/9771	4/17/13	RNAV (GPS) RWY 21, Orig.
5/30/13	WI	Fort Atkinson	Fort Atkinson Muni	3/9773	4/17/13	RNAV (GPS) RWY 3, Orig.
5/30/13	WI	Fort Atkinson	Fort Atkinson Muni	3/9777	4/17/13	VOR A, Orig-B.
5/30/13	WI	West Bend	West Bend Muni	3/9883	4/17/13	LOC RWY 31, Orig-B.
5/30/13	WI	West Bend	West Bend Muni	3/9884	4/17/13	RNAV (GPS) RWY 13, Orig.
5/30/13	WI	West Bend	West Bend Muni	3/9885	4/17/13	VOR RWY 13, Amdt 5A.
5/30/13	WI	West Bend	West Bend Muni	3/9886	4/17/13	RNAV (GPS) RWY 6, Orig.
5/30/13	WI	West Bend	West Bend Muni	3/9888	4/17/13	VOR RWY 24, Amdt 3A.
5/30/13	PA	Mount Pocono	Pocono Mountains Muni	3/9934	4/17/13	RNAV (GPS) RWY 13, Amdt 3.
5/30/13	PA	Mount Pocono	Pocono Mountains Muni	3/9935	4/17/13	RNAV (GPS) RWY 5, Orig.

[FR Doc. 2013–11325 Filed 5–13–13; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30898; Amdt. No. 3533]

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 14, 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 14, 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 part 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 26, 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*

Orlando, FL, Orlando Sanford Intl, ILS OR LOC RWY 9L, Amdt 4
Orlando, FL, Orlando Sanford Intl, ILS OR LOC RWY 9R, Amdt 1
Orlando, FL, Orlando Sanford Intl, ILS OR LOC RWY 27R, Amdt 3
Orlando, FL, Orlando Sanford Intl, RNAV (GPS) RWY 9L, Amdt 3
Orlando, FL, Orlando Sanford Intl, RNAV (GPS) RWY 9R, Amdt 1
Orlando, FL, Orlando Sanford Intl, RNAV (GPS) RWY 27R, Amdt 3
Sebring, FL, Sebring Rgnl, RNAV (RNP) RWY 19, Amdt 1
Zephyrhills, FL, Zephyrhills Muni, RNAV (GPS) RWY 4, Orig-B
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 8R, Amdt 1
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 9L, Amdt 1
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 9R, Amdt 1
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 10, Amdt 2
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 26L, Amdt 1
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 26R, Amdt 1
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 27L, Amdt 2
Atlanta, GA, Hartsfield—Jackson Atlanta Intl, RNAV (RNP) Z RWY 27R, Amdt 1
Camilla, GA, Camilla-Mitchell County, RNAV (GPS) RWY 26, Amdt 1A
Chicago/West Chicago, IL, Dupage, RNAV (GPS) RWY 10, Orig-B
Chicago/West Chicago, IL, Dupage, RNAV (GPS) RWY 20L, Orig-A
Frankfort, KY, Capital City, RNAV (GPS) RWY 7, Amdt 2
Frankfort, KY, Capital City, RNAV (GPS) RWY 25, Amdt 2
Lafayette, LA, Lafayette Rgnl, ILS OR LOC/DME RWY 4R, Amdt 2
Kaiser Lake Ozark, MO, Lee C Fine Memorial, RNAV (GPS) RWY 4, Amdt 1
Kaiser Lake Ozark, MO, Lee C Fine Memorial, RNAV (GPS) RWY 22, Amdt 1
Kaiser Lake Ozark, MO, Lee C Fine Memorial, Takeoff Minimums and Obstacle DP, Amdt 2
Dallas, TX, Dallas Love Field, ILS OR LOC RWY 31R, ILS RWY 31R (SA CAT I), Amdt 5B

** * * Effective 27 JUNE 2013*

Gustavus, AK, Gustavus, VOR/DME RWY 29, Amdt 2
Klawock, AK, Klawock, GPS RWY 2, Orig, CANCELED
Klawock, AK, Klawock, KLAWOCK ONE, Graphic DP
Klawock, AK, Klawock, NDB/DME RWY 2, Amdt 1
Klawock, AK, Klawock, Takeoff Minimums and Obstacle DP, Amdt 4
Petersburg, AK, Petersburg James A Johnson, LDA/DME–D, Amdt 7
Petersburg, AK, Petersburg James A Johnson, PETERSBURG ONE, Graphic DP
Petersburg, AK, Petersburg James A Johnson, RNAV (GPS)–B, Amdt 1
Petersburg, AK, Petersburg James A Johnson, Takeoff Minimums and Obstacle DP, Amdt 6
Petersburg, AK, Petersburg James A Johnson, ZARUT ONE, Graphic DP, CANCELED
Wrangell, AK, Wrangell, LDA/DME–C, Amdt 8
Wrangell, AK, Wrangell, LDA/DME–D, Amdt 7
Wrangell, AK, Wrangell, LEVEL ISLAND TWO, Graphic DP
Wrangell, AK, Wrangell, RNAV (GPS) RWY 10, Orig
Wrangell, AK, Wrangell, RNAV (GPS)–A, Orig, CANCELED
Dothan, AL, Dothan Rgnl, COPTER VOR RWY 36, Amdt 1
Miami, FL, Miami Intl, ILS OR LOC RWY 9, Amdt 10
Miami, FL, Miami Intl, RNAV (GPS) RWY 9, Amdt 1
Mayfield, KY, Mayfield Graves County, RNAV (GPS) RWY 19, Amdt 1
Mayfield, KY, Mayfield Graves County, RNAV (GPS) Y RWY 1, Amdt 1
Mayfield, KY, Mayfield Graves County, RNAV (GPS) Z RWY 1, Orig
Mayfield, KY, Mayfield Graves County, Takeoff Minimums and Obstacle DP, Amdt 3

Cape Girardeau, MO, Cape Girardeau Rgnl, RNAV (GPS) RWY 2, Orig
Cape Girardeau, MO, Cape Girardeau Rgnl, RNAV (GPS) RWY 10, Amdt 1
Cape Girardeau, MO, Cape Girardeau Rgnl, RNAV (GPS) RWY 20, Orig
Cape Girardeau, MO, Cape Girardeau Rgnl, RNAV (GPS) RWY 28, Amdt 1
Clinton, MO, Clinton Memorial, NDB RWY 4, Amdt 7
Clinton, MO, Clinton Memorial, NDB RWY 22, Amdt 8
Clinton, MO, Clinton Memorial, RNAV (GPS) RWY 4, Orig
Clinton, MO, Clinton Memorial, RNAV (GPS) RWY 22, Orig
Clinton, MO, Clinton Memorial, Takeoff Minimums and Obstacle DP, Orig
Mountain View, MO, Mountain View, NDB OR GPS RWY 28, Amdt 3, CANCELED
Mountain View, MO, Mountain View, RNAV (GPS) RWY 10, Orig
Mountain View, MO, Mountain View, RNAV (GPS) RWY 28, Orig
Tecumseh, NE, Tecumseh Muni, RNAV (GPS) RWY 15, Orig
Tecumseh, NE, Tecumseh Muni, RNAV (GPS) RWY 33, Orig
Tecumseh, NE, Tecumseh Muni, Takeoff Minimums and Obstacle DP, Orig
Gettysburg, SD, Gettysburg Muni, RNAV (GPS) RWY 13, Amdt 2
Gettysburg, SD, Gettysburg Muni, RNAV (GPS) RWY 31, Amdt 2
Vermillion, SD, Harold Davidson Field, RNAV (GPS) RWY 30, Amdt 1
Memphis, TN, Memphis Intl, RNAV (RNP) Y RWY 18C, Orig-C
Smithville, TN, Smithville Muni, RNAV (GPS) RWY 6, Amdt 3
Smithville, TN, Smithville Muni, RNAV (GPS) RWY 24, Amdt 3
Cleburne, TX, Cleburne Rgnl, RNAV (GPS) RWY 15, Amdt 1
Cleburne, TX, Cleburne Rgnl, RNAV (GPS) RWY 33, Amdt 1
Cleburne, TX, Cleburne Rgnl, Takeoff Minimums and Obstacle DP, Orig-A
Mineral Wells, TX, Mineral Wells, Takeoff Minimums and Obstacle DP, Amdt 2
San Marcos, TX, San Marcos Muni, RNAV (GPS) RWY 8, Orig
San Marcos, TX, San Marcos Muni, RNAV (GPS) RWY 13, Amdt 2
San Marcos, TX, San Marcos Muni, RNAV (GPS) RWY 17, Orig
San Marcos, TX, San Marcos Muni, RNAV (GPS) RWY 26, Orig
San Marcos, TX, San Marcos Muni, RNAV (GPS) RWY 31, Orig
San Marcos, TX, San Marcos Muni, RNAV (GPS) RWY 35, Orig

[FR Doc. 2013–11327 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF STATE

22 CFR Part 62

RIN 1400–AD28

[Public Notice 8322]

Exchange Visitor Program—Fees and Charges

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The U.S. Department of State (Department) is revising regulations to increase the Application Fee for Sponsor Designation or Redesignation and the Administrative Fee for Exchange Visitor (J–1 Visa Holder) Benefits assessed for providing Exchange Visitor Program services, in order to recoup the costs incurred by the Department's Bureau of Educational and Cultural Affairs associated with operating the Exchange Visitor Program.

DATES: *Effective Date:* This rule is effective June 13, 2013.

FOR FURTHER INFORMATION CONTACT: Robin J. Lerner, Deputy Assistant Secretary for Private Sector Exchange, U.S. Department of State, SA–5, Floor 5, 2200 C Street NW., Washington, DC 20522, 202–632–9290, or email at *JExchanges@state.gov.*

SUPPLEMENTARY INFORMATION: The Department published a proposed rule on January 30, 2013 (RIN 1400–AD28; 78 FR 6263), with a request for comments, to amend 22 CFR 62.17 (''Fees and Charges'') to increase fees to recover the costs of administrative processing of requests for program designation or redesignation, and certain services for exchange visitor benefits. These costs were calculated by an independent, certified public accounting firm following the guidelines set forth in Office of Management and Budget (OMB) Circular A–25 regarding such fee calculation.

The Department received thirteen comments and is now promulgating a final rule with no changes from the proposed rule. Thus, the application fee charged to U.S. corporate entities will increase to $3,982.00 for program designation and redesignation. The individual program services fee paid by foreign nationals will increase to $367.00 for services such as change of program category, program extensions and reinstatements.

Comment Analysis

The Department received thirteen comments. One comment suggested that the Exchange Visitor Program be shut down and the other, from a foreign national, requested assistance on visas and travel. These comments were not responsive to the proposed rule.

Three comments represented the academic community and supported the proposed rule. One commenter stated that the fees should be adopted and believes that the Department cannot prevent abuses to the program if the Office of Designation limits itself, as it does now, to some 13 staff members monitoring more than 1,400 separate and distinct sponsors. Two comments did not object to the increases, but requested that sufficient time be allowed so that academic institutions could properly budget for the 47% increase in the application fee. The Department's fee schedule is reviewed and implemented on a two-year cycle. Delaying the fee increases for all sponsors is not feasible.

In addition, one of the three commenters who expressed support for the proposed rule requested clarification as to whether designation fees paid by private sector program sponsors were also meant to cover the cost of administering U.S. Government exchange programs. Designation fees paid by private sector program sponsors do not currently fund the administration of U.S. Government exchange programs, and the Department does not anticipate that private sector programs would cover the cost of administering such exchange programs in the future.

A total of eight comments oppose the proposed increase in fees. One comment inquired about the purpose of increasing the application fee since the Department has imposed a moratorium on new sponsor applications for the Summer Work Travel category of the Exchange Visitor Program. Once the Department has completed the comprehensive review of the Summer Work Travel category, it is anticipated that the moratorium will be lifted.

Another comment opposed the increase and stated that the opposition was ''due to the Department's failure to adequately demonstrate its best use of resources and lack of timely and knowledgeable response time to questions and application requests.'' According to this commenter, the requirement to provide increased oversight of the Exchange Visitor Program over the last two years has diverted resources away from the administrative processing of stakeholder requests. The increase in fees is designed to facilitate the hiring of additional staff to manage the administrative workload in a timely fashion, increase the Office of Designation's efficiency and enhance the office's customer service. Five

commenters opposed the proposed administrative fee and noted the impact it will have on au pair participants wishing to extend their program beyond the twelve-month maximum duration. The Department designed the administrative fee to recoup the cost to the Department of processing the action for the participant, regardless of category.

Finally, one commenter opposed the fee structure and questioned whether applications for designation and redesignation undergo the same level of review. The commenting party also noted that both large and small sponsors are charged the same application fee, and suggested that the fee structure be based on program size. The Department recognizes that, in general, processing designation and redesignation applications does not require the same level of review. The Department also recognizes that there is an on-going relationship between the parties once a sponsor becomes designated. This relationship involves program monitoring, responding to sponsor inquiries, processing of requests whose costs are not recouped through administrative fees, and other activities, all of which must be funded.

Program size has minimal impact on the level of effort associated with processing redesignation applications, since the Office of Designation has to review and assess the same factors and the same documents.

Regulatory Findings

Administrative Procedure Act

The Department of State is of the opinion that the Exchange Visitor Program is a foreign affairs function of the U.S. Government and that rules implementing this function are exempt from section 553 (Rulemaking) and section 554 (Adjudications) of the Administrative Procedure Act (APA). The U.S. Government supervises programs that invite foreign nationals to come to the United States to participate in exchange visitor programs, either directly or through private sector program sponsors or grantees. When problems occur, the U.S. Government often has been, and likely will be, held accountable by foreign governments for the treatment of their nationals, regardless of who is responsible for the problems.

The purpose of this rulemaking is to set the fees that will fund services provided by the Exchange Visitor Program Office of Designation to more than 1,400 sponsor organizations and 300,000 Exchange Visitor Program participants. These services include oversight and compliance with program requirements, as well as the monitoring of programs to ensure the health, safety and well-being of foreign nationals entering the United States (many of these exchange programs and participants are funded by the U.S. Government) under the aegis of the Exchange Visitor Program and in furtherance of its foreign relations mission. The Department of State represents that failure to protect the health and well-being of these foreign nationals and their appropriate placement with reputable organizations will have direct and substantial adverse effects on the foreign affairs of the United States.

Although the Department is of the opinion that this rulemaking is exempt from the rulemaking provisions of the APA, the Department published this rulemaking as an NPRM and solicited comments, without prejudice to its determination that this rulemaking concerns a foreign affairs function of the Department.

Regulatory Flexibility Act/Executive Order 13272: Small Business

As discussed above, the Department believes that this final rule is exempt from the provisions of 5 U.S.C. 553. This final rule is not subject to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) or Executive Order 13272.

Unfunded Mandates Reform Act of 1995

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

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the provisions of Executive Order 13175 do not apply to this rulemaking.

Small Business Regulatory Enforcement Fairness Act of 1996

Based on the criteria of 5 U.S.C. 804(2), the Department does not believe this rulemaking will have an annual effect on the economy of $100,000,000 or more. The Department estimates that approximately 60 government, academic and private sector programs apply for designation annually, and approximately 700 of the currently-designated sponsors apply for redesignation annually. Therefore, 760 organizations will be required to pay the application fee, which amounts to a total of $3,026,320, an increase of $974,320 from the current application fee of $2700 ($3,026,320–$2,052,000). This is the only monetary effect on the economy that the Department is able to identify.

A rule is also considered ''major'' if it will result in a major increase in costs or prices for consumers, individual industries, Federal, state or local government agencies, or geographic regions. The Department does not anticipate that this rule will have any effect at all on those categories. Finally, a rule is considered major if it will have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and foreign markets. The Department knows of no adverse effects, much less significant adverse effects, on any of those categories.

This rulemaking has been found not to be a major rule within the meaning of 5 U.S.C. 804.

Executive Order 13563 and Executive Order 12866

As discussed above, the Department is of the opinion that the Exchange Visitor Program is a foreign affairs function of the United States Government and that rules governing the conduct of this function are generally exempt from the requirements of Executive Order 12866. However, the Department has nevertheless reviewed this final rule to ensure its consistency with the regulatory philosophy and principles set forth in that Executive Order.

The Department has examined the economic benefits, costs, and transfers associated with this rule, and declares that educational and cultural exchanges are both cornerstones of U.S. public diplomacy and an integral component of U.S. foreign policy. The benefits of these exchanges to the United States and its people are invaluable and cannot be monetized; in the same way, even one exchange visitor having a bad experience or, worse, being mistreated, will result in embarrassment and incalculable harm to the foreign policy of the United States. Therefore, the Department is of the opinion that the benefits of this rulemaking outweigh its costs.

Executive Order 12988

The Department has reviewed this rulemaking in light of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Orders 12372 and Executive Order 13132

This rulemaking will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Paperwork Reduction Act

The information collection requirements contained in this rulemaking are pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35 and OMB Control Number 1405–0147, expiring on November 30, 2013.

List of Subjects in 22 CFR Part 62

Cultural exchange program.

Accordingly, 22 CFR part 62 is amended as follows:

PART 62—EXCHANGE VISITOR PROGRAM

■ 1. The authority citation for part 62 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431–1442, 2451 et seq.; Foreign Affairs Reform and Restructuring Act of 1998, Pub. L. 105–277, Div. G, 112 Stat. 2681 et seq.; Reorganization Plan No. 2 of 1977, 3 CFR, 1977 Comp. p. 200; E.O. 12048 of March 27, 1978; 3 CFR, 1978 Comp. p. 168; the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. 104–208, Div. C, 110 Stat. 3009–546, as amended; Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT ACT), Pub. L. 107–56, Sec. 416, 115 Stat. 354; and the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub. L. 107–173, 116 Stat. 543.

■ 2. Section 62.17 is revised to read as follows:

§ 62.17 Fees and charges.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 9701 must be submitted as directed by the Department and must be in the amount prescribed by law or regulation.

(b) *Amounts of fees.* The following fees are prescribed.

(1) For filing an application for program designation and/or redesignation (Form DS–3036)—$3,982.00.

(2) For filing an application for exchange visitor status changes (i.e., extension beyond the maximum duration, change of category, reinstatement, reinstatement-update SEVIS status, ECFMG sponsorship authorization, and permission to issue)—$367.00.

Dated: May 8, 2013.

Robin J. Lerner,

Deputy Assistant Secretary for Private Sector Exchange, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–11484 Filed 5–13–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0308]

Drawbridge Operation Regulation; Tuckahoe River, Between Corbin City and Upper Township, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the draw of the State Highway Bridge across the Tuckahoe River, mile 8.0, between Corbin City and Upper Township, NJ. The deviation is necessary to facilitate mechanical repair work for excessive corrosion within working assemblies on the State Highway Bridge. This deviation allows the drawbridge to remain in the closed to navigation position during the deviation period.

DATES: This deviation is effective from May 14, 2013 to 7 a.m. on October 24, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0308] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Jim Rousseau, Bridge Administration Branch Fifth District, Coast Guard; telephone 757–398–6557, email *James.L.Rousseau2@uscg.mil.* If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, 202–366–9826.

SUPPLEMENTARY INFORMATION: The New Jersey Department of Transportation, who owns and operates this swing bridge, has requested a temporary deviation from the current operating regulations set out in 33 CFR 117.758, to facilitate emergency repair work on the structure.

Under the regular operating schedule, the State Highway Bridge, mile 8.0, between Corbin City and Upper Township, NJ shall open on signal if at least 24 hours notice is given. The State Highway Bridge has vertical clearance in the closed position of 8 feet above mean high water.

Under this temporary deviation, the drawbridge will be closed to navigation from May 14, 2013 to 7 a.m. on Thursday October 24, 2013. Emergency openings cannot be provided. There are no alternate routes for vessels transiting this section of the Tuckahoe River.

The Tuckahoe River in this area is used by small recreational vessels. There have been no documented navigational requests for openings in 28 years. The Coast Guard will inform users of the waterway through our Local and Broadcast Notice to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impacts caused by the temporary deviation. Mariners able to pass under the bridge in the closed position may do so at any time. Mariners are advised to proceed with caution.

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

Dated: May 1, 2013.

Waverly W. Gregory, Jr.,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2013–11365 Filed 5–13–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AN87

Tentative Eligibility Determinations; Presumptive Eligibility for Psychosis and Other Mental Illness

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulation authorizing tentative eligibility determinations to comply with amended statutory authority concerning minimum active-duty service requirements. This document also codifies in regulation statutory presumptions of medical care eligibility for veterans of certain wars and conflicts who developed psychosis within specified time periods and for Persian Gulf War veterans who developed a mental illness other than psychosis within 2 years after service and within 2 years after the end of the Persian Gulf War period.

DATES: This rule is effective June 13, 2013.

FOR FURTHER INFORMATION CONTACT: Kristin J. Cunningham, Director, Business Policy, Chief Business Office, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; (202) 461–1599. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VA is revising 38 CFR 17.34(b) to allow for tentative eligibility determinations for persons who seek a tentative eligibility determination for VA health care based on a period of service that began after September 7, 1980 and meet the minimum service requirements in 38 U.S.C. 5303A, provided they have filed their application for VA health care within 6 months after the date of discharge under conditions other than dishonorable. We are also revising § 17.34(b) to remove the minimum active-duty period of 6 months for persons who seek a tentative eligibility determination based on a period of service that began on or before September 7, 1980.

We are also amending VA's regulation on the provision of care to non-enrolled veterans, 38 CFR 17.37, to include veterans with psychosis or mental illness other than psychosis. We are establishing a new § 17.109 that codifies for the first time in regulation the two presumptions of eligibility for medical care based on specific diagnoses in certain veteran populations, as set forth in 38 U.S.C. 1702(a). Finally, we are amending 38 CFR 17.108, 17.110, and 17.111 to clearly exempt from any copayment requirement persons eligible for care under proposed § 17.109.

VA proposed all of these amendments in a document published in the **Federal Register** on March 1, 2012 (77 FR 12522). We provided a 60-day comment period, which ended on April 30, 2012. We received seven comments from members of the general public.

One commenter requested clarification regarding the purpose of the regulation. The commenter suggested that VA intended the regulation to ''put an end to 'mental illness' claims by Gulf War Vets.''

In response, we assure the commenter that this rulemaking does not prevent Gulf War veterans, or any veterans, from filing VA benefit claims. The rulemaking facilitates an eligible veteran's ability to receive medical care for psychosis and mental illness other than psychosis. In the proposed rulemaking, we stated that ''the Veterans Health Administration (VHA) may treat the covered disabilities as if they were service-connected for purposes of furnishing VHA benefits and, in turn, determine that no copayment is applicable to the receipt of such benefits.'' By providing medical care to a veteran before VA determines that the veteran's psychosis or mental illness other than psychosis is service-connected, VA is ensuring that the veteran receives immediate medical treatment for such condition, without waiting for a determination of service-connection. The immediate medical treatment will, in turn, enable the veteran to manage his or her medical condition more effectively.

The commenter also asked whether VA ''want[s] to use this regulation just for medical decisions.'' The answer is that we do intend to use this regulation solely for VA medical care eligibility determinations. Tentative eligibility determinations have no effect on a determination of actual eligibility for VA medical care or any other VA benefit. We hope this explanation resolves the commenter's concerns, and we do not make any changes based on this comment.

Another commenter stated that the ''entire rule should be [re]vised due to its ineffectiveness to service military personnel suffering from psychosis.'' The commenter went on to state that the proposed rule did not consider four factors enumerated by the commenter. The first factor is that ''having a mental illness is like having a disability.'' The second factor is that ''the six month rule is insane, no matter the time one serves this country should not be an issue.'' The third factor is that ''[t]he manner in which a person was discharged should not be relevant.'' Lastly, the fourth factor provided by the commenter indicated that changes should start with addressing ''the understaffed and unsanitary conditions of some of these facilities.'' We discuss each of these factors below.

Regarding the commenter's first factor, VA currently rates a veteran's mental illness in accordance with the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, of the American Psychiatric Association (DSM–IV), and we recognize mental illness as a disability that can serve as the basis for an award of service-connection. See 38 CFR 4.130. In fact, this final rulemaking enables VA to provide prompt treatment of a veteran's psychosis or mental illness other than psychosis without waiting for a finding of service-connection. Providing such treatment will not hinder the process of determining whether the psychosis or mental illness is service-connected for VA purposes. In the proposed rulemaking we made clear that, in many cases, the condition for which the veteran seeks care is one for which service-connection will probably be established. The aim of this rulemaking is to make certain that veterans receive prompt treatment for psychosis or mental illness other than psychosis after discharge from service. We do not make any changes based on this comment.

The commenter's second concern is the requirement in § 17.34(b)(1) that a veteran who seeks eligibility based on service provided on or before September 7, 1980, must have served for a period of at least 6 months of active duty. Since its promulgation, VA's regulation governing tentative eligibility determinations included a 6-month minimum requirement. See 38 CFR 17.35 (1970). However, as explained in the proposed rule preamble, we proposed to amend § 17.34 to comply with the minimum service requirements contained in 38 U.S.C. 5303A, which apply to veterans who entered active duty after September 7, 1980. We now remove from § 17.34(b) the 6-month service requirement for veterans who seek eligibility for VA health care based on service provided on or before September 7, 1980, in consideration of the fact that very few, if any, veterans will be seeking tentative eligibility determinations within 6 months of discharge for a period of service that began over 32 years ago. The amount of time that a veteran, who entered active duty after September 7, 1980, must serve on active duty in order to be

eligible for VA benefits is governed by 38 U.S.C. 5303A. Congress added a minimum active duty requirement due to concern that some servicemembers were, through inappropriate or unproductive conduct, bringing about their early discharges, and that some of them had enlisted for the purpose of obtaining eligibility for veterans' benefits based on short periods of service. Congress believed it was inappropriate to provide veterans' benefits to those who substantially fail to fulfill their active-duty service commitments. See Senate Report 97–153, July 8, 1981; See also Public Law 96–342. In particular, we amend § 17.34(b) to state that tentative eligibility determinations for VA health care will be made if ''[t]he application is filed within 6 months after date of discharge under conditions other than dishonorable, and for a veteran who seeks eligibility based on a period of service that began after September 7, 1980, the veteran must meet the applicable minimum service requirements under 38 U.S.C. 5303A.'' For applications for which tentative eligibility cannot be granted, VA will honor its duty to assist veterans in obtaining necessary documentation of proof of service or other documentation necessary to validate eligibility.

Regarding the commenter's third factor, in reference to the ''manner in which a person was discharged,'' the proposed rulemaking stated that the veteran must have received an honorable discharge to qualify for tentative eligibility for VA health care. The term ''veteran'' is defined in 38 U.S.C. 101(2) as ''a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.'' Before it was amended by this rulemaking, § 17.34(b) stated that tentative eligibility for VA health care may be authorized if ''[t]he application was filed within 6 months after date of honorable discharge from a period of not less than 6 months of active duty.'' Proposed § 17.34(b) retained use of the term ''honorable discharge;'' however, we agree with the commenter that this may be too restrictive. For example, a general discharge under honorable conditions technically is not the same as an ''honorable'' discharge, but it is a discharge that is ''other than dishonorable.'' To limit tentative eligibility to veterans with an ''honorable discharge'' would exclude some veterans with discharges that are not dishonorable and whose eligibility ''probably will be established.'' Therefore, to cover all veterans whose eligibility for VA health care probably will be established, we amend § 17.34(b) to state that the application for tentative eligibility for VA health care must be filed within 6 months after the date of discharge ''under conditions other than dishonorable.'' This amendment will also correctly reflect the requirement of the statutory definition of ''veteran,'' which, as previously stated in this rulemaking, requires that a person be discharged under conditions other than dishonorable. For applications for which tentative eligibility cannot be granted, VA will honor its duty to assist veterans in obtaining necessary documentation of proof of service or other documentation necessary to validate eligibility.

The commenter's last factor concerning ''the understaffed and unsanitary conditions of some of these facilities'' is beyond the scope of this rulemaking. We do not make any changes based on this comment.

Another commenter suggested that the ''presumptive service be given for all veterans to whichever is later, the proposed changes or this . . . within two years of separation from active duty.'' The commenter cited as an example that ''if the presumptive service-connection was afforded two years after the veteran retired it would give the veteran time to come forward with their mental health issues after they have separated which is more likely the time they would report their symptoms.'' The purpose and meaning of this comment is unclear.

We believe that the commenter's concern was that the tentative eligibility determination under § 17.34 should apply if a veteran submits an application within 2 years after discharge. The 6-month limitation for tentative eligibility determinations for VA health care is to afford medical assistance to veterans immediately after discharge but before they have had sufficient time to file a claim to establish eligibility as is generally required. If the veteran's psychosis is not manifested immediately after discharge, but develops within 2 years after discharge from active duty, the veteran may be eligible for treatment under new § 17.109, which codifies the statutory presumptions of eligibility established by Congress at 38 U.S.C. 1702. The 2-year time period to be eligible to receive medical care under 38 U.S.C. 1702 recognizes that psychosis may take some time to fully manifest itself. We do not make any changes based on this comment.

A commenter supported the rulemaking and believes that it ''will bring about needed changes to [the] VA healthcare system.'' The commenter also stated that ''I do, however, like that there is no minimum service requirement for length of active-duty in order to qualify for these benefits.'' The commenter's statement regarding no minimum active duty service requirement to qualify for benefits is correct as it applies to § 17.109. However, as previously stated in this final rulemaking, 38 U.S.C. 5303A establishes a minimum active duty period for tentative eligibility determinations, as stated in § 17.34(b).

This same commenter, along with a second commenter, was concerned with the 2-year time limit in § 17.109 for the development of psychosis following discharge to establish a presumptive eligibility. The first commenter stated that the ''patients would have needed to develop psychosis within 2 years of discharge or after the war/conflict. My problem with this provision is that illnesses that stem from a traumatic event, such as psychosis, can develop later in life.'' This first commenter further stated that psychosis does not follow a calendar. The second commenter stated that ''[d]espite all the advances in diagnosing and treating mental illnesses, the field is still not precise in diagnosis.'' This second commenter further stated that the diagnosis of a mental condition can be subjective, because ''there isn't always objective empirical evidence.'' Both commenters concluded that, to address their concerns, VA should extend the 2-year time limit. However, Congress established the 2-year period at 38 U.S.C. 1702. As previously noted, VA cannot amend a statutory period through regulation. Therefore, we do not make any changes based on these comments.

Another commenter stated that VA needs to ''house and care for basic human conditions, including comprehensive medical and psychiatric care.'' The commenter suggested that this care could be accomplished with comprehensive advanced registered nurse practitioners who work ''in the community where these veterans live.'' We appreciate the commenter taking the time to comment on the rulemaking, however, we believe that the specific mechanisms for providing care to veterans who are in need of medical and psychiatric care are beyond the scope of this rulemaking. We do not make any changes based on this comment.

Finally, one commenter observed an increasing need for mental health care for veterans. The commenter stated that, although the ''proposed rule would not solve the critical issue of veterans['']

timely access to mental health care, it is at least a step in the right direction,'' and ''might simplify the process for soldiers applying for mental health benefits and care.'' This rulemaking, in conjunction with other VA outreach and health care services, provides VA with the flexibility to provide care aimed at improving the mental health of veterans. The rulemaking also allows for the prompt treatment of psychosis and other mental conditions immediately after a qualifying veteran is discharged from service. We agree with the commenter in that this rulemaking is a step in the right direction for the betterment of a veteran's mental health. We do not make any changes based on this comment.

Based on the rationale set forth in the Supplementary Information to the proposed rule and in this final rule, VA is adopting the proposed rule as a final rule with the change mentioned above.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will directly affect only individuals and will not directly affect small entities. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604.

Executive Orders 12866 and 13563

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

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866.

Unfunded Mandates

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

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance program numbers and titles for the programs affected by this document are: 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.013, Veterans Prosthetic Appliances; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; and 64.022, Veterans Home Based Primary Care.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Interim Chief of Staff, Department of Veterans Affairs, approved this document on May 3, 2013, for publication.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs—health, Grant programs—veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Robert C. McFetridge,

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

For the reasons stated in this rulemaking, the Department of Veterans Affairs amends 38 CFR part 17 as set forth below:

PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

■ 2. Amend § 17.34 by revising paragraph (b) and adding an authority citation to read as follows:

§ 17.34 Tentative eligibility determinations.

* * * * *

(b) *Based on discharge.* The application is filed within 6 months after date of discharge under conditions other than dishonorable, and for a veteran who seeks eligibility based on a period of service that began after September 7, 1980, the veteran must meet the applicable minimum service requirements under 38 U.S.C. 5303A.

Authority: (38 U.S.C. 501, 5303A)

■ 3. Amend § 17.37 by adding paragraph (k) to read as follows:

§ 17.37 Enrollment not required—provision of hospital and outpatient care to veterans.

* * * * *

(k) A veteran may receive care for psychosis or mental illness other than psychosis pursuant to 38 CFR 17.109.

* * * * *

■ 4. Amend § 17.108 by adding paragraph (d)(12) to read as follows:

§ 17.108 Copayments for inpatient hospital care and outpatient medical care.

* * * * *

(d) * * *

(12) A veteran receiving care for psychosis or a mental illness other than psychosis pursuant to § 17.109.

* * * * *

■ 5. Add § 17.109 to read as follows:

§ 17.109 Presumptive eligibility for psychosis and mental illness other than psychosis.

(a) *Psychosis.* Eligibility for benefits under this part is established by this section for treatment of an active psychosis, and such condition is exempted from copayments under §§ 17.108, 17.110, and 17.111 for any veteran of World War II, the Korean conflict, the Vietnam era, or the Persian Gulf War who developed such psychosis:

(1) Within 2 years after discharge or release from the active military, naval, or air service; and

(2) Before the following date associated with the war or conflict in which he or she served:

(i) World War II: July 26, 1949.

(ii) Korean conflict: February 1, 1957.

(iii) Vietnam era: May 8, 1977.

(iv) Persian Gulf War: The end of the 2-year period beginning on the last day of the Persian Gulf War.

(b) *Mental illness (other than psychosis).* Eligibility under this part is established by this section for treatment of an active mental illness (other than psychosis), and such condition is exempted from copayments under §§ 17.108, 17.110, and 17.111 for any veteran of the Persian Gulf War who developed such mental illness other than psychosis:

(1) Within 2 years after discharge or release from the active military, naval, or air service; and

(2) Before the end of the 2-year period beginning on the last day of the Persian Gulf War.

(c) *No minimum service required.* Eligibility for care and waiver of copayments will be established under this section without regard to the veteran's length of active-duty service.

Authority: (38 U.S.C. 501, 1702, 5303A)

■ 6. Amend § 17.110 by adding paragraph (c)(10) to read as follows:

§ 17.110 Copayments for medication.

* * * * *

(c) * * *

(10) A veteran receiving care for psychosis or a mental illness other than psychosis pursuant to § 17.109.

* * * * *

■ 7. Amend § 17.111 by adding paragraph (f)(9) to read as follows:

§ 17.111 Copayments for extended care services.

* * * * *

(f) * * *

(9) A veteran receiving care for psychosis or a mental illness other than psychosis pursuant to § 17.109.

* * * * *

[FR Doc. 2013–11410 Filed 5–13–13; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2011–0406; EPA–R05–OAR–2013–0083; FRL–9811–6]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Sulfur Dioxide and Nitrogen Dioxide Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a request submitted by the Indiana Department of Environmental Management (IDEM) on April 15, 2011, and supplemented on January 30, 2013, to revise the Indiana state implementation plan (SIP) for nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) under the Clean Air Act (CAA). This submittal consists of revisions to the Indiana Administrative Code (IAC) that amend the national ambient air quality standards (NAAQS) for NO_2 and SO_2 to be consistent with the NAAQS that EPA promulgated in 2010.

DATES: This direct final rule will be effective July 15, 2013, unless EPA receives adverse comments by June 13, 2013. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Nos. EPA–R05–OAR–2011–0406, EPA–R05–OAR–2013–0083 by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.

2. *Email: blakley.pamela@epa.gov.*

3. *Fax:* (312) 692–2450.

4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Instructions: Direct your comments to Docket ID Nos. EPA–R05–OAR–2011–0406, EPA–R05–OAR–2013–0083. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information

whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, at (312) 886–6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *hatten.charles@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background
A. When and why did the State make this submittal?
B. Did the State hold public hearings for this SIP revision?
II. How were the NO_2 and SO_2 NAAQS revised by EPA?
III. What are the revisions that the State requested?
IV. What action is EPA taking?
V. Statutory and Executive Order Reviews

I. Background

A. When and why did the State make this submittal?

Indiana's April 15, 2011, submittal, supplemented on January 30, 2013, revises its existing IAC to be consistent with the Federal primary and secondary NAAQS for NO_2, and SO_2, which were published in the **Federal Register**, respectively, on February 9, 2010, (75 FR 6474) and June 22, 2010, (75 FR 35520) and codified in 40 CFR part 50. At the state level, these provisions became effective on January 16, 2013.

B. Did the State hold public hearings for this SIP revision?

Public hearings for the NO_2, and SO_2 NAAQS revision were held on December 10, 2010, and November 7, 2012. No comments were received at these hearings.

II. How were the NO_2 and SO_2 NAAQS revised by EPA?

Nitrogen Dioxide (NO_2)

On February 9, 2010, revisions to the NO_2 NAAQS were published in the **Federal Register** (73 FR 6474) and codified at 40 CFR 50.11. EPA strengthened the primary (health-based) NO_2 NAAQS by adding a 1-hour NO_2 standard of 100 parts per billion (ppb) and retaining the annual average of 53 ppb. This new standard is achieved when the 3-year average of the annual 98th percentile of the daily maximum 1-hour average concentration is less than or equal to 100 ppb, as determined in accordance with 40 CFR part 50, appendix S. Under 40 CFR 50.11(d), ambient NO_2 concentrations are to be measured by either: (1) A Federal reference method based on appendix F to 40 CFR part 50; or (2) by a Federal equivalent method designated in accordance with 40 CFR part 53. In addition, under 40 CFR 50.11(f), determinations as to whether the NO_2 standards have been met are to be made in accordance with the data handling conventions and computations in 40 CFR part 50, appendix S, ''Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Nitrogen (NO_2).''

Sulfur dioxide (SO_2)

On June 22, 2010, revisions to the SO_2 NAAQS were published in the **Federal Register** (73 FR 35520) and codified at 40 CFR 50.17. EPA strengthened the primary (health-based) SO_2 NAAQS by adding a 1-hour SO_2 standard at 75 ppb to reduce exposure to high short-term (five minutes to 24 hours) concentrations of SO_2. EPA revoked the two existing primary standards of 140 ppb averaged over a 24-hour period, and 30 ppb averaged over a year after determining that they did not provide any health benefits in addition to those provided by the 1-hour standard of 75 ppb. The 1-hour standard is achieved when the 3-year average of the 99th percentile of the annual distribution of the daily maximum 1-hour average concentrations is less than or equal to the 75 ppb, as determined in accordance with 40 CFR part 50, appendix T (Interpretation of the Primary National Ambient Air Quality Standards for Oxides of Sulfur, as SO_2). Under 40 CFR 50.17, ambient SO_2 concentrations are to be measured by either: (1) A Federal reference method based on appendix A–1 or appendix A–2 (Measurement Principle and Calibration Procedure for the Measurement of Sulfur Dioxide in the Atmosphere) to 40 CFR part 50; or (2) an equivalent method designated by EPA in accordance with 40 CFR part 53.

III. What are the revisions that the State requested?

The State has requested that EPA approve the following SIP revision to reflect EPA's revised primary and secondary SO_2 and NO_2 NAAQS:

A. Rule 326 IAC 1–3–4(b)(1), Ambient air quality standards for ''Sulfur oxides as (SO_2).'' The revisions IDEM made are consistent with the provisions contained in 40 CFR 50.17. IDEM updated 326 IAC 1–3–4(b)(1)(A) to contain the revised primary NAAQS for SO_2, and deleted language that referenced standards EPA revoked, as well as outdated **Federal Register** citations and test methods for the primary NAAQS for SO_2. IDEM also amended 326 IAC 1–3–4(b)(1)(B), making it consistent with the provisions in 40 CFR 50.5(a) through (c), thereby, updating its reference to the procedures to determine compliance with the secondary NAAQS for SO_2. EPA finds the revision approvable.

Rule 326 IAC 1–3–4(b)(5), Ambient air quality standards for ''Nitrogen dioxide (NO_2).'' The revisions IDEM made are consistent with the provisions contained in 40 CFR 50.11. IDEM made corrections to 326 IAC 1–3–4(b)(5)(A) to add the revised primary NAAQS in the rule for NO_2, and 326 IAC 1–3–4(b)(5)(B) to delete language including references to outdated **Federal Register** citations and test methods for the primary ambient air quality standards for NO_2. IDEM also amended 326 IAC 1–3–4(b)(5)(C), making it consistent with the provisions in 40 CFR 50.11 (b) through (g), thereby, updating its reference to the procedures to determine compliance with the secondary NAAQS for NO_2. EPA finds the revision approvable.

IV. What action is EPA taking?

EPA is approving revisions to the Indiana SIP to amend and update 326 IAC 1–3–4 to include the NAAQS for NO_2 and SO_2, as codified at 40 CFR part 50.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse written comments are filed. This rule will be effective July 15, 2013 without further notice unless we receive relevant adverse written comments by June 13, 2013. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public

comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period; therefore, any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective July 15, 2013.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on Tribal governments or preempt Tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 2013. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead, Reporting and recordkeeping requirements.

Dated: April 29, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.770 the table in paragraph (c) is amended by revising the entry for ''1–3–4'' to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED INDIANA REGULATIONS

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
1–3–4	Ambient air quality standards	1/16/2013	5/14/2013, [INSERT PAGE NUMBER WHERE THE DOCUMENT BEGINS].	
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[FR Doc. 2013–11296 Filed 5–13–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 940846–4348]

RIN 0648–XC683

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces an adjustment to the start of the annual closure of the shrimp fishery in the exclusive economic zone (EEZ) off Texas. The closure is normally from May 15 to July 15 each year. For 2013, the closure will begin on May 23. The Texas closure is intended to prohibit the harvest of brown shrimp during the major period of emigration of these shrimp from Texas estuaries to the Gulf of Mexico (Gulf) so the shrimp may reach a larger, more valuable size and to prevent the waste of brown shrimp that would be discarded in fishing operations because of their small size.

DATES: Effective 30 minutes after sunset, May 23, 2013, to 30 minutes after sunset, July 15, 2013, unless the latter date is changed through notification in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, telephone: 727–824–5305, email: *Steve.Branstetter@noaa.gov*.

SUPPLEMENTARY INFORMATION: The Gulf shrimp fishery is managed under the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). The FMP was prepared by the Gulf of Mexico Fishery Management Council and is implemented by regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations at 50 CFR 622.55(a) describe the Texas closure and provide for adjustments to the start and end dates by the Regional Administrator, Southeast Region, NMFS, (RA) under specified criteria.

The Texas closure in Federal waters is set to coincide with the Texas closure in state waters, after a determination has been made by Texas Parks and Wildlife Department (TPWD) of the start date of the closure. The start and end dates of the Texas closure are based on biological sampling by TPWD. This sampling is used to project when brown shrimp in Texas bays and estuaries will reach a mean size of 3.54 in (90 mm), and begin strong emigrations out of the bays and estuaries during maximum duration ebb tides. Sampling during the spring of 2013 indicates that brown shrimp will be leaving the Texas estuaries later than normal. Thus, state waters off Texas will close starting 30 minutes after sunset on May 23, 2013. NMFS, therefore, will also close Federal waters off Texas starting 30 minutes after sunset on May 23, 2013. NMFS is adjusting the closure date to maximize fishing opportunities in Federal waters to shrimp trawling. During the closure, the EEZ off Texas is closed to all trawl fishing, except for vessels trawling for royal red shrimp beyond the 100-fathom (183-m) depth contour.

The end date of the Texas closure is based on continued sampling by TPWD to develop projections of when brown shrimp will reach a mean size of 4.41 in (112 mm), and when maximum duration ebb tides will occur. If there is a need to adjust the July 15 date for the end of the closure, notification of the revised end date will be published in the **Federal Register**.

Classification

The RA has determined this temporary rule is necessary for the conservation and management of the Gulf shrimp fishery and is consistent with the Magnuson-Stevens Act, the FMP, and other applicable laws.

This action is taken under 50 CFR 622.55(a) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive the requirements to provide prior notice and opportunity for public comment on this temporary rule. Such procedures are unnecessary because regulations to adjust the start date of the annual closure of the shrimp fishery in the EEZ off Texas, located at 50 CFR 622.55(a), have already been subject to notice and comment and authorize the RA to adjust the closing and/or opening date of the Texas closure by filing a notification with the Office of the Federal Register. All that remains is to notify the public of the adjusted closing date of the Texas closure for Gulf shrimp for the 2013 fishing year.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: May 9, 2013.

James P. Burgess,

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

[FR Doc. 2013–11403 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 93
Tuesday, May 14, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Doc. No. AMS–FV–13–0005; FV13–925–1 PR]

Grapes Grown in Designated Area of Southeastern California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the assessment rate established for the California Desert Grape Administrative Committee (Committee) for the 2013 and subsequent fiscal periods from $0.0150 to $0.0165 per 18-pound lug of grapes handled. The Committee locally administers the marketing order that regulates the handling of grapes grown in a designated area of southeastern California. Assessments upon grape handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins January 1 and ends December 31. The assessment rate would remain in effect indefinitely unless modified, suspended or terminated.

DATES: Comments must be received by May 29, 2013.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Kathie M. Notoro, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Kathie.Notoro@ams.usda.gov* or *Martin.Engeler@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 925, as amended (7 CFR part 925), regulating the handling of grapes grown in a designated area of southeastern California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, grape handlers in a designated area of southeastern California are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as proposed herein would be applicable to all assessable grapes beginning on January 1, 2013, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would increase the assessment rate established for the Committee for the 2013 and subsequent fiscal periods from $0.0150 to $0.0165 per 18-pound lug of grapes.

The grape order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of grapes grown in a designated area of southeastern California. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2012 and subsequent fiscal periods, the Committee recommended, and the USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA based upon a recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on March 4, 2013, and unanimously recommended 2013 expenditures of $100,000 and an assessment rate of $0.0165 per 18-pound lug of grapes handled. In comparison, last year's budgeted expenditures were $95,500. The assessment rate of $0.0165 is $0.0015 higher than the $0.0150 rate currently in effect. The Committee also estimated shipments for the 2013 season to be 5,800,000 lugs. The higher assessment rate, applied to estimated

shipments of 5,800,000 lugs, would generate $95,700 in revenue, which is slightly less than the budgeted expenses. However, combining this revenue with $4,300 from financial operating reserves would provide sufficient revenue to cover the Committee's budgeted expenses.

The major expenditures recommended by the Committee for the 2013 fiscal period include $15,500 for research, $17,000 for general office expenses, and $67,500 for management and compliance expenses. In comparison, major expenditures for the 2012 fiscal period included $15,500 for research, $17,500 for general office expenses, and $62,500 for management and compliance expenses.

The assessment rate recommended by the Committee was derived by evaluating several factors, including estimated shipments for the 2013 season, budgeted expenses, and the level of available financial reserves. The Committee determined that it could utilize $4,300 from its financial reserves and still maintain the reserves at an acceptable level. The remaining $95,700 necessary to meet budgeted expenses would need to be raised through assessments. Thus, dividing the $95,700 in necessary assessment revenue by 2013 estimated shipments of 5,800,000 lugs results in an assessment rate of $0.0165.

Reserve funds by the end of 2013 are projected at $53,972, which is well within the amount authorized under the order. Section 925.41 of the order permits the Committee to maintain approximately one fiscal period's expenses in reserve.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA based upon a recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate the Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2013 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 14 handlers of southeastern California grapes who are subject to regulation under the order and about 41 grape producers in the production area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000. Nine of the 14 handlers subject to regulation have annual grape sales of less than $7,000,000, according to Committee and USDA data. In addition, it is estimated that ten of the 41 producers have annual receipts of less than $750,000. Based on the foregoing, it may be concluded that a majority of grape handlers regulated under the order, and about 10 of the producers could be classified as small entities under the Small Business Administration definitions.

This proposal would increase the assessment rate established for the Committee and collected from handlers for the 2013 and subsequent fiscal periods. The Committee unanimously recommended an assessment rate of $0.0165 per 18-pound lug of grapes handled, and 2013 expenditures of $100,000. The proposed assessment rate of $0.0165 is $0.0015 higher than the 2012 rate currently in effect. The quantity of assessable grapes for the 2013 season is estimated at 5,800,000 18-pound lugs. Thus, the $0.0165 rate should generate $95,700 in income. Combined with $4,300 from financial reserves, this should provide adequate revenue to meet the 2013 fiscal period expenses. In addition, reserve funds at the end of the year are projected to be $53,972, which is well within the order's limitation of approximately one fiscal period's expenses.

The major expenditures recommended by the Committee for the 2013 fiscal period include $15,500 for research, $17,000 for general office expenses, and $67,500 for management and compliance expenses. In comparison, major expenditures for the 2012 fiscal period included $15,500 for research, $17,500 for general office expenses, and $62,500 for management and compliance expenses.

Prior to arriving at this budget, the Committee considered alternative expenditures and assessment rates, including not increasing the $0.0150 assessment rate currently in effect. Based on a crop estimate of 5,800,000 18-pound lugs, the Committee ultimately determined that revenue generated from an assessment rate of $0.0165, combined with funds from the financial reserve, would adequately cover increased expenses while providing an adequate 2013 ending reserve.

A review of historical crop and price information, as well as preliminary information pertaining to the upcoming fiscal period indicates that the producer price for the 2013 season could average about $8.00 per 18-pound lug of grapes handled for Southeastern California grapes. Utilizing this estimate and the proposed assessment rate of $0.0165, estimated assessment revenue as a percentage of total estimated producer revenue would be 0.20 percent for the 2013 season ($0.0165 divided by $8.00 per 18-pound lug). Thus, the assessment revenue should be well below 1 percent of estimated producer revenue in 2013.

This proposal would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order. In addition, the Committee's meeting was widely publicized throughout the grape production area and all interested persons were invited to attend and participate in Committee deliberations on all issues. Like all Committee meetings, the March 4, 2013, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C.

Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California grape handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreement and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 15-day comment period is provided to allow interested persons to respond to this proposed rule. Fifteen days is deemed appropriate because: (1) The 2013 fiscal period began on January 1, 2013, and the order requires that the rate of assessment for each fiscal period apply to all assessable grapes handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses, which are incurred on a continuous basis; and (3) handlers are aware of this action, which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is proposed to be amended as follows:

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

■ 1. The authority citation for 7 CFR part 925 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 925.215 is revised to read as follows:

§ 925.215 Assessment rate.

On and after January 1, 2013, an assessment rate of $0.0165 per 18-pound lug is established for grapes grown in a designated area of southeastern California.

Dated: May 8, 2013.

Rex Barnes,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2013–11386 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

[Doc. No. AMS–FV–12–0042; FV12–929–2 PR]

Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Revising Determination of Sales History

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on revisions to the determination of sales history provisions currently prescribed under the cranberry marketing order (order). The order regulates the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, and is administered locally by the Cranberry Marketing Committee (Committee). This change would modify sales history calculations so that they would be applicable for future seasons and would adjust the number of years that could be considered when determining the highest four years of past sales.

DATES: Comments must be received by June 13, 2013.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 325–8793, or Email: *Doris.Jamieson@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this proposed regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Order No. 929, as amended (7 CFR part 929), regulating the handling of cranberries produced in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Order 12866.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before

parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposal invites comments on revisions to the rules and regulations pertaining to the determination of grower sales history currently prescribed under the order. This change would modify sales history calculations so that they would be applicable for future seasons and would adjust the number of years that could be considered when determining the highest four years of past sales. These changes were unanimously recommended by the Committee at a meeting on February 20, 2012.

The order provides authority for volume control in the form of a grower allotment program. This program provides a method for limiting the quantity of cranberries that handlers may purchase or handle on behalf of growers in years of oversupply. Under this program, a marketable quantity and allotment percentage are established by the Committee. Each grower's sales history is calculated by averaging recent years' sales data using information submitted by the grower on a production and eligibility report filed with the Committee. If volume control regulations are to be implemented, each grower's allotment is then calculated by multiplying the allotment percentage by the grower's sales history.

Section 929.48 of the order prescribes provisions for computing grower sales history. These provisions include a requirement that a new sales history be calculated for each grower after each crop year, using the formula established in § 929.48(a) or such other formula as determined by the Committee, with the approval of the Secretary. Section 929.149 provides another formula for calculating grower sales history, which includes provisions for additional sales history to make calculations more equitable for growers with new acreage. The calculations in this section are currently based on, and specifically reference, the six years immediately preceding the last year volume regulation was in effect, 2001–02, making them applicable for only the one season. This section also specifies that sales history can be calculated using the average of the highest four of the most recent seven years of sales for acreage with seven or more years of sales history.

In an effort to update the regulations pertaining to the calculation of grower sales history, the Committee recommended two changes to § 929.149. The first change would remove the outdated references to specific years used in calculating sales history. The second change would reduce the maximum number of years of sales that could be used to determine the highest four years of sales from seven years to six years.

The formula for determining sales history in § 929.149 was developed specifically for the implementation of volume regulation during the 2001–02 season, the last time volume regulation was used under the order. The Committee developed the formula to address potential inequities that could result when calculating sales history, especially in regards to new acreage. Because a cranberry bog does not reach full production capacity until several years after being planted, using an average of early sales for bogs which have not reached maturity could result in a sales history that does not reflect future sales potential. Because calculated sales history impacts the amount of allotment received under volume regulation, it is important that the calculated sales history is as representative of grower sales as possible.

Therefore, in 2001 the Committee created a formula to determine an amount of additional sales history per acre to be applied to acreage planted in 1995, 1996, 1997, 1998, 1999, and 2000. To help establish the additional amount of sales volume to be provided for new acreage, the Committee and USDA conducted surveys to determine average yields on new acreage over the first five years of production. Recognizing that the averages may not be reflective of all growers, the averages were adjusted upward by 25 barrels and were used to calculate the numbers for additional sales history provided in Table 1 in § 929.149 for bogs planted from 1995 through 2000.

At its February 20, 2012, meeting, the Committee discussed the volume regulation provisions in the order's rules and regulations and how these provisions may need to be updated for upcoming seasons in the event volume regulation is implemented. The Committee reviewed § 929.149 and how it calculates sales history and agreed that the adjustments for additional sales history were still important in establishing equity for new acreage.

Recognizing the specific dates currently in § 929.149 are not applicable for future seasons, the Committee recommended revising this section to remove the date-specific language so that it would be applicable to each individual season. Rather than referring to acreage planted in the years 1995 through 2000, the proposed amendment would refer to acreage planted between one and six years prior to the current season. With this change, § 929.149 would be applicable to the calculation of grower sales history for any season, making the additional sales history adjustment available to growers with new acreage.

In regards to the specific amounts of additional sales history per acre provided for new acreage in Table 1 in § 929.149, the Committee recommended no change. While the amounts were based on production data collected in 2000, the majority of cranberry production still comes from the same variety as in 2000, as do the majority of new plantings. Further, with the average yields used to calculate the amounts increased by 25 barrels, the calculated yields used to develop the additional sales history should still be reflective of the average yields for new acreage. Therefore, the current amounts of additional sales history to be applied per acre for new or re-planted cranberry acreage would remain unchanged by this proposed rule.

The Committee also discussed the time period that should be used to determine a grower's highest four years of sales when calculating sales history. Section 929.149 currently uses the average of the highest four of the most recent seven years of sales for acreage with seven or more years of sales history. The formula in § 929.48 calculates sales history using the average of the highest four of the most recent six years of sales. The additional year provided for in § 929.149 was to compensate growers for possible lower sales numbers stemming from volume regulation in 2000–01, so that grower sales history would be more reflective of their typical sales. Committee members agreed that since volume regulation has not been implemented for more than six years, the additional year is no longer needed, and that the most recent six years of sales data would be adequate for determining a grower's highest four years of sales.

Therefore, this proposed rule would revise § 929.149 to remove the outdated references to specific years so that its provisions could be utilized to calculate a grower's sales history for all future seasons. The proposed rule would also reduce the time period used to determine the highest four years of sales from seven years to six years.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 55 handlers of cranberries who are subject to regulation under the marketing order and approximately 1,200 cranberry producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

Based on Committee data and information from the National Agricultural Statistics Service, the average annual f.o.b. price of cranberries during the 2011 season was approximately $43.90 per barrel and total shipments were approximately 7.5 million barrels. Using the average f.o.b. price and shipment data, the majority of cranberry handlers could be considered small businesses under SBA's definition. In addition, based on production, producer prices, and the total number of cranberry growers, the average grower revenue is less than $750,000. Therefore, the majority of growers and handlers of cranberries may be considered small entities.

This proposal would revise the rules and regulations pertaining to the determination of sales history currently prescribed under the order in § 929.149. This change would update sales history calculations so that they would be applicable for future seasons and would adjust the number of years that could be considered when determining the highest four years of past sales. These changes were unanimously recommended by the Committee at a meeting on February 20, 2012. Authority for these changes is provided in § 929.48 of the order.

It is not anticipated that this action would impose any additional costs on the industry. Each year, the Committee is required to calculate a sales history for each grower. This rule would update § 929.149 making its provisions for calculating grower sales history applicable to any season. Reducing the number of seasons that can be considered when determining the highest four years of sales from seven years to six years in this section, could result in a slightly lower average for the highest four years. However, as this change makes this section reflect the calculation currently used by the industry for the highest four, and given that a grower allotment volume regulation has not been implemented in more than ten years, the effects of this change should be minimal.

Further, the provisions in § 929.149 were developed to make the calculations of sales history more equitable for growers with new acreage. Because a cranberry bog does not reach full production capacity until several years after being planted, using an average of early sales for bogs which have not reached maturity could result in sales histories that do not reflect future sales potential. As calculated sales history impacts the amount of allotment received under volume regulation, it is important that the calculated sales history is as representative of grower sales as possible. Revising the calculations in § 929.149 could actually increase the calculated amount of sales history for new acreage, which in turn would provide the grower with additional allotment should volume regulation be implemented. The benefits of this rule are not expected to be disproportionately greater or less for small handlers or growers than for large entities.

The Committee considered one alternative to these changes: making no change to the rules and regulations pertaining to the determination of sales history. The Committee recognized making no revisions to the way sales history is calculated under § 929.149 could mean new acreage not yet producing at full capacity could receive sales history below their potential average. Therefore, this alternative was rejected.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic Fruit Crops. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This action would not impose any additional reporting or recordkeeping requirements on either small or large cranberry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule.

Further, the Committee's meeting was widely publicized throughout the cranberry industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the February 20, 2012, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate so this rule would be in place prior to August, when the Committee is planning its next industry meeting. At this meeting, the Committee members would need to know how sales history would be calculated for any discussions they may have regarding producer allotment volume regulation. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is proposed to be amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

■ 1. The authority citation for 7 CFR part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 929.149 is amended by

■ a. Revising paragraph (a);

■ b. Revising the first sentence in paragraph (b);

■ c. Revising paragraphs (c) and (d), and Table 1 to read as follows:

§ 929.149 Determination of sales history.

* * * * *

(a) For each grower with acreage with 6 or more years of sales history, a new sales history shall be computed using an average of the highest 4 of the most recent 6 years of sales. If the grower has acreage with 5 years of sales history and such acreage was planted more than 6 years ago, a new sales history shall be computed by averaging the highest 4 of the 5 years.

(b) For growers whose acreage has 5 years of sales history and was planted 6 years ago or later, the sales history shall be computed by averaging the highest 4 of the 5 years and shall be adjusted as provided in paragraph (d). * * *

(c) For growers with acreage with no sales history or for the first harvest of re-planted acres, the sales history will be 75 barrels per acre for acres planted or re-planted 1 year ago and first harvested in the current crop year and 156 barrels per acre for acres planted or re-planted 2 years ago and first harvested in the current crop year.

(d) In addition to the sales history computed in accordance with paragraphs (a) and (b) of this section, additional sales history shall be assigned to growers with acreage planted in the last 6 years. The additional sales histories depending on the date the acreage is planted are shown in Table 1.

TABLE 1—ADDITIONAL SALES HISTORY ASSIGNED TO ACREAGE

Date planted	Additional current crop year sales history per acre
6 years ago	49
5 years ago	117
4 years ago	157
3 years ago	183
2 years ago	156
1 year ago	75

* * * * *

Dated: May 9, 2013.

David R. Shipman,

Administrator, Agricultural Marketing Service.

[FR Doc. 2013–11392 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0416; Directorate Identifier 2012–NM–144–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to certain Airbus Model A318–111 and –112 airplanes, Model A319 series airplanes, Model A320 series airplanes, and Model A321 series airplanes. The existing AD currently requires repetitive inspections of the 80VU rack lower lateral fittings for damage; repetitive inspections of the 80VU rack lower central support for cracking; and corrective action if necessary. That existing AD also specifies optional terminating action for the repetitive inspections. Since we issued that AD, we have received reports of worn lower lateral fittings of the 80VU rack. This proposed AD would reduce the inspection compliance time, add an inspection of the upper fittings and shelves of the 80VU rack, and add airplanes to the applicability. We are proposing this AD to detect and correct damage or cracking of the 80VU fittings and supports, which could lead to possible disconnection of the cable harnesses to one or more computers and, if occurring during a critical phase of flight, could result in reduced control of the airplane.

DATES: We must receive comments on this proposed AD by June 28, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227 1405; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0416; Directorate Identifier

2012–NM–144–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

On November 15, 2010, we issued AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010), the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0134, dated July 18, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

Damage to the lower lateral fittings of the 80VU rack, typically elongated holes, migrated bushes, and/or missing bolts have been reported on in-service aeroplanes. The 80VU rack contains computers for flight controls, communication and radio-navigation. In addition, damage to the lower central support fitting (including cracking) has been reported.

Failure of the 80VU fittings, in combination with a high load factor or strong vibration, could lead to failure of the rack structure and/or computers or rupture/disconnection of the cable harnesses to one or more computers located in the 80VU rack. Even though the computer functions are duplicated across other racks, multiple system failures or (partial) disconnection of systems, if occurring during a critical phase of flight, could result in reduced control of the aeroplane.

To address this potential unsafe condition, EASA issued AD 2007–0276 to require repetitive inspections of the lower lateral 80VU fittings and the lower central 80VU support and, depending on findings, the accomplishment of corrective actions. [EASA] AD 2007–0276 was revised to introduce a reinforced lower central support as an optional terminating action for the repetitive inspections.

Since issuance of EASA AD 2007–0276R1 [which corresponds to FAA AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010)], and prompted by in-service experience, the previous inspection programme has been reassessed. New conditions of inspection for a new finding on the lower central fitting attachment (crack in the lower of the lateral flanges), and a new visual inspection of the upper fittings and shelves of the 80VU are introduced by this inspection programme. In addition, the replacement of a cracked lateral fitting or central support with a lateral fitting or central support having the same part number is no longer preferable as corrective action. Instead, the installation of the reinforced lower central support is now defined as optional terminating action for the repetitive inspections required by this [EASA] AD.

For the reasons described above, this [EASA] AD supersedes EASA AD 2007–0276R1 and requires implementation of an amended inspection programme with a reduced inspection threshold.

This proposed AD would add airplanes to the applicability including Model A318–121 and –122 airplanes. Existing AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010), exempted airplanes on which Airbus Modification 34804 has been embodied in production or on which Airbus Service Bulletins A320–25–1557 and A320–53–1215 have been done in service. This AD exempts those airplanes from the restated paragraphs of AD 2010–24–07, which are paragraphs (g) and (i) of this proposed AD. You may obtain further information by examining the MCAI in the AD docket.

Compliance times for the corrective actions specified in paragraph (m) of this proposed AD range from before further flight to within 4,500 flight cycles, depending on the condition found during the inspection required by paragraph (l) of this proposed AD.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A320–25A1555, including Appendix 01, Revision 03, dated February 28, 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 This Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

This proposed AD differs from the MCAI and/or service information as follows:

- Although the MCAI or service information allows further flight after cracks are found during compliance with the required action, this AD requires that you do a corrective action before further flight.
- Although Airbus Mandatory Service Bulletin A320–25A1555, including Appendix 01, Revision 03, dated February 28, 2012, specifies to contact the manufacturer for instructions to repair certain conditions when certain kits are available, this proposed AD would require contacting the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, for instructions when those kits are available and doing the repairs.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 755 products of U.S. registry.

The actions that are required by AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010), and retained in this proposed AD, take about 82 work-hours per product, at an average labor rate of $85 per work hour. Required parts cost about $2,592 per product. Based on these figures, the estimated cost of the currently required actions is $9,562 per product.

We estimate that it would take about 5 work-hours per product to comply with the new basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Where the service information lists parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $320,875, or $425 per product.

In addition, we estimate that any necessary follow-on actions would take about 189 work-hours and require parts costing $7,047, for a cost of $23,112 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these parts. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010), and adding the following new AD:

Airbus: Docket No. FAA–2013–0416; Directorate Identifier 2012–NM–144–AD.

(a) Comments Due Date

We must receive comments by June 28, 2013.

(b) Affected ADs

This AD supersedes AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010).

(c) Applicability

This AD applies to Airbus Model A318–111, –112, –121, and –122 airplanes; Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–111, –211, –212, –214, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/Furnishings, and Code 53, Fuselage.

(e) Reason

This AD was prompted by reports of worn lower lateral fittings of the 80VU rack. We are issuing this AD to detect and correct damage or cracking of the 80VU fittings and supports, which could lead to possible disconnection of the cable harnesses to one or more computers, and if occurring during a critical phase of flight, could result in reduced control of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Retained Repetitive Inspections of the 80VU Rack Lower Lateral Fittings

This paragraph restates the requirements of paragraph (g) of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010). Except for Model A318–121 and –122 airplanes, and except for airplanes on which Airbus Modification 34804 has been embodied in production or on which Airbus Service Bulletins A320–25–1557 and A320–53–1215 have been done in service, prior to the accumulation of 24,000 total flight cycles, or within 500 flight cycles after January 11, 2011 (the effective date of AD 2010–24–07), whichever occurs later: Do a special detailed inspection of the 80VU rack lower lateral fittings for damage (e.g., broken fitting, missing bolts, migrated bushings, material burr, or rack in contact with the fitting) of the 80VU rack lower lateral fittings, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 02, dated November 5, 2008. Repeat the inspection thereafter at the interval specified in paragraph (g)(1) or (g)(2) of this AD, as applicable. Modifying the 80VU lower lateral fittings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–25–1557, Revision 02, dated November 5, 2008, terminates the inspection requirements of this paragraph. Doing the initial inspection specified in paragraph (l) of this AD terminates the requirements of this paragraph.

(1) For airplanes on which the 80VU rack lower lateral fittings have not been replaced in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 02, dated November 5, 2008: Repeat the inspection thereafter at intervals not to exceed 4,500 flight cycles.

(2) For airplanes on which the 80VU rack lower lateral fittings have been replaced in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 02, dated November 5, 2008: Do the next inspection within 24,000 flight cycles after doing the replacement and repeat the inspection thereafter at intervals not to exceed 4,500 flight cycles.

(h) Retained Corrective Actions for Paragraph (h) of This AD With New Corrective Actions

This paragraph restates the requirements of paragraph (h) of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010), with new corrective actions. If any damage is found during any inspection required by paragraph (g) of this AD, do all applicable corrective actions (inspection and/or repair), in accordance with the Accomplishment Instructions and timeframes in Airbus Mandatory Service Bulletin A320–25A1555, Revision 02, dated November 5, 2008; or in accordance with and at the time specified in paragraph (q) of this AD. As of the effective date of this AD, if any damage is found, do all applicable corrective actions in accordance with and at the times specified in paragraph (q) of this AD.

(i) Retained Repetitive Inspections of the 80VU Rack Lower Central Support

This paragraph restates the requirements of paragraph (i) of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010). Except for airplanes on which Airbus Modification 34804 has been embodied in production or on which Airbus Service Bulletins A320–25–1557 and A320–53–1215 have been done in service, prior to the accumulation of 24,000 total flight cycles, or within 500 flight cycles January 11, 2011 (the effective date of AD 2010–24–07), whichever occurs later: Do a special detailed inspection of the 80VU rack lower central support for cracking, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555,

Revision 02, dated November 5, 2008. Repeat the inspection thereafter at the interval specified in paragraph (i)(1) or (i)(2) of this AD, as applicable. Replacing the pyramid fitting on the 80VU rack with a new, reinforced fitting, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1215, dated November 5, 2008, terminates the inspection requirements of this paragraph. Doing the initial inspection specified in paragraph (n) of this AD terminates the requirements of this paragraph.

(1) For airplanes on which the 80VU rack lower central support has not been repaired or replaced using Airbus Mandatory Service Bulletin A320–25A1555 or Airbus Service Bulletin A320–25–1557: Repeat the inspection thereafter at the interval specified in paragraph (i)(1)(i) or (i)(1)(ii) of this AD, as applicable.

(i) For airplanes on which the lower central support has accumulated 30,000 total flight cycles or more: At intervals not to exceed 500 flight cycles.

(ii) For airplanes on which the lower central support has accumulated fewer than 30,000 total flight cycles: At intervals not to exceed 4,500 flight cycles, without exceeding 30,750 total flight cycles on the support for the first repetitive inspection.

(2) For airplanes on which the 80VU rack lower central support has been repaired or replaced using Airbus Mandatory Service Bulletin A320–25A1555 or Airbus Service Bulletin A320–25–1557: Do the next inspection within 24,000 flight cycles after the repair or replacement and thereafter repeat the inspection at the interval specified in paragraph (i)(1)(i) or (i)(1)(ii) of this AD, as applicable.

(j) Retained Corrective Actions for Paragraph (i) of This AD

This paragraph restates the requirements of paragraph (j) of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010). If any crack is found during any inspection required by paragraph (i) of this AD: Before further flight, replace the pyramid fitting on the 80VU rack with a new, reinforced fitting, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1215, dated November 5, 2008. Doing this replacement terminates the inspection requirements of paragraph (i) of this AD.

(k) Retained Optional Terminating Action

This paragraph restates the requirements of paragraph (k) of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010). Doing the actions specified in paragraphs (k)(1) and (k)(2) of this AD terminates the repetitive inspections required by this AD.

(1) Replacing the pyramid fitting on the 80VU rack with a new, reinforced fitting, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1215, dated November 5, 2008.

(2) Modifying the 80VU lower lateral fittings, in accordance with Airbus Service Bulletin A320–25–1557, Revision 02, dated November 5, 2008.

(l) New Requirement of This AD: Repetitive Inspection of Lower Lateral Support Fittings

Except for airplanes on which Airbus Modification 34804 has been embodied in production, or on which the 80VU rack lower lateral support has been modified, as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25–1557, dated June 14, 2007; Revision 01, dated February 7, 2008; or Revision 02, dated November 5, 2008: At the latest of the applicable times specified in paragraphs (l)(1) through (l)(4) of this AD, do a special detailed (borescope) inspection of the 80VU rack lower lateral fittings for damage (e.g., broken fitting, missing bolts, migrated bushings, material burr, or rack in contact with the fitting) of the 80VU rack lower lateral fittings, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012. Repeat the inspection thereafter at intervals not to exceed 500 flight cycles until the terminating action specified in paragraph (k) of this AD is done. Doing the initial inspection specified in this paragraph terminates the requirements of paragraph (g) of this AD.

(1) Before the accumulation of 20,000 total flight cycles from the airplane first flight, or within 750 flight cycles after the effective date of this AD, whichever occurs later, without exceeding 24,000 total flight cycles.

(2) Within 20,000 flight cycles after the most recent repair or replacement of the 80VU rack lower lateral fittings was done, as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, dated June 24, 2007; Revision 01, dated February 18, 2008; or Revision 02, dated November 5, 2008.

(3) Within 500 flight cycles after the effective date of this AD, without exceeding 4,500 flight cycles after the most recent inspection of the 80VU rack lower lateral fittings was done, as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, dated June 14, 2007; Revision 01, dated February 18, 2008; or Revision 02, dated November 5, 2008.

(4) Within 500 flight cycles after the effective date of this AD.

(m) New Requirement of This AD: Corrective Action for Damage of Lower Lateral Support Fittings

If any damage is found during any inspection required by paragraph (l) of this AD: At the applicable time given in paragraph E. (2), ''Accomplishment Timescale,'' in Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012, accomplish the applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012; except where this service information specifies to contact Airbus for further instructions, before further flight contact either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent) for instructions; and do those instructions.

(n) New Requirement of This AD: Repetitive Inspection on Lower Central Support

Except for airplanes on which Airbus Modification 34804 has been embodied in production, or on which the 80VU rack lower central support has been modified, as specified in the Accomplishment Instructions of Airbus Service Bulletin A320–53–1215, dated November 5, 2008: At the latest of the applicable times specified in paragraphs (n)(1) through (n)(6) of this AD, do a special detailed (borescope) inspection of the 80VU rack lower central support for cracking, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012. Repeat the inspection thereafter at intervals not to exceed 500 flight cycles until the terminating action specified in paragraph (k) of this AD is done. Doing the initial inspection specified in this paragraph terminates the requirements of paragraph (i) of this AD.

(1) Before the accumulation of 20,000 total flight cycles from the airplane first flight, or within 750 flight cycles after the effective date of this AD, whichever occurs later, without exceeding 24,000 total flight cycles.

(2) Within 20,000 flight cycles after the most recent repair or replacement of the 80VU rack lower central support was done, as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, dated June 14, 2007; Revision 01, dated February 18, 2008; or Revision 02, dated November 5, 2008.

(3) Within 20,000 flight cycles after modification of the 80VU rack lower central support was done, as specified in the Accomplishment Instructions of Airbus Service Bulletin A320–25–1557, dated June 14, 2007; or Revision 01, dated February 07, 2008.

(4) For airplanes on which, as of the effective date of this AD, the 80VU rack lower central support has accumulated fewer than 30,000 total flight cycles: Within 500 flight cycles after the effective date of this AD, without exceeding 4,500 flight cycles after the most recent inspection of the 80VU rack lower central support was done, as specified in the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, dated June 24, 2007; Revision 01, dated February 18, 2008; or Revision 02, dated November 5, 2008.

(5) For airplanes on which, as of the effective date of this AD, the 80VU rack lower central support has accumulated 30,000 total flight cycles or more: Within 500 flight cycles after the most recent inspection of the 80VU rack lower central support was done, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, dated June 14, 2007; Revision 01, dated February 18, 2008; or Revision 02, dated November 5, 2008.

(6) Within 500 flight cycles after the effective date of this AD.

(o) New Requirement of this AD: Corrective Action for Damage to Lower Central Support

If any cracking is found during any inspection required by paragraph (n) of this AD: Before further flight do the actions in paragraph (o)(1) or (o)(2) of this AD.

(1) If kits 25A1555A01 thru A05 are available, contact the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA for instructions, and do the repair.

(2) Do the actions specified in paragraph (k)(1) and (k)(2) of this AD.

(p) New Requirement of this AD: Repetitive Inspection of Upper Fittings and Shelves

Concurrently with each special detailed inspection required by paragraphs (m) and (o) of this AD: Do a general visual inspection for damage (cracking or deformation) of the upper fittings and shelves of the 80VU rack, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012. If any damage is found: Before further flight, repair the damage using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA (or its delegated agent).

(q) New Requirement of This AD: Corrective Action for Previous Findings

For airplanes that have been inspected before the effective date of this AD as specified in Airbus Service Bulletin A320–25A1555, dated June 14, 2007; Airbus Mandatory Service Bulletin A320–25A1555, Revision 01, dated February 18, 2008; or Airbus Mandatory Service Bulletin A320–25A1555, Revision 02, dated November 5, 2008; and on which damage of the fittings was found, except for airplanes specified in paragraph (q)(1) or (q)(2) of this AD: At the applicable time given in paragraph E.(2)., ''Accomplishment Timescale,'' of Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012, accomplish the applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012, except where this service information specifies to contact Airbus for further instructions, before further flight, contact either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA (or its delegated agent) for instructions; and follow those instructions. Accomplishing the actions required by this paragraph terminates the requirements of paragraph (h) of this AD.

(1) Airplanes on which Airbus Modification 34804 has been embodied in production.

(2) Airplanes on which the terminating action specified in paragraph (k) of this AD has been done.

(r) Credit for Previous Actions

This paragraph restates the credit given in paragraph (l) of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010).

(1) This paragraph provides credit for actions required by paragraphs (g), (h), and (i) of this AD, if those actions were performed before January 11, 2011 (the effective date of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010)), using the service bulletins specified in paragraph (r)(1)(i)or (r)(1)(ii) of this AD.

(i) Airbus Mandatory Service Bulletin A320–25A1555, Revision 01, dated February 18, 2008.

(ii) Airbus Service Bulletin A320–25A1555, dated June 14, 2007.

(2) This paragraph provides credit for actions required by paragraphs (g) and (k)(2) of this AD, if those actions were performed before January 11, 2011 (the effective date of AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010)), using the service bulletins specified in paragraph (r)(2)(i) or (r)(1)(ii) of this AD.

(i) Airbus Service Bulletin A320–25–1557, dated June 14, 2007.

(ii) Airbus Service Bulletin A320–25–1557, Revision 01, dated February 7, 2008.

(s) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, ANM–116, International Branch, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227 1405; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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. The AMOC approval letter must specifically reference this AD. AMOCs approved previously in accordance with AD 2010–24–07, Amendment 39–16526 (75 FR 75878, December 7, 2010), are approved as AMOCs for the corresponding provisions of this AD.

(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.

(t) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information EASA Airworthiness Directive 2012–0134, dated July 18, 2012, and the service information listed in paragraphs (t)(1)(i) through (t)(1)(iv) of this AD; for related information.

(i) Airbus Service Bulletin A320–53–1215, dated November 05, 2008.

(ii) Airbus Mandatory Service Bulletin A320–25A1555, Revision 02, dated November 5, 2008.

(iii) Airbus Mandatory Service Bulletin A320–25A1555, Revision 03, dated February 28, 2012.

(iv) Airbus Service Bulletin A320–25–1557, Revision 02, dated November 5, 2008.

(2) For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 6, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–11381 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0419; Directorate Identifier 2012–NM–129–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc. Model DHC–8–400 series airplanes. This proposed AD was prompted by reports of excessive wear on the lower latch surface of the main landing gear (MLG) up-lock hook. This proposed AD would require revising the maintenance program. We are proposing this AD to detect and correct up-lock hooks worn beyond the wear limit, which could prevent the successful extension of the MLG using the primary landing gear extension system, which in combination with an alternate extension system failure could result in the inability to extend the MLG.

DATES: We must receive comments on this proposed AD by June 28, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Cesar Gomez, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7318; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0419; Directorate Identifier 2012–NM–129–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2012–21, dated June 25, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The main landing gear up-lock assembly part number (P/N) 46500–7 was introduced as the terminating action to [Canadian] AD CF–2002–13R2. The main landing gear up-lock assembly P/N 46500–9 was later introduced as a product improvement and has the same up-lock hook as P/N 46500–7.
>
> Due to a delay in the release of the new Maintenance Review Board (MRB) task associated with P/Ns 46500–7 and 46500–9, it is anticipated that in-service aeroplanes may be operating with up-lock hooks worn beyond the wear limit. An up-lock hook worn beyond the wear limit could prevent the successful extension of the main landing gear using the primary landing gear extension system. In combination with an alternate extension system failure, this could result in the inability to extend the main landing gear.
>
> This [Canadian] AD mandates the incorporation of the MRB task number 323100–202.

MRB task number 323100–202 adds a functional check of the main landing gear up-lock assembly latch to the maintenance program. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier, Inc. has issued the following service information. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

• Bombardier Repair Drawing 8/4–32–0190, Issue 2, dated January 14, 2013.

• Bombardier Q400 All Operator Message No. 515, DHC8–400–AOM–515, Revision 2009–06–24, dated April 4, 2012.

• Bombardier Temporary Revision MRB–66, dated December 7, 2011, to Section 1–32, ''Systems/Powerplant Maintenance Program,'' of Part 1 of the Bombardier Dash 8 Series 400 Maintenance Requirements Manual, PSM 1–84–7.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 83 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $7,055, or $85 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2013–0419; Directorate Identifier 2012–NM–129–AD.

(a) Comments Due Date

We must receive comments by June 28, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc. Model DHC–8–400, –401, and –402 airplanes; certificated in any category; serial numbers 4001 and subsequent; equipped with a main landing gear (MLG) up-lock having part number 46500–7 or 46500–9.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by reports of excessive wear on the lower latch surface of the MLG up-lock hook. We are issuing this AD to detect and correct up-lock hooks worn beyond the wear limit, which could prevent the successful extension of the MLG using the primary landing gear extension system, which in combination with an alternate extension system failure could result in the inability to extend the MLG.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Maintenance Program Revision

Within 30 days after the effective date of this AD, revise the maintenance program to incorporate the information specified in Task Number 323100–202 as specified in Bombardier Temporary Revision MRB–66, dated December 7, 2011, to Section 1–32, ''Systems/Powerplant Maintenance Program,'' of Part 1 of the Bombardier Dash 8 Series 400 Maintenance Requirements Manual, PSM 1–84–7. Do the initial functional check at the applicable time specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD.

Note 1 to Paragraph (g) of this AD: The maintenance program revision required by paragraph (g) of this AD may be done by inserting a copy of Bombardier Temporary Revision MRB–66, dated December 7, 2011, to Section 1–32, ''Systems/Powerplant Maintenance Program,'' into Part 1 of the Bombardier Dash 8 Series 400 Maintenance Requirements Manual, PSM 1–84–7. When this temporary revision (TR) has been included in general revisions of the PSM, the general revisions may be inserted in the PSM, provided the relevant information in the general revision is identical to that in TR MRB–66.

(1) For up-lock hook assemblies that have 15,000 total flight cycles or more as of the effective date of this AD: Do the initial functional check within 600 flight cycles after the effective date of this AD.

(2) For up-lock hook assemblies that have 12,000 total flight cycles or more, but less than 15,000 total flight cycles, as of the effective date of this AD: Do the initial functional check within 1,200 flight cycles after the effective date of this AD, but before the accumulation of 15,600 total flight cycles on the assembly.

(3) For up-lock hook assemblies with less than 12,000 total flight cycles as of the effective date of this AD: Do the initial functional check within 6,000 flight cycles after the effective date of this AD, but before the accumulation of 13,200 total flight cycles on the assembly.

(h) Method of Compliance

For any up-lock assembly outside the wear limit specified in the Inspection Notes of Bombardier Repair Drawing, 8/4–32–0190, Issue 2, dated January 14, 2013; and on which the up-lock roller on the MLG shock strut is free to rotate and free of any damage or flat spots on the riding surface: In lieu of doing the initial functional check, as required by paragraph (g) of this AD, accomplishing the actions specified in paragraphs (h)(1) through (h)(4) of this AD in accordance with Bombardier Repair Drawing, 8/4–32–0190, Issue 2, dated January 14, 2013, may be done. However, as of 36 months after the effective date of this AD, the initial functional check must be done in accordance with the requirements of paragraph (g) of this AD.

(1) Do a detailed inspection for deformation, corrosion, or broken springs of the up-lock assembly of the MLG. If deformation, corrosion, or broken springs are found, before further flight, replace the spring.

(2) Measure the groove depth of the lower latch working surface.

(i) If the groove depth is greater than or equal to 0.022 inch, before further flight, replace the up-lock assembly part number (P/N) 46500–7 or 46500–9 with a new assembly, or an assembly with a new or reworked hook installed.

(ii) If the groove depth is greater than 0.017 inch and less than or equal to 0.0215 inch: Within 600 flight cycles after accomplishing the measurement, do the up-lock inspection as specified in paragraph (h)(1) and (h)(2) of this AD, and repeat the inspections thereafter at intervals not to exceed 600 flight cycles. Replacing the up-lock hook with a new or reworked hook, or installing a new up-lock assembly, terminates the repetitive inspections.

(iii) If the groove depth is between 0.0215 and 0.0220 inch: Within 300 flight cycles after the measurement, replace the up-lock hook with a new or reworked hook, or with a new up-lock assembly.

(3) Unless already accomplished, within 6,000 flight hours or 36 months after doing the initial inspection specified in paragraph (h)(1) of this AD: Replace the up-lock assembly with a new assembly, or a new or reworked hook installed, in accordance with the Inspection Notes of Bombardier Repair Drawing 8/4–32–0190, Issue 1, dated April 2, 2012.

(4) Inspect the up-lock roller on both main gear shock struts for freedom of movement.

(i) If the up-lock roller cannot be freely rotated by finger force, or any flat spots exceeding 0.060 inch (across the flats) are found, before further flight, replace the up-lock roller.

(ii) Repeat the inspections thereafter at intervals not to exceed 50 flight hours until the up-lock has been replaced with a new assembly, or a new or reworked up-lock hook has been installed. Replacing the up-lock with a new assembly, or installing a new or reworked up-lock hook, terminates the repetitive inspection requirements.

(i) No Alternative Actions or Intervals

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used, except as provided by paragraph (h) of this AD unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k) of this AD.

(j) Reporting

Submit a report of the initial functional check findings at the applicable time specified in paragraph (j)(1) or (j)(2) of this AD using Form No ISETS–03–AOM Q400 in Bombardier Q400 All Operator Message DHC8–400–AOM–515, Revision 2009–06–24, dated April 4, 2012. Send the report to Bombardier, Inc., Technical Help Desk, phone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com.*

(1) If the functional check was done on or after the effective date of this AD: Submit the report within 30 days after the functional check.

(2) If the functional check was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York Aircraft Certification Office, ANE–170, 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 ACO, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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. The AMOC approval letter must specifically reference this AD.

(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:* 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.

(l) Related Information

(1) Refer to MCAI Canadian Airworthiness Directive CF–2012–21, dated June 25, 2012; and the service information specified in paragraphs (l)(1)(i), (l)(1)(ii), and (l)(1)(iii) of this AD for related information.

(i) Bombardier Repair Drawing 8/4–32–0190, Issue 2, dated January 14, 2013.

(ii) Bombardier Q400 All Operator Message No. 515, DHC8–400–AOM–515, Revision 2009–06–24, dated April 4, 2012.

(iii) Bombardier Temporary Revision MRB–66, dated December 7, 2011, to Section 1–32, ''Systems/Powerplant Maintenance Program,'' of Part 1 of the Bombardier Dash 8 Series 400 Maintenance Requirements Manual, PSM 1–84–7.

(2) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone 416–375–4000; fax 416–375–4539; email *thd.qseries@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on May 6, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–11382 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0418; Directorate Identifier 2012–NM–200–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Airbus Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This proposed AD was prompted by a report that cracking was found in area 2 of the frame base fittings between frame 41 and frame 46. This proposed AD would require a check of maintenance records to determine if certain repairs were done in area 1 of the frame brace fittings, and, for affected airplanes, a detailed inspection for cracking in area 2 of the frame base fittings between frame 41 and frame 46, and repair if necessary. We are proposing this AD to detect and correct cracking in area 2 of the frame base fittings between frame 41 and frame 46, which could adversely affect the structural integrity of the airplane.

DATES: We must receive comments on this proposed AD by June 28, 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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

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

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–227–2125; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0418; Directorate Identifier 2012–NM–200–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We

will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0229, dated October 31, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

During accomplishment of Airbus SB [service bulletin] A300–53–6111, which addresses detailed visual inspections of the lower frame fittings between Frame (FR) 41 and FR 46, on one A300–600 aeroplane a crack was detected in the area 2 of the foot of frame FR 46 at junction radius level.

This frame, that was previously repaired due to a crack finding in the area 1, was not due to be inspected before reaching the post-repair inspection threshold, i.e., 45,400 FC [flight cycles], from repair embodiment.

It has been determined that the current repairs proposed in Airbus SB A300–53–6111 and Airbus [SB] A300–53–0337 are of limited effect to prevent cracking in the area 2 of the lower frame fittings.

Consequently, as a temporary action and until an improvement of the existing repairs is made available, this [EASA] AD requires a one-time detailed visual inspection [for cracking] of [the] frame base fittings that were repaired in accordance with Airbus SB A300–53–0337, original issue or Rev. 1, or Airbus SB A300–53–6111 original issue up to Rev. 4 * * *.

The unsafe condition is cracking in the frame base fittings, which could adversely affect the structural integrity of the airplane. The required actions include repairing any cracking found. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Airbus has issued Alert Operators Transmission (AOT) A53W001–12, dated July 4, 2012, including Appendices 1, 2, and 3. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This Proposed AD and the MCAI

Although EASA AD 2012–0229, dated October 31, 2012, specifies to contact the manufacturer for instructions to repair certain conditions, this proposed AD would require repairing those conditions using a method approved by either the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or EASA (or its delegated agent).

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 124 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $42,160, or $340 per product.

In addition, we estimate that any necessary follow-on actions would take up to 350 work-hours and require parts costing up to $56,469 for a cost of $86,219 per product. We have no way of determining the number of products that may need these actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2013–0418; Directorate Identifier 2012–NM–200–AD.

(a) Comments Due Date

We must receive comments by June 28, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes, on which any repair has been done as specified in Airbus Service Bulletin A300–53–0337, dated February 4, 1999; or Airbus Service Bulletin A300–53–0337, Revision 01, dated March 17, 2003.

(2) Airbus Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes, Model A300 B4–605R and B4–622R airplanes, Model A300 F4–605R and F4–622R airplanes, and A300 C4–605R Variant F airplanes, on which any repair has been done as specified in any

of the service information identified in paragraphs (c)(2)(i), (c)(2)(ii), (c)(2)(iii), (c)(2)(iv), and (c)(2)(v) of this AD.

(i) Airbus Service Bulletin A300–53–6111, dated February 4, 1999.

(ii) Airbus Service Bulletin A300–53–6111, Revision 01, dated March 17, 2003.

(iii) Airbus Service Bulletin A300–53–6111, Revision 02, dated September 13, 2004.

(iv) Airbus Service Bulletin A300–53–6111, Revision 03, dated September 30, 2009.

(v) Airbus Mandatory Service Bulletin A300–53–6111, Revision 04, dated August 25, 2011.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Reason

This AD was prompted by a report that cracking was found in area 2 of the frame base fittings between frame 41 and frame 46. We are issuing this AD to detect and correct cracking in area 2 of the frame base fittings between frame 41 and frame 46, which could adversely affect the structural integrity of the airplane.

(f) Compliance

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

(g) Maintenance Records Check and Frame Base Fitting Inspection

Within 1,000 flight hours after the effective date of this AD: Check the airplane maintenance records to determine if repairs were done in area 1 of the frame base fittings as defined in Appendix 1 of Airbus Alert Operators Transmission A53W001–12, dated July 4, 2012.

(h) Frame Base Fitting Inspection

If, during any records check required by paragraph (g) of this AD, it is determined that area 1 of the frame base fittings was repaired: Within 1,000 flight hours after the effective date of this AD do a detailed inspection of the frame base fittings between frame 41 and frame 46 in the area 2 defined in Appendix 1 of Airbus Alert Operators Transmission A53W001–12, dated July 4, 2012.

(i) Corrective Action

If any cracking is found during any detailed inspection required by paragraph (h) of this AD: Before further flight, repair the cracking using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA) (or its delegated agent).

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, 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 International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–227–2125; fax: 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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. The AMOC approval letter must specifically reference this AD.

(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.

(k) Related Information

(1) Refer to MCAI EASA Airworthiness Directive 2012–0229, dated October 31, 2012; and Airbus Alert Operators Transmission A53W001–12, dated July 4, 2012, including Appendices 1 and 2, and excluding Appendix 3; for related information.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425 227–1221.

Issued in Renton, Washington, on May 6, 2013.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–11380 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0562; Directorate Identifier 2009–NE–29–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce plc Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede an existing airworthiness directive (AD) that applies to all Rolls-Royce plc (RR) model RB211 Trent 553–61, 553A2–61, 556–61, 556A2–61, 556B–61, 556B2–61, 560–61, and 560A2–61; and RB211 Trent 768–60, 772–60, and 772B–60; and RB211–Trent 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, and 895–17; and RB211–524G2–T–19, –524G3–T–19, –524H–T–36, and –524H2–T–19 turbofan engines that have a high-pressure (HP) compressor stage 1 to 4 rotor disc installed, with a certain part number (P/N) installed. The existing AD requires repetitive inspections of the axial dovetail slots, and follow-on corrective action depending on findings. This proposed AD expands the population of affected parts. This proposed AD also changes, for the purposes of this AD, the definition of ''engine shop visit.'' We are proposing this AD to detect cracks in the HP compressor stage 1 and 2 disc posts, which could result in failure of the disc post and HP compressor blades, damage to the engine, and damage to the airplane.

DATES: We must receive comments on this proposed AD by July 15, 2013.

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

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

For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; or email: *http://www.rolls-royce.com/contact/civil_team.jsp;* or download the publication from *https://www.aeromanager.com.* You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9

a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7779; fax: 781–238–7199; email: *frederick.zink@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2010–0562; Directorate Identifier 2009–NE–29–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On February 23, 2012, we issued AD 2012–04–13, Amendment 39–16969 (77 FR 13483, March 7, 2012), for all RR model RB211 Trent 553–61, 553A2–61, 556–61, 556A2–61, 556B–61, 556B2–61, 560–61, and 560A2–61; and RB211 Trent 768–60, 772–60, and 772B–60; and RB211–Trent 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, and 895–17; and RB211–524G2–T–19, –524G3–T–19, –524H–T–36, and –524H2–T–19 turbofan engines that have a HP compressor stage 1 to 4 rotor disc installed, with a P/N listed in Table 1 of that AD. That AD requires repetitive inspections of the axial dovetail slots, and follow-on corrective action depending on findings. That AD changed the definition of a shop visit to be less restrictive. We issued that AD to detect cracks in the HP compressor stage 1 and 2 disc posts, which could result in failure of the disc post and HP compressor blades, damage to the engine, and damage to the airplane.

Actions Since Existing AD Was Issued

Since we issued AD 2012–04–13, Amendment 39–16969 (77 FR 13483, March 7, 2012), RR engineering identified additional affected HP compressor rotor discs that require the same action. As a result of the additional population of discs, this proposed rule would increase the total cost to the U.S. fleet.

Also, since we issued AD 2012–04–13, Amendment 39–16969 (77 FR 13483, March 7, 2012), we changed the definition of ''engine shop visit'' to be less restrictive. In the existing AD, we define ''engine shop visit'' to be whenever all compressor blades are removed from the HP compressor drum. In this proposed AD, we define ''engine shop visit'' to be whenever the HP compressor rotor is accessible for removal of the compressor blades. Under the revised definition in this proposed AD, engine shop visit will occur more frequently, likely resulting in earlier inspection of the Stage 1 to 4 rotor disc than would occur under the original definition. This is more in line with the instructions in revised RR Alert Non-Modification Service Bulletin (NMSB) RB.211–72–AF964, Revision 3, dated January 11, 2013.

Relevant Service Information

We reviewed RR Alert NMSB RB.211–72–AF964, Revision 3, dated January 11, 2013. The Alert NMSB describes procedures for cleaning and inspecting the axial dovetail slots. We also reviewed European Aviation Safety Agency AD No. 2013–0042, dated February 26, 2013, which requires inspection of the new rotor discs.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would retain all of the requirements of AD 2012–04–13, Amendment 39–16969 (77 FR 13483, March 7, 2012). This proposed AD would expand the population of parts to be inspected.

Costs of Compliance

We estimate that this proposed AD would affect about 432 engines installed on airplanes of U.S. registry. We also estimate that it would take about 20 hours per product to comply with this AD. The average labor rate is $85 per hour. No parts would be required per product. Based on these figures, we estimate the cost of the AD on U.S. operators to be $734,400.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2012–04–13, Amendment 39–16969 (77 FR 13483, March 7, 2012), and adding the following new AD:

Rolls-Royce plc: Docket No. FAA–2010–0562; Directorate Identifier 2009–NE–29–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by July 15, 2013.

(b) Affected ADs

This AD supersedes AD 2012–04–13, Amendment 39–16969 (77 FR 13483, March 7, 2012).

(c) Applicability

This AD applies to the following Rolls-Royce plc (RR) model turbofan engines that have a high-pressure (HP) compressor stage 1 to 4 rotor disc installed, with a part number (P/N) listed in Table 1 of this AD:

(1) RB211 Trent 553–61, 553A2–61, 556–61, 556A2–61, 556B–61, 556B2–61, 560–61, and 560A2–61; and

(2) RB211 Trent 768–60, 772–60, and 772B–60; and

(3) RB211-Trent 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, and 895–17; and

(4) RB211–524G2–T–19, –524G3–T–19, –524H–T–36, and –524H2–T–19.

TABLE 1 TO PARAGRAPH (C)—AFFECTED HP COMPRESSOR STAGE 1 TO 4 ROTOR DISC P/NS BY ENGINE MODEL

Engine model	HP Compressor stage 1 to 4 rotor disc P/N
(1) RB211 Trent 553–61, 553A2–61, 556–61, 556A2–61, 556B–61, 556B2–61, 560–61, and 560A2–61.	FK30524 or FW88340.
(2) RB211 Trent 768–60, 772–60, and 772B–60	FK22745, FK24031, FK23313, FK25502, FK26185, FK32129, FW20195, FW20196, FW20197, FW20638, FW23711, FW88695, FW88696, FW88697, FW88698, FW88699, FW88700, FW88701, FW88702, or FW88703.
(3) RB211 Trent 875–17, 877–17, 884–17, 884B–17, 892–17, 892B–17, and 895–17.	FK24009, FK26167, FK32580, FW11590, FW61622, FW88723, FW88724, or FW88725.
(4) RB211–524G2–T–19, –524G3–T–19, –524H–T–36, and –524H2–T–19.	FK25502, FW20195, FW23711, FW88695, FW88696, or FW88697.

(d) Unsafe Condition

We are issuing this AD to detect cracks in the HP compressor stage 1 and 2 disc posts, which could result in failure of the disc post and HP compressor blades, damage to the engine, and damage to the airplane.

(e) Compliance

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

(f) Cleaning and Inspection

(1) Clean and perform a fluorescent-penetrant inspection of the HP compressor stage 1 to 4 rotor disc at the first shop visit after accumulating 1,000 cycles since new on the stage 1 to 4 rotor disc or at the next shop visit after the effective date of this AD, whichever occurs later.

(2) Use paragraphs 3.A. through 3.E.(11) of the Accomplishment Instructions of RR Alert Non-Modification Service Bulletin (NMSB) No. RB.211–72–AF964, Revision 3, dated January 11, 2013, to do the cleaning and inspection.

(3) Thereafter, at every engine shop visit, perform the cleaning and inspection required by paragraph (e) of this AD.

(4) If on the effective date of this AD, an engine with an affected part has 1,000 CSN or more, and is in the shop, perform the cleaning and inspection required by paragraph (e) of this AD before return to service.

(5) If cracks or anomalies are found during the inspection required by paragraph (e) of this AD, accomplish the applicable corrective actions before return to service.

(g) Definition

For the purpose of this AD, an ''engine shop visit'' is whenever the HP compressor rotor is accessible for removal of the compressor blades.

(h) Credit for Previous Actions

If you performed cleanings and inspections before the effective date of this AD using RR NMSB No. RB.211–72–AF964, Revision 1, dated June 6, 2008, or Revision 2, dated June 8, 2011, then you met the requirements of paragraph (e)(1) of this AD.

(i) Alternative Methods of Compliance (AMOCs)

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

(j) Related Information

(1) For more information about this AD, contact Frederick Zink, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7779; fax: 781–238–7199; email: *frederick.zink@faa.gov*.

(2) Refer to RR Alert NMSB No. RB.211–72–AF964, Revision 3, dated January 11, 2013, and European Aviation Safety Agency AD No. 2013–0042, dated February 26, 2013, for related information.

(3) For service information identified in this AD, contact Rolls-Royce plc, Corporate Communications, P.O. Box 31, Derby, England, DE248BJ; phone: 011–44–1332–242424; fax: 011–44–1332–249936; or email: *http://www.rolls-royce.com/contact/civil_team.jsp*; or download the publication from *https://www.aeromanager.com*. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on May 1, 2013.

Colleen M. D'Alessandro,

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

[FR Doc. 2013–11337 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. FDA–2008–F–0462]

Zentox Corporation; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of withdrawal.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 8A4775) proposing that the food additive regulations be amended to provide for the safe use of monochloramine as an antimicrobial agent in poultry process chiller water.

FOR FURTHER INFORMATION CONTACT: Judith Kidwell, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint

Branch Pkwy., College Park, MD 20740–3835, 240–402–1071.

DATES: May 14, 2013.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 3, 2008 (73 FR 51490), we announced that Zentox Corp., c/o Burdock Group, 801 North Orange Ave., suite 710, Orlando, FL 32801, had filed a food additive petition (FAP 8A4775). The petition proposed to amend the food additive regulations in part 173—*Secondary Direct Food Additives Permitted in Food for Human Consumption* (21 CFR part 173) to provide for the safe use of monochloramine as an antimicrobial agent in poultry process chiller water. Zentox Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: May 9, 2013.

Dennis M. Keefe,

Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2013–11499 Filed 5–13–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2013–0294]

RIN 1625–AA08

Special Local Regulation; Aguada Offshore Grand Prix, Bahia de Aguadilla; Aguada, PR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation on the waters of Bahia de Aguadilla in Aguada, Puerto Rico during the Aguada Offshore Grand Prix, a high speed boat race. The event is scheduled to take place on Sunday, August 4, 2013. Approximately 30 high-speed power boats will be participating in the races. It is anticipated that 20 spectator crafts will be present during the races. The special local regulation is necessary for the safety of race participants, participant vessels, spectators, and the general public during the event.

DATES: Comments and related material must be received by the Coast Guard on or before June 13, 2013.

Requests for public meetings must be received by the Coast Guard on or before May 21, 2013.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* 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. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Efrain Lopez, Sector San Juan Prevention Department, Coast Guard; telephone (787) 289–2097, email *efrain.lopez1@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

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, 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 *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–2013–0294 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–2013–0294 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 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. Regulatory History and Information

The current regulations under 33 CFR 100 address safety for reoccurring marine events. This marine event does not appear in the current regulations; however, as it is a regulation to provide effective control over regattas and marine parades on the navigable waters of the United States so as to ensure safety of life in a regatta or marine parade, this marine event needs to be temporarily added.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life on navigable waters of the United States during the Aguada Offshore Grand Prix.

D. Discussion of Proposed Rule

On August 4, 2013, Puerto Rico Offshore Series, Inc. is sponsoring the Aguada Offshore Grand Prix, a series of high-speed boat races. The races will be held on the waters of Bahia de Aguadilla in Aguada, Puerto Rico. Approximately 30 high-speed power boats will be participating in the races. It is anticipated that approximately 20 spectator vessels will be present during the races.

The special local regulation encompasses certain waters of Bahia de Aguadilla in Aguada, Puerto Rico. The special local regulation will be enforced from 11 a.m. until 3 p.m. on August 4, 2013. The special local regulation consists of the following three areas: (1) A race area, where all persons and vessels, except those persons and vessels participating in the high-speed boat races, are prohibited from entering, transiting through, anchoring in, or remaining within; (2) a buffer zone around the race areas, where all persons and vessels, except those persons and vessels enforcing the buffer zone, or authorized race participants transiting to or from the race area, are prohibited from entering, transiting through, anchoring in, or remaining within; and (3) a spectator area, where all vessels are prohibited from anchoring and from traveling in excess of wake speed, unless authorized by the Captain of the Port San Juan or a designated representative.

Persons and vessels may request authorization by contacting the Captain of the Port San Juan by telephone at (787) 289–2041, or a designated representative via VHF radio on channel 16, to: (1) Enter, transit through, anchor in, or remain within the race area or the buffer zone; (2) anchor in the spectator area; or (3) travel in excess of wake speed in the spectator zone. If authorization is granted by the Captain of the Port San Juan or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port San Juan or a designated representative. The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number 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, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) The special local regulation will be enforced for only four hours; (2) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the race area and buffer zone, or anchor or travel in excess of wake speed in the spectator area, without authorization from the Captain of the Port San Juan or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the race areas and buffer zone, or anchor in the spectator area, during the enforcement period if authorized by the Captain of the Port San Juan or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

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 rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of Bahia de Aguadilla encompassed within the special local regulation from 11 a.m. until 3 p.m. on August 4, 2013. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

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 will not call for a 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. Protest Activities

The Coast Guard respects the First Amendment rights of protesters.

Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. 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.

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. 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.

10. 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.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

12. 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.

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. 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 involves the creation of a special local regulation in conjunction with a regatta or marine parade to ensure the safety of race participants, participant vessels, spectators, and the general public during the event. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07–0294 to read as follows:

§ 100.35T07–0294 Special Local Regulations; Aguada Offshore Grand Prix, Bahia de Aguadilla; Aguada, Puerto Rico.

(a) *Regulated Areas.* The following regulated areas are established as a special local regulation. All coordinates are North American Datum 1983.

(1) *Race Area.* All waters of Bahia de Aguadilla encompassed within an imaginary line connecting the following points: starting at Point 1 in position 18°23.402 N, 67°13.026 W; thence southeast to Point 2 in position 18°23.321 N, 67°12.969 W; thence northeast to Point 3 in position 18°23.737 N, 67°12.048 W; thence northeast to point 4 in position 18°24.161 N, 67°11.603 W; thence northwest to point 5 in position 18°24.229 N, 67°11.679 W; thence southwest back to origin. All persons and vessels, except those persons and vessels participating in the high-speed boat race, are prohibited from entering, transiting through, anchoring in, or remaining within the race area.

(2) *Buffer Zone.* All waters of Bahia de Aguadilla encompassed within an imaginary line connecting the following points: Starting at Point 1 in position 18°24.263 N, 67°11.677 W; thence southeast to Point 2 in position 18°23.412 N, 67°13.057 W; thence northeast to Point 3 in position 18°23.291 N, 67°12.977 W; thence northeast to point 4 in position 18°23.715 N, 67°12.020 W; thence northwest to point 5 in position 18°24.171 N, 67°11.552 W; thence southwest back to origin. All persons and vessels, except those persons and vessels participating in the high-speed boat race, are prohibited from entering, transiting through, anchoring in, or remaining within the race area. All persons and vessels except those persons and vessels enforcing the buffer zone, or race participants transiting to or from the race area, are prohibited from entering, transiting through, anchoring in, or remaining within the buffer zone.

(3) *Spectator Area.* All waters of Bahia de Aguadilla 200 yards east of the imaginary line connecting the following points: starting at Point 1 in position 18°23.267 N, 67°13.463 W; thence southeast to Point 2 in position 18°23.104 N, 67°13.262 W; thence northeast to Point 3 in position 18°23.613 N, 67°11.932 W; thence north to Point 4 in position 18°24.203 N, 67°11.401 W; thence northwest to Point 3 in position 18°24.365 N, 67°11.534 W. All vessels are prohibited from anchoring or traveling in excess of wake speed in the spectator area. On-scene designated representatives will direct spectator vessels to the spectator area.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the

Captain of the Port San Juan in the enforcement of the regulated areas.

(c) *Regulations.*

(1) Except for those persons and vessels participating in the race, all persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the race area. Except for those persons and vessels enforcing the buffer zone, or authorized race participants transiting to or from the race area, all persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the buffer area. All persons are prohibited from anchoring in or traveling in excess of wake speed in the spectator area.

(i) Persons and vessels may request authorization to enter, transit through, anchor in, remain within the regulated areas, or to travel in excess of wake speed in the spectator area, by contacting the Captain of the Port San Juan by telephone at (787) 289–2041, or a designated representative via VHF radio on channel 16.

(ii)If authorization is granted by the Captain of the Port San Juan or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port San Juan or a designated representative.

(2) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Date.* This section will be enforced from 11 a.m. until 3 p.m. on August 4, 2013.

Dated: April 25, 2013.

D.W. Pearson,

Captain, U.S. Coast Guard, Captain of the Port San Juan.

[FR Doc. 2013–11235 Filed 5–13–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2013–0296]

RIN 1625–AA08

Special Local Regulation, Cruce a Nado Internacional de la Bahia de Ponce Puerto Rico, Bahia de Ponce; Ponce, PR

AGENCY: Coast Guard, DHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes to establish a special local regulation on the waters of Bahia de Ponce in Ponce, Puerto Rico during the Cruce a Nado Internacional de la Bahia de Ponce Puerto Rico, a swimming event. The event is scheduled to take place on Sunday, September 1, 2013. Approximately 100 swimmers are anticipated to participate in the event, and no spectator vessels are anticipated to be present. The special local regulation is necessary to provide for the safety of life on the navigable waters of the United States during the event. The special local regulation establishes a swim area, where all persons and vessels, except those participating in the race or vessels patrolling the swim area, will be prohibited from entering, transiting through, anchoring in, or remaining within the area unless authorized by the Captain of the Port San Juan or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before June 13, 2013.

Requests for public meetings must be received by the Coast Guard on or before May 21, 2013.

ADDRESSES: You may submit comments identified by docket number using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* 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. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Efrain Lopez, Sector San Juan Prevention Department, Coast Guard; telephone (787) 289–2097, email *efrain.lopez1@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

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, 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 *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–2013–0296 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–2013–0296 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 on or before May 21, 2013, using one of the 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. Regulatory History and Information

The current regulations under 33 CFR 100 address safety for reoccurring marine events. This marine event does not appear in the current regulations; however, as it is a regulation to provide effective control over regattas and marine parades on the navigable waters of the United States so as to ensure safety of life in a regatta or marine parade, this marine event needs to be temporarily added.

C. Basis and Purpose

The legal basis for the rule is the Coast Guard's authority to establish special local regulations: 33 U.S.C. 1233. The purpose of the rule is to ensure safety of life on navigable waters of the United States during the Cruce a Nado Internacional de la Bahia de Ponce Puerto Rico.

D. Discussion of Proposed Rule

On September 1, 2013, Club Cruce a Nado Inc. is sponsoring the Cruce a Nado Internacional de la Bahia de Ponce Puerto Rico, a swimming event. The event will be held on the waters of Bahia de Ponce in Ponce, Puerto Rico. Approximately 100 swimmers are anticipated to participate in the event, and it is not anticipated that there will be any spectator vessels present.

The proposed rule would establish a special local regulation that will encompass certain waters of Bahia de Ponce in Ponce, Puerto Rico. The special local regulation will be enforced from 3 p.m. until 6 p.m. on September 1, 2013. The special local regulation will establish a swim area, where only those persons participating in the race, and those vessels patrolling the swim area may be. Non-participant people and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the area unless authorized by the Captain of the Port San Juan or a designated representative.

Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the swim area by contacting the Captain of the Port San Juan by telephone at (787) 289–2041, or through a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the swim area is granted by the Captain of the Port San Juan or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port San Juan or a designated representative. The Coast Guard will provide notice of the special local regulation by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

E. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on a number 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, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The economic impact of this rule is not significant for the following reasons: (1) The special local regulation will be enforced for only three hours; (2) although non-participant persons and vessels will not be able to enter, transit through, anchor in, or remain within the swim area, without authorization from the Captain of the Port San Juan or a designated representative, they may operate in the surrounding area during the enforcement period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the swim area during the enforcement period if authorized by the Captain of the Port San Juan or a designated representative; and (4) the Coast Guard will provide advance notification of the special local regulation to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

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 rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of Bahia de Ponce encompassed within the special local regulation from 3 p.m. until 6 p.m. on September 1, 2013. For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

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 (Public Law 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 will not call for a 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. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. 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.

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. 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.

10. 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.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

12. 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.

13. Technical Standards

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. 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 involves the creation of a special local regulation in conjunction with a regatta or marine parade to ensure the safety of race participants and the general public during the event. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A preliminary environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are 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 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add a temporary § 100.35T07–0296 to read as follows:

§ 100.35T07–0296 Special Local Regulations, Cruce a Nado Internacional de la Bahia de Ponce Puerto Rico, Bahia de Ponce; Ponce, Puerto Rico.

(a) *Regulated Area.* The following regulated area is established as a special local regulation. All coordinates are North American Datum 1983.

(1) *Swim Area.* All waters of Bahia de Ponce encompassed within an imaginary line connecting the following points: starting at Point 1 in position 17°58.85 N, 66°37.48 W; thence southwest to Point 2 in position 17°57.50 N, 66°38.20 W; thence southeast to Point 3 in position 17°57.35 N, 66°37.95 W; thence northeast to point 4 in position 17°58.73 N, 66°37.25 W; thence northwest along the northeastern shoreline of Bahia de Ponce to the origin. All persons and vessels, except those persons participating in the race and those vessels patrolling the swim area, are prohibited from entering, transiting through, anchoring in, or remaining within the swim area.

(2) [Reserved]

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port San Juan in the enforcement of the regulated areas.

(c) *Regulations.*

(1) All persons and vessels, except those persons participating in the race and those vessels patrolling the swim area, are prohibited from entering, transiting through, anchoring in, or remaining within the swim area.

(2) Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port San Juan by telephone at 787–289–2041, or a designated representative via VHF radio on channel 16. If authorization is granted by the Captain of the Port San Juan or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port San Juan or a designated representative.

(3) The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to

Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is will be enforced from 3 p.m. until 6 p.m. on September 1, 2013.

Dated: April 25, 2013.

D.W. Pearson,

Captain, U.S. Coast Guard, Captain of the Port San Juan.

[FR Doc. 2013–11360 Filed 5–13–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2012–0080]

RIN 1625–AA11

Regulated Navigation Area; Southern Oahu Tsunami Vessel Evacuation; Honolulu, HI

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a permanent regulated navigation area (RNA), enforcement of which would take place only during times when a tsunami warning is issued for the Hawaiian Islands by the Pacific Tsunami Warning Center. Tsunami warnings require the evacuation of a large number of vessels from their respective harbors. Following the evacuation, these vessels must remain offshore until the emergency situation has passed and the harbors have been deemed safe for re-entry. Past tsunami warnings have created potentially dangerous offshore traffic congestion between commercial and recreational vessel traffic. Because of this, designated vessel traffic staging areas are necessary for a safe and orderly evacuation of Southern Oahu ports.

DATES: Comments and related material must be received by the Coast Guard on or before June 13, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2012–0080 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* 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. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Lieutenant Commander Scott Whaley of the United States Coast Guard Sector Honolulu at 808–522–8264 ext.352 or *Scott.O.Whaley@uscg.mil,* respectively. 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
RNA Regulated Navigation Area

A. Public Participation and Request for Comments

We encourage you to respond to this notice 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, 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 *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–2012–0080 in the ''SEARCH'' box, and then 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,* inserting USCG–2012–0080 in the ''SEARCH'' box, and then click ''SEARCH.'' 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

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 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 in detail why you believe a public meeting would be beneficial. If we determine that one would aid in solving this problem, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The statutory basis for this rulemaking is 33 U.S.C. 1231, which gives the Coast Guard, under a delegation from the Secretary of Homeland Security, regulatory authority to enforce the Ports and Waterways Safety Act. A regulated navigation area is a water area within a defined boundary for which regulations for

vessels navigating within the area have been established to mitigate hazardous conditions deemed to exist in that area. The purpose of this rulemaking is to provide greater safety for vessels and maritime commerce in the event of a tsunami threat.

Earthquakes off Chile and Japan in February 2010 and March 2011, respectively, resulted in tsunami threats to the Main Hawaiian Islands. These incidents emphasized the need to establish heightened safety measures, to ensure an orderly and organized evacuation plan, in order to protect the infrastructure of the southern coast of Oahu, Hawaii, including Honolulu Harbor. Honolulu Harbor has only one entrance for large commercial vessels and is the principle harbor of Hawaii's hub and spoke maritime commerce system. If, during an emergency, a marine incident were to occur off the southern shore of Oahu, especially near the entrance of Honolulu Harbor, the results could be devastating to Hawaii's economy and the maritime commerce system and the constituencies that rely heavily upon the system's viability.

C. Discussion of Proposed Rule

In response to this risk, the Coast Guard proposes to establish a regulated navigation area designated as the Southern Oahu Tsunami Evacuation zone.

The Coast Guard has collaborated with the Hawaii Ocean Safety Team, the Industry Advisory Board, and other industry partners in the development of this rule. All recommendations have received careful consideration during the drafting of this rule. This rule accurately reflects the best practices as recommended by Hawaii's professional mariners.

In the event of a tsunami warning, the Coast Guard Captain of the Port for Honolulu (COTP) would notify the public that an enforcement period is in effect for the duration of the emergency for this RNA. At the conclusion of the treat, the COTP would notify the public when the RNA enforcement period is suspended or terminated.

During the enforcement period, the COTP would deploy Coast Guard assets to ensure participating commercial and recreational vessels move to and stay within separate staging areas, and seaward of the 50 fathom curve that covers near-shore waters less than 300 feet deep. Coast Guard plans, which could vary depending on specific conditions during an actual emergency, call for those staging areas to be separated by an exclusionary area. This exclusionary area would measure 3.7 nautical miles long by one (1) nautical mile wide, centering lengthwise and along a line running seaward at 208 degrees southwest of the Honolulu Harbor Range light. Commercial vessels would have to stay west of the exclusionary area, and recreational vessels would have to stay east of the exclusionary area.

A graphic of the regulated navigation area is in the docket (see the ''Viewing comments and documents'' section of this NPRM). It shows how we expect to separate commercial and recreational vessels when we would enforce the RNA, but under actual enforcement conditions local commanders could make alternate arrangements as those conditions warrant.

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 a number 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, because it would have an effect on the regulated public only in the rare circumstances of a tsunami threat, while at other times vessels will be able to transit the area freely. Therefore, it 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.

2. 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.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities because it would have an effect on the regulated public only in the rare circumstances of a tsunami threat, while at other times vessels will be able to transit the area freely.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed 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. Before the effective period, we will issue maritime advisories widely available to the Oahu maritime, commercial, and tourist communities.

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 so that they can better evaluate its effects on them and participate in the rulemaking. 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 Lieutenant Commander Scott Whaley, Waterways Management Division, U.S. Coast Guard Sector Honolulu, at 808–522–8264 ext. 352, or at *Scott.O.Whaley@uscg.mil* via email. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

This proposed rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

5. Federalism

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

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

7. 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 or more in any one year. Though this proposed rule would not result in such expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. 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.

9. 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.

10. Protection of Children From Environmental Heath 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.

11. Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would 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.

12. Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. An action is a ''significant energy action'' under E.O. 13211 if the action is (1) an agency action, (2) which is or will lead to a final rule, and is either (3a) a ''significant regulatory action'' under Executive Order 12866 AND is likely to have a significant adverse effect on the supply, distribution, or use of energy OR (3b) has been designated a ''significant energy action by the Administrator of the Office of Information and Regulatory Affairs. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Further, the Administrator of the Office of Information and Regulatory Affairs has not designated this as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

13. Technical Standards

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

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. 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 which do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded from further review under paragraph (34)(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist and a categorical exclusion determination are 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. 1226, 1231; 46 U.S.C. Chapter 701; 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 § 165.1413 to read as follows:

§ 165.1413 Regulated navigation area; Southern Oahu Tsunami Evacuation; Honolulu, Hawaii.

(a) *Location.* The following area is a regulated navigation area (RNA): All waters contained within an area composing of an area on the southern side of Oahu, HI. The RNA extends from the surface of the water to the ocean floor and is bound by the following points: 21°17′14″ N, 157°55′34″ W, 21°13′30″ N, 157°55′34″ W; 21°13′30″ N, 157°48′20″ W; 21°15′10″ N, 157°48′20″ W thence westward along the 50 fathom curve to the beginning point. These coordinates are based upon the National Oceanic and Atmospheric Administration Coast Survey, Pacific Ocean, Oahu, Hawaii, chart 19357.

(b) *Regulations.* You may contact the Coast Guard on VHF Channel 16 (156.800 MHz) or at telephone number 808–842–2600, to obtain clarification on RNA transits and locations. Coast Guard patrol boats will be enforcing the RNA and providing on-scene direction. During the enforcement period persons and vessels wishing to remain inside the RNA must abide by the following stipulations:

(1) No person or vessel may enter into an exclusionary area 3.7 nautical miles long by one (1) nautical miles wide, centered lengthwise and along a line running seaward at 208 degrees southwest of Honolulu Harbor Front Range Light, except to transit to or from the staging areas or other areas outside the zone. Loitering or lingering in the exclusionary zone is prohibited.

(2) All recreational vessels wishing to remain in the RNA must transit to and stage east of the exclusionary area, while all commercial vessels wishing to remain in the RNA must transit to and stage west of the exclusionary area.

(3) All vessels staging in the RNA must be seaward of the 50 fathom (300 foot) curve.

(c) *Enforcement period.* Paragraph (b) of this section will be enforced only when a tsunami warning has been issued for the Hawaiian Islands by the Pacific Tsunami Warning Center. The COTP will notify the public of any enforcement, suspension of enforcement, or termination of

enforcement through appropriate means to ensure the widest publicity, including the use of broadcast notice to mariners, Notices of implementation, and press releases.

(d) *Penalties.* Vessels or persons violating this rule are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 192.

Dated: April 16, 2013.

C.W. Ray,

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

[FR Doc. 2013–11233 Filed 5–13–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2011–0406; EPA–R05–OAR–2013–0083; FRL–9811–5]

Approval and Promulgation of Air Quality Implementation Plans; Indiana; Sulfur Dioxide and Nitrogen Dioxide Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a request submitted by the Indiana Department of Environmental Management on April 15, 2011, and supplemented on January 30, 2013, to revise the Indiana state implementation plan (SIP) for nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) under the Clean Air Act. This submittal consists of revisions to the Indiana Administrative Code that amend the national ambient air quality standards (NAAQS) for NO_2 and SO_2 to be consistent with the NAAQS that EPA promulgated in 2010.

DATES: Comments must be received on or before June 13, 2013.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2010–0083, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

Please see the direct final rule which is located in the Final Rules section of this **Federal Register** for detailed instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Charles Hatten, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, *hatten.charles@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If we do not receive any adverse comments in response to this rule, we do not contemplate taking any further action. If EPA receives adverse comments, we will withdraw the direct final rule, and will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule, which is located in the Final Rules section of this **Federal Register**.

Dated: April 29, 2013.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2013–11305 Filed 5–13–13; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL SCIENCE FOUNDATION

45 CFR Part 612

RIN 3145–AA56

Availability of Records and Information

AGENCY: National Science Foundation.

ACTION: Proposed rule.

SUMMARY: This document sets forth proposed revisions of the Foundation's regulations under the Freedom of Information Act (FOIA). The revisions implement the provision of the Open FOIA Act of 2009 which amended Exemption 3, update procedural provisions, and allow for multi-track processing of requests.

DATES: Submit comments on or before June 13, 2013.

ADDRESSES: Address all comments concerning this rule to the Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, VA 22230. You may also send comments by facsimile transmission to (703) 292–9041, or send them electronically through the Federal Government's one-stop rulemaking Web site at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: D. Matthew Powell, Assistant General Counsel, Office of the General Counsel, National Science Foundation, telephone 703–292–8060 or email *mpowell@nsf.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Records and Information (45 CFR Part 612) (FOTA Regulations)

This revision of part 612 implements the provision of the Open FOIA Act of 2009 which amends Exemption 3. It also updates and clarifies several procedural provisions concerning FOIA administration, reflects changes in case law, and includes revised current cost figures for calculating and charging fees. The duplication fee would be reduced. In addition, the Foundation proposes to implement multi-track processing. Clarifications and procedural changes are found at § 612.1(b) (General Provisions); § 612.3(b) and (f) (Requirements for making requests); § 612.5(a), (b), (c) and (d)(3) (Timing of responses to requests); § 612.6(a) (Responses to requests); § 612.7(a)(2), (3) and (5)(iii) (Exemptions); and § 612.10(b)(3), and (c)(1) and (2) (Fees).

For purposes of the Regulatory Flexibility Act (5 U.S.C. 601), the revised rule will not have a significant economic effect on a substantial number of small entities; the rule addresses the procedures to be followed when

submitting or responding to requests for records under the Freedom of Information Act. For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) the revised rule would not significantly or uniquely affect small governments and would not result in increased expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more. For purposes of Executive Order 12866, the revised rule is not a significant regulatory action requiring review by the Office of Management and Budget. For the purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 35) it has been determined that this rulemaking does not impose any reporting or recordkeeping requirement on the public. This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (as amended), 5 U.S.C. 804, and will not result in an annual effect on the economy of $100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

List of Subjects in 45 CFR Part 612

Administrative practice and procedure, Freedom of information.

For the reasons stated in the preamble, the National Science Foundation proposes to amend 45 CFR chapter VI by revising part 612 to read as follows:

PART 612—AVAILABILITY OF RECORDS AND INFORMATION

Sec.

612.1 General provisions.
612.2 Public reading room.
612.3 Requirements for making requests.
612.4 Processing requests.
612.5 Timing of responses to requests.
612.6 Responses to requests.
612.7 Exemptions.
612.8 Business information.
612.9 Appeals.
612.10 Fees.
612.11 Other rights and services.

Authority: 5 U.S.C. 552, as amended.

§ 612.1 General provisions.

(a) This part contains the rules that the National Science Foundation (NSF) follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. Information routinely made available to the public as part of a regular Foundation activity (for example, program announcements and solicitations, summary of awarded proposals, statistical reports on U.S. science, press releases issued by the Office of Legislative and Public Affairs) may be provided to the public without reliance on this part. As a matter of policy, the Foundation also makes discretionary disclosures of records or information otherwise exempt under the FOIA whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption. This policy, however, does not create any right enforceable in court. When individuals seek records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, NSF processes those requests under both NSF's Privacy regulations at part 613 of this chapter, and this part.

(b) As used in this part, NSF includes one component, the Office of the Inspector General (OIG) of the National Science Foundation.

§ 612.2 Public reading room.

(a) The Foundation maintains a public reading room located in the NSF Library at 4201 Wilson Boulevard, Suite 225, Arlington, Virginia, open during regular working hours Monday through Friday. It contains the records that the FOIA requires to be made regularly available for public inspection and copying and has computers and printers available for public use in accessing records. Also available for public inspection and copying are current subject matter indexes of reading room records.

(b) Information about FOIA and Privacy at NSF and copies of frequently requested FOIA releases are available online at *www.nsf.gov/policies/foia/jsp*. Most NSF policy documents, staff instructions, manuals, and other publications that affect a member of the public, are available in electronic form through the ''Publications'' option on the tool bar on NSF's Home Page on the World Wide Web at *www.nsf.gov*.

§ 612.3 Requirements for making requests.

(a) *Where to send a request.* (1) You may make a FOIA request for records of the National Science Foundation by writing directly to the NSF FOIA Officer, Office of the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, VA 22230. Requests may also be sent by facsimile to (703) 292–9041 or by email to *foia@nsf.gov.*

(2) The National Science Foundation includes one agency component, the NSF Office of the Inspector General (OIG). For records maintained by the NSF OIG, you may write directly to the Office of Inspector General, National Science Foundation, 4201 Wilson Boulevard, Suite 1135, Arlington, VA 22230. Requests may also be sent to the OIG by facsimile to (703) 292–9158. The NSF FOIA Officer and the OIG component will also forward requests as appropriate.

(b) *Form of request.* A FOIA request need not be in any particular format, but it must be in writing, include the requester's name and mailing address, and be clearly identified both on the envelope and in the letter, or in a facsimile or electronic mail message as a Freedom of Information Act or ''FOIA'' request. It must describe the records sought with sufficient specificity to permit identification, and include agreement to pay applicable fees as described in § 612.10. NSF and its OIG component are not obligated to act upon a request until it meets these procedural requirements.

(c) *Personal records.* (1) If you are making a request for records about yourself and the records are not contained in a Privacy Act system of records, your request will be processed only under the FOIA, since the Privacy Act does not apply. If the records about you are contained in a Privacy Act system of records, NSF will respond with information on how to make a Privacy Act request (see NSF Privacy Act regulations at 45 CFR 613.2).

(2) If you are making a request for personal information about another individual, either a written authorization signed by that individual in accordance with § 613.2(f) of this chapter permitting disclosure of those records to you, or proof that that individual is deceased (for example, a copy of a death certificate or a published obituary) will help the agency process your request.

(d) *Description of records sought.* Your request must describe the records that you seek in enough detail to enable NSF personnel to locate them with a reasonable amount of effort. A record must have been created or obtained by NSF and be under the control of NSF at the time of the request to be subject to the FOIA. NSF has no obligation under the FOIA to create, compile, or obtain a record to satisfy a FOIA request. Whenever possible, your request should include specific descriptive information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record. As a general rule, the more specific you are about the records or type of records that you want, the more likely the Foundation will be able to locate those records in response to your request, and the more likely fees will be reduced or eliminated. If NSF determines that your request does not reasonably describe records, you will be advised what

additional information is needed to perfect your request or why your request is otherwise insufficient.

(e) *Agreement to pay fees.* Your request must state that you will promptly pay the total fees chargeable under this regulation or set a maximum amount you are willing to pay. NSF does not charge if fees total less than $25.00. If you seek a waiver of fees, please see § 612.10(k) for a discussion of the factors you must address. If you place an inadequate limit on the amount you will pay, or have failed to make payments for previous requests, NSF may require advance payment (see § 612.10(i)).

(f) *Receipt date.* A request that meets the requirements of this section will be considered received on the date it is properly received by the Office of the General Counsel or the Office of the Inspector General. In determining which records are responsive to a FOIA request, the NSF will include only records in its possession as of the date the NSF or OIG begins its search. If any other date is used, the NSF or OIG shall inform the requester of that date.

(g) *Publications excluded.* For the purpose of public requests for records the term ''record'' does not include publications which are available to the public in the **Federal Register**, or by sale or free distribution. Such publications may be obtained from the Government Printing Office, the National Technical Information Service, or through NSF's Home Page on the World Wide Web at *http://www.nsf.gov/publications/*. Requests for such publications will be referred to or the requester informed of the appropriate source.

§ 612.4 Processing requests.

(a) *Monitoring of requests.* The NSF Office of the General Counsel (OGC), or such other office as may be designated by the Director, will serve as the central office for administering these regulations. For records maintained by the Office of Inspector General, that Office will control incoming requests made directly or referred to it, dispatch response letters, and maintain administrative records. For all other records maintained by NSF, OGC (or such other office as may be designated by the Director) will control incoming requests, assign them to appropriate action offices, monitor compliance, consult with action offices on disclosure, approve necessary extensions, dispatch denial and other letters, and maintain administrative records.

(b) *Consultations and referrals.* When the NSF receives a request for a record in its possession that originated with another agency or in which another agency has a substantial interest, it may decide that the other agency of the Federal Government is better able to determine whether the record should or should not be released under the FOIA.

(1) If the NSF determines that it is the agency best able to process the record in response to the request, then it will do so, after consultation with the other interested agencies where appropriate.

(2) If it determines that it is not the agency best able to process the record, then it will refer the request regarding that record (or portion of the record) to the agency that originated or has a substantial interest in the record in question (but only if that agency is subject to the FOIA). Ordinarily, the agency that originated a record will be presumed to be best able to determine whether to disclose it.

(3) Whenever NSF refers all or any part of the responsibility for responding to a request to another agency, it ordinarily will notify the requester of the referral and inform the requester of the name of each agency to which the request has been referred and of the part of the request that has been referred, unless such notification would disclose information otherwise exempt.

§ 612.5 Timing of responses to requests.

(a) *In general.* The NSF and its component, OIG, ordinarily will initiate processing of requests according to their order of receipt.

(b) *Multitrack processing.* (1) NSF and OIG may use two or more processing tracks by distinguishing between simple and more complex requests based on the amount of work and/or time needed to process the request, including through limits based on the number of pages involved. If NSF or OIG does so, it shall advise requesters in its slower track(s) of the limits of its faster track(s).

(2) NSF or OIG using multitrack processing may provide requesters in its slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing within the specified limits of the NSF's or OIG's faster track(s). The requester may be contacted by telephone, email, or letter, whichever is more efficient in each case.

(c) *Time for response.* The NSF will seek to take appropriate action within 20 days of when a request is properly received or is perfected (excluding the date of receipt, weekends, and legal holidays), whichever is later. A request which otherwise meets the requirements of § 612.3 is perfected when you have reasonably described the records sought under § 612.3(d), and agreed to pay fees under § 612.3(e), or otherwise met the fee requirements under § 612.10.

(d) *Unusual circumstances.* (1) Where the time limits for processing a request cannot be met because of unusual circumstances, as defined in the FOIA, the NSF FOIA Officer or the OIG component will notify the requester as soon as practicable in writing of the unusual circumstances and may extend the response period for up to ten working days.

(2) Where the extension is for more than ten working days, the FOIA Officer or the OIG component will provide the requester with an opportunity either to modify the request so that it may be processed within the ten day extension period or to arrange an agreed upon alternative time period with the FOIA Officer or the OIG component for processing the request or a modified request.

(3) Where the NSF reasonably believes that multiple requests submitted by a requester, or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances, and the requests involve clearly related matters, they may be aggregated. Multiple requests involving unrelated matters will not be aggregated.

(e) *Expedited processing.* (1) If you want to receive expedited processing, you must submit a statement, certified to be true and correct to the best of your knowledge and belief, explaining in detail the basis for requesting expedited processing.

(2)(i) Requests and appeals will be given expedited treatment whenever it is determined that a requester has demonstrated compelling need by presenting:

(A) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(B) An urgency to inform the public about an actual or alleged Federal government activity, if made by a person primarily engaged in disseminating information.

(ii) For example, a requester who is not a full-time member of the news media must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his or her sole occupation. Such requester also must establish a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity generally, and that the information

sought has particular value that would be lost if not disseminated quickly.

(3) Within ten calendar days of receipt of a request for expedited processing, the NSF FOIA Officer or OIG component will decide whether to grant it, and will notify the requester of the decision orally or in writing. If a request for expedited treatment is granted, the request will be processed as soon as practicable. If a request for expedited processing is denied, any appeal of that decision will be acted on expeditiously.

§ 612.6 Responses to requests.

(a) *Acknowledgment of requests.* The NSF or OIG will ordinarily send an email acknowledgment of all FOIA requests with an assigned request number for further reference and an estimated response date.

(b) *Grants of requests.* Once the NSF makes a determination to grant a request in whole or in part, it will notify the requester in writing. The NSF will inform the requester in the notice of any applicable fee and will disclose records to the requester promptly on payment of applicable fees. Records disclosed in part will be marked or annotated to show both the amount and the location of the information deleted where practicable.

(c) *Denials of requests.* (1) Denials of FOIA requests will be made by the Office of the General Counsel, the Office of the Inspector General, or such other office as may be designated by the Director. The response letter will briefly set forth the reasons for the denial, including any FOIA exemption(s) applied in denying the request. It will also provide the name and title or position of the person responsible for the denial, will inform the requester of the right to appeal, and will, where appropriate, include an estimate of the volume of any requested materials withheld. An estimate need not be provided when the volume is otherwise indicated through deletions on records disclosed in part, or if providing an estimate would harm an interest protected by an applicable exemption.

(2) Requesters can appeal an agency determination to withhold all or part of any requested record; a determination that a requested record does not exist or cannot be located; a determination that what has been requested is not a record subject to the Act; a disapproval of a fee category claim by a requester; denial of a fee waiver or reduction; or a denial of a request for expedited treatment (see § 612.9).

§ 612.7 Exemptions.

(a) *Exemptions from disclosure.* The following types of records or information may be withholdable as exempt in full or in part from mandatory public disclosure:

(1) *Exemption 1–5 U.S.C. 552(b)(1).* Records specifically authorized and properly classified pursuant to Executive Order to be kept secret in the interest of national defense or foreign policy. NSF does not have classifying authority and normally does not deal with classified materials.

(2) *Exemption 2–5 U.S.C. 552(b)(2).* Records related solely to the internal personnel rules and practices of NSF. Examples of records normally exempt from disclosure include, but are not limited to: Information relating to position management and manpower utilization, such as internal staffing plans, authorizations or controls, or involved in determination of the qualifications of candidates for employment, advancement, or promotion including examination questions and answers.

(3) *Exemption 3–5 U.S.C. 552(b)(3).* Records specifically exempted from disclosure by another statute that either requires that the information be withheld in a such way that the agency has no discretion in the matter; or establishes particular criteria for withholding or refers to particular types of information to be withheld; and, if enacted after the date of enactment of the OPEN FOIA Act of 2009, October 28, 2009, specifically cites to 5 U.S.C. 552(b)(3). Examples of records exempt from disclosure include, but are not limited to:

(i) Records that disclose any invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license), 35 U.S.C. 205;

(ii) Contractor proposals not specifically set forth or incorporated by reference into a contract, 41 U.S.C. 253b(m);

(iii) Information protected by the Procurement Integrity Act, 41 U.S.C. 423;

(iv) Statistical information protected by section 14(i) of the NSF Act of 1950, as amended, 42 U.S.C. 1873(i) and/or the Confidential Information Protection and Statistical Efficiency Act of 2002, 44 U.S.C. 3501 note.

(4) *Exemption 4–5 U.S.C. 552(b)(4).* Trade secrets and commercial or financial information obtained from a person, and privileged or confidential. Information subject to this exemption is that customarily held in confidence by the originator(s), including nonprofit organizations and their employees. Release of such information is likely to cause substantial harm to the competitive position of the originator or submitter, or impair the Foundation's ability to obtain such information in the future. NSF will process information potentially exempted from disclosure by Exemption 4 under § 612.8. Examples of records or information normally exempt from disclosure include, but are not limited to:

(i) Information received in confidence, such as grant applications, fellowship applications, and research proposals prior to award;

(ii) Confidential scientific and manufacturing processes or developments, and technical, scientific, statistical data or other information developed by a grantee;

(iii) Technical, scientific, or statistical data, and commercial or financial information privileged or received in confidence from an existing or potential contractor or subcontractor, in connection with bids, proposals, or contracts, concerning contract performance, income, profits, losses, and expenditures, as well as trade secrets, inventions, discoveries, or other proprietary data. When the provisions of 41 U.S.C. 253b(m) or 41 U.S.C. 423 are met, certain proprietary and source selection information may also be withheld under Exemption 3;

(iv) Confidential proprietary information submitted on a voluntary basis;

(v) Statements or information collected in the course of inspections, investigations, or audits, when such statements are received in confidence from the individual and retained in confidence because they reveal trade secrets or commercial or financial information normally considered confidential or privileged.

(5) *Exemption 5–5 U.S.C. 552(b)(5).* Inter-agency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with NSF. Factual material contained in such records will be considered for release if it can be reasonably segregated and is not otherwise exempt. Examples of records exempt from disclosure include, but are not limited to:

(i) Those portions of reports, memoranda, correspondence, workpapers, minutes of meetings, and staff papers, containing evaluations, advice, opinions, suggestions, or other deliberative material that are prepared for use within NSF or within the Executive Branch of the Government by agency personnel and others acting in a consultant or advisory capacity;

(ii) Advance information on proposed NSF plans to procure, lease, or otherwise acquire, or dispose of materials, real estate, facilities, services or functions, when such information

would provide undue or unfair competitive advantage to private interests or impede legitimate government functions;

(iii) Negotiating positions or limits at least until the execution of a contract (including a grant or cooperative agreement) or the completion of the action to which the negotiating positions were applicable. They may also be exempt pursuant to other provisions of this section;

(iv) Trade secret or other confidential research development, or commercial information owned by the Government, where premature release is likely to affect the Government's negotiating position or other commercial interest;

(v) Records prepared for use in proceedings before any Federal or State court or administrative body;

(vi) Evaluations of and comments on specific grant applications, research projects or proposals, fellowship applications or nominations or other individual awards, or potential contractors and their products, whether made by NSF personnel or by external reviewers acting either individually or in panels, committees or similar groups;

(vii) Preliminary, draft or unapproved documents, such as opinions, recommendations, evaluations, decisions, or studies conducted or supported by NSF;

(viii) Proposed budget requests, and supporting projections used or arising in the preparation and/or execution of a budget; proposed annual and multi-year policy, priorities, program and financial plan and supporting papers;

(ix) Those portions of official reports of inspection, reports of the Inspector General, audits, investigations, or surveys pertaining to safety, security, or the internal management, administration, or operation of NSF, when these records have traditionally been treated by the courts as privileged against disclosure in litigation.

(6) *Exemption 6—5 U.S.C. 552(b)(6).* Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. The exemption may apply to protect the privacy of living persons and of living close survivors of a deceased person identified in a record. Information in such files which is not otherwise exempt from disclosure pursuant to other provisions of this section will be released to the subject or to his designated legal representative, and may be disclosed to others with the subject's written consent. Examples of records exempt from disclosure include, but are not limited to:

(i) Reports, records, and other materials pertaining to individual cases in which disciplinary or other administrative action has been or may be taken. Opinions and orders resulting from those administrative or disciplinary proceedings shall be disclosed without identifying details if used, cited, or relied upon as precedent;

(ii) Records compiled to evaluate or adjudicate the suitability of candidates for employment, and the eligibility of individuals (civilian or contractor employees) for security clearances, or for access to classified information;

(iii) Reports and evaluations which reflect upon the qualifications or competence of individuals;

(iv) Personal information such as home addresses and telephone and facsimile numbers, private email addresses, social security numbers, dates of birth, marital status and the like;

(v) The exemption also applies when the fact of the existence or nonexistence of a responsive record would itself reveal personal, private information, and the public interest in disclosure is not sufficient to outweigh the privacy interest.

(7) *Exemption 7–5 U.S.C. 552(b)(7).* Records or information compiled for civil or criminal law enforcement purposes, including the implementation of Executive Orders or regulations issued pursuant to law. This exemption may exempt from mandatory disclosure records not originally created, but later gathered, for law enforcement purposes.

(i) This exemption applies only to the extent that the production of such law enforcement records or information:

(A) Could reasonably be expected to interfere with enforcement proceedings;

(B) Would deprive a person of the right to a fair trial or an impartial adjudication;

(C) Could reasonably be expected to constitute an unwarranted invasion of personal privacy of a living person, or living close survivors of a deceased person identified in a record;

(D) Could reasonably be expected to disclose the identity of a confidential source, including a source within the Federal Government, or a State, local, or foreign agency or authority, or any private institution, that furnished information on a confidential basis; and information furnished by a confidential source and obtained by a criminal law enforcement authority in a criminal investigation;

(E) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(F) Could reasonably be expected to endanger the life or physical safety of any individual.

(ii) Examples of records normally exempt from disclosure include, but are not limited to:

(A) The identity and statements of complainants or witnesses, or other material developed during the course of an investigation and all materials prepared in connection with related government litigation or adjudicative proceedings;

(B) The identity of firms or individuals investigated for alleged irregularities involving NSF grants, contracts or other matters when no indictment has been obtained, no civil action has been filed against them by the United States, or no government-wide public suspension or debarment has occurred;

(C) Information obtained in confidence, expressed or implied, in the course of a criminal investigation by the NSF Office of the Inspector General.

(iii) The exclusions contained in 5 U.S.C. 552(c)(1) and (2) may also apply to these records.

(8) *Exemption 8—5 U.S.C. 552(b)(8).* Records contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) *Exemption 9—5 U.S.C. 552(b)(9).* Records containing geological and geophysical information and data, including maps, concerning wells.

(b) *Deletion of exempt portions and identifying details.* Any reasonably segregable portion of a record will be provided to requesters after deletion of the portions which are exempt. Whenever any final opinion, order, or other materials required to be made available relates to a private party or parties and the release of the name(s) or other identifying details will constitute a clearly unwarranted invasion of personal privacy, the record shall be published or made available with such identifying details left blank, or shall be published or made available with obviously fictitious substitutes and with a notification such as the following: Names of parties and certain other identifying details have been removed (and fictitious names substituted) in order to prevent a clearly unwarranted invasion of the personal privacy of the individuals involved.

§ 612.8 Business information.

(a) *In general.* Business information obtained by the Foundation from a

submitter of that information will be disclosed under the FOIA only under this section's procedures.

(b) *Definitions.* For purposes of this section:

(1) *Business Information* means commercial or financial information obtained by the Foundation from a submitter that may be protected from disclosure under Exemption 4 of the FOIA and § 612.7(a)(4).

(2) *Submitter* means any person or entity from whom the Foundation obtains business information, directly or indirectly. The term includes corporations; state, local, and tribal governments; and foreign governments.

(c) *Designation of business information.* A submitter of business information must use good faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, any portions of its submission that it considers to be protected from disclosure under Exemption 4. These designations will expire ten years after the date of the submission unless the submitter requests, and provides justification for, a longer designation period.

(d) *Notice to submitters.* The Foundation will provide a submitter with prompt written notice of a FOIA request or administrative appeal that seeks its business information wherever required under this section, in order to give the submitter an opportunity to object to disclosure of any specified portion of that information under paragraph (f) of this section. The notice shall either describe the business information requested or include copies of the requested records or record portions containing the information.

(e) *Where notice is required.* Notice will be given to a submitter wherever:

(1) The information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(2) The Foundation has reason to believe that the information may be protected from disclosure under Exemption 4.

(f) *Opportunity to object to disclosure.* NSF will allow a submitter a reasonable time, consistent with statutory requirements, to respond to the notice described in paragraph (d) of this section. If a submitter has any objection to disclosure, it must submit a detailed written statement. The statement must specify all grounds for withholding any portion of the information under any exemption of the FOIA and, in the case of Exemption 4, must show why the information is a trade secret, or commercial or financial information that is privileged or confidential. In the event that a submitter fails to respond within the time specified in the notice, the submitter will be considered to have no objection to disclosure of the information. Information provided by a submitter under this paragraph may itself be a record subject to disclosure under the FOIA.

(g) *Notice of intent to disclose.* The Foundation will consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose business information. Whenever it decides to disclose business information over the objection of a submitter, the Foundation will give the submitter written notice, which will include:

(1) A statement of the reason(s) why the submitter's disclosure objections were not sustained;

(2) A description of the business information to be disclosed; and

(3) A specified disclosure date, which will be a reasonable time subsequent to the notice.

(h) *Exceptions to notice requirements.* The notice requirements of paragraphs (d) and (g) of this section will not apply if:

(1) The Foundation determines that the information should not be disclosed (the Foundation protects from disclosure to third parties information about specific unfunded applications, including pending, withdrawn, or declined proposals);

(2) The information lawfully has been published or has been officially made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or by a regulation issued in accordance with the requirements of Executive Order 12600 (3 CFR, 1988 Comp., p. 235); or

(4) The designation made by the submitter under paragraph (c) of this section appears obviously frivolous, in which case the Foundation will, within a reasonable time prior to a specified disclosure date, give the submitter written notice of any final decision to disclose the information.

(i) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of business information, the Foundation will promptly notify the submitter(s). Whenever a submitter files a lawsuit seeking to prevent the disclosure of business information, the Foundation will notify the requester(s).

§ 612.9 Appeals.

(a) *Appeals of denials.* You may appeal a denial of your request to the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, VA 22230. You must make your appeal in writing and it must be received by the Office of the General Counsel within ten days of the receipt of the denial (weekends, legal holidays, and the date of receipt excluded). You must clearly mark your appeal letter and the envelope or your electronic submission as a ''Freedom of Information Act Appeal.'' Your appeal letter must include a copy of your written request and the denial together with any written argument you wish to submit.

(b) *Responses to appeals.* A written decision on your appeal will be made by the General Counsel. A decision affirming an adverse determination in whole or in part will contain a statement of the reason(s) for the affirmance, including any FOIA exemption(s) applied, and will inform you of the FOIA provisions for court review of the decision. If the adverse determination is reversed or modified on appeal, in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.

(c) *When appeal is required.* If you wish to seek review by a court of any denial, you must first appeal it under this section.

§ 612.10 Fees.

(a) *In general.* NSF will charge for processing requests under the FOIA in accordance with paragraph (c) of this section, except where fees are limited under paragraph (d) of this section or where a waiver or reduction of fees is granted under paragraph (k) of this section. If fees are applicable, NSF will itemize the amounts charged. NSF may collect all applicable fees before sending copies of requested records to a requester. Requesters must pay fees by check or money order made payable to the Treasury of the United States.

(b) *Definitions.* For purposes of this section:

(1) *Commercial use request* means a request from or on behalf of a person who seeks information for a use or purpose that furthers his or her commercial, trade, or profit interests, which can include furthering those interests through litigation. When it appears that the requester will put the records to a commercial use, either because of the nature of the request itself or because NSF has reasonable cause to doubt a requester's stated use, NSF will provide the requester a reasonable opportunity to submit further clarification.

(2) *Direct costs* means those expenses that an agency actually incurs in

searching for and duplicating (and, in the case of commercial use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating duplication machinery. Not included in direct costs are overhead expenses such as the costs of space and heating or lighting of the facility in which the records are kept.

(3) *Duplication* means the making of a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, microform, audiovisual materials, or electronic records (for example, magnetic tape or compact disk) among others. NSF will honor a requester's specified preference of form or format of disclosure if the record is readily reproducible by NSF, with reasonable effort, in the requested form or format.

(4) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and made under the auspices of a qualifying institution and that the records are not sought for a commercial use, but are sought to further scholarly research.

(5) *Noncommercial scientific institution* means an institution that is not operated on a ''commercial'' basis, as that term is defined in paragraph (b)(1) of this section, and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and made under the auspices of a qualifying institution and that the records are not sought for a commercial use or to promote any particular product or industry, but are sought to further scientific research.

(6) *Representative of the news media or news media requester* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term news means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances where they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public. For ''freelance'' journalists to be regarded as working for a news organization, they must demonstrate a solid basis for expecting publication through that organization. A publication contract would be the clearest proof, but NSF shall also look to the past publication record of a requester in making this determination. To be in this category, a requester must not be seeking the requested records for a commercial use. However, a request for records supporting the news dissemination function of the requester will not be considered to be for a commercial use.

(7) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes processing any record for disclosure, for example, doing all that is necessary to redact it and prepare it for disclosure. Review costs are recoverable even if a record ultimately is not disclosed. Review time includes time spent considering any formal objection to disclosure made by a business submitter under § 612.8, but does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(8) *Search* means the process of looking for and retrieving records or information responsive to a request. It includes page by page or line by line identification of information within records and also includes reasonable efforts to locate and retrieve information from records maintained in paper or electronic form or format, or stored in Federal Records Centers. NSF will ensure that searches are done in the most efficient and least expensive manner reasonably possible. For example, NSF will not search line by line where duplicating an entire document would be quicker and less expensive.

(c) *Fees.* In responding to FOIA requests, NSF will charge the following fees unless a waiver or reduction of fees has been granted under paragraph (k) of this section:

(1) *Search.* (i) Search fees will be charged for all requests, other than requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media, subject to the limitations of paragraph (d) of this section. NSF may charge for time spent searching even if responsive records are not located or are withheld entirely as exempt from disclosure.

(ii) *Manual searches for records.* Whenever feasible, NSF will charge at the salary rate(s) (i.e., basic pay plus 16 percent) of the employee(s) conducting the search. Where a homogeneous class of personnel is used exclusively (e.g., all administrative/clerical or all professional/executive), NSF has established an average rate for the range of grades typically involved. Routine search for records by administrative personnel are charged at $5.50 for each quarter hour. When a non-routine, non-clerical search by professional personnel is conducted (for example, where the task of determining which records fall within a request requires professional time) the charge is $11.50 for each quarter hour.

(iii) *Computer searches of records.* NSF will charge at the actual direct cost of conducting the search. This will include the cost of operating the computer system(s) for that portion of operating time that is directly attributable to searching for records responsive to a FOIA request and operator/programmer salary (i.e., basic pay plus 16 percent) apportionable to the search. When NSF can establish a reasonable agency-wide average rate for computer operating costs and operator/programmer salaries involved in FOIA searches, the Foundation will do so and charge accordingly.

(iv) *Archived records.* For requests that require the retrieval of records stored by NSF at a Federal records center operated by the National Archives and Records Administration (NARA), additional costs will be charged in accordance with the Transactional Billing Rate Schedule established by NARA.

(2) *Duplication.* Duplication fees will be charged to all requesters, subject to the limitations of paragraph (d) of this section. For a paper photocopy of a record (no more than one copy of which need be supplied), the fee will be ten cents per page. For copies produced by computer, such as print outs, tapes, compact disks, or other electronic media, NSF will charge the direct costs, including operator time, of producing the copy. Where paper documents must be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester shall pay the direct costs associated with scanning those materials. For other forms of duplication, NSF will charge the direct costs of that duplication.

(3) *Review.* Review fees will be charged to requesters who make a commercial use request. Review fees will be charged only for the initial record review, in other words, the

review done when NSF determines whether an exemption applies to a particular record or record portion at the initial request level. NSF may charge for review even if a record ultimately is not disclosed. No charge will be made for review at the administrative appeal level for an exemption already applied. However, records or record portions withheld under an exemption that is subsequently determined not to apply may be reviewed again to determine whether any other exemption not previously considered applies; the costs of that review are chargeable where it is made necessary by a change of circumstances. Review fees will be charged at the salary rate (basic pay plus 16%) of the employee(s) performing the review.

(d) *Limitations on charging fees.* (1) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media.

(2) Except for requesters seeking records for a commercial use, NSF will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent); and

(ii) The first two hours of search (or the cost equivalent).

(3) Whenever a total fee calculated under paragraph (c) of this section is $25.00 or less for any request, no fee will be charged.

(4) The provisions of paragraphs (d)(2) and (3) of this section work together. This means that noncommercial requesters will be charged no fees unless the cost of search in excess of two hours plus the cost of duplication in excess of 100 pages totals more than $25.00. Commercial requesters will not be charged unless the costs of search, review, and duplication total more than $25.00.

(e) *Notice of anticipated fees in excess of $25.00.* When NSF determines or estimates that the fees to be charged under this section will exceed $25.00, it will notify the requester of the actual or estimated amount of the fees, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, NSF will advise the requester that the estimated fee may be only a portion of the total fee. In cases in which a requester has been notified that actual or estimated fees exceed $25.00, the request will not be considered perfected and further work will not be done until the requester agrees to pay the anticipated total fee. Any such agreement should be memorialized in writing. A notice under this paragraph will offer the requester an opportunity to discuss the matter with Foundation personnel in order to reformulate the request to meet the requester's needs at a lower cost, if possible. If a requester fails to respond within 60 days of notice of actual or estimated fees with an agreement to pay those fees, NSF may administratively close the request.

(f) *Charges for other services.* Apart from the other provisions of this section, when NSF chooses as a matter of administrative discretion to provide a requested special service such as certifying that records are true copies or sending them by other than ordinary mail, the direct costs of providing the service will be charged to the requester.

(g) *Charging interest.* NSF may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the date of the billing until payment is received by NSF. NSF may follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* Where NSF reasonably believes that a requester or a group of requesters acting together is attempting to divide a request into a series of requests for the purpose of avoiding fees, the agency may aggregate those requests and charge accordingly. NSF may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. Where requests are separated by a longer period, NSF will aggregate them only where there exists a solid basis for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated.

(i) *Advance payments.* (1) For requests other than those described in paragraphs (i)(2) and (3) of this section, NSF will not require the requester to make an advance payment,—in other words, a payment made before work is begun or continued on a request. Payment owed for work already completed (i.e., a prepayment before copies are sent to a requester) is not an advance payment.

(2) Where NSF determines or estimates that a total fee to be charged under this section will be more than $250.00, it may require the requester to make an advance payment of an amount up to the amount of the entire anticipated fee before beginning to process the request, except where it receives a satisfactory assurance of full payment from a requester that has a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged fee to any agency within 30 days of the date of billing, NSF may require the requester to pay the full amount due, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before NSF begins to process a new request or continues to process a pending request from that requester.

(4) In cases in which NSF requires advance payment or payment due under paragraph (i)(2) or (3) of this section, the request will not be considered perfected and further work will not be done on it until the required payment is received.

(j) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. Where records responsive to requests are maintained for distribution by agencies operating such statutorily based fee schedule programs, NSF will inform requesters of the steps for obtaining records from those sources so that they may do so most economically.

(k) *Waiver or reduction of fees.* (1) Records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (c) of this section where NSF determines, based on all available information, that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(2) To determine whether the first fee waiver requirement is met, NSF will consider the following factors:

(i) The subject of the request: Whether the subject of the requested records concerns ''the operations or activities of the government.'' The subject of the requested records must concern identifiable operations or activities of the federal government, with a connection that is direct and clear, not remote or attenuated.

(ii) The informative value of the information to be disclosed: Whether disclosure is ''likely to contribute'' to an understanding of government operations or activities. The disclosable portions of the requested records must be meaningfully informative about government operations or activities in order to be ''likely to contribute'' to an increased public understanding of those operations or activities. Disclosure of information already in the public

domain, in either duplicative or substantially identical form, is unlikely to contribute to such understanding where nothing new would be added to the public's understanding.

(iii) The contribution to an understanding of the subject by the public likely to result from disclosure: Whether disclosure of the requested information will contribute to ''public understanding.'' The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject as opposed to the individual understanding of the requester. A requester's expertise in the subject area and ability and intention to effectively convey information to the public will be considered. A representative of the news media as defined in paragraph (b)(6) of this section will normally be presumed to satisfy this consideration.

(iv) The significance of the contribution to public understanding: Whether disclosure is likely to contribute ''significantly'' to public understanding of government operations or activities. The public's understanding of the subject in question must be enhanced by the disclosure to a significant extent as compared to the level of public understanding existing prior to the disclosure. NSF will make no value judgments about whether information that would contribute significantly to public understanding of the operations or activities of the government is ''important'' enough to be made public.

(3) To determine whether the second fee waiver requirement is met, NSF will consider the following factors:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure. NSF will consider any commercial interest of the requester (with reference to the definition of ''commercial use'' in paragraph (b)(1) of this section), or of any person on whose behalf the requester may be acting, that would be furthered by the requested disclosure. Requesters will be given an opportunity in the administrative process to provide explanatory information regarding this consideration.

(ii) The primary interest in disclosure: Whether any identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is ''primarily in the commercial interest of the requester.'' A fee waiver or reduction is justified where the public interest standard is satisfied and that public interest is greater in magnitude than that of any identified commercial interest in disclosure. NSF ordinarily will presume that where a news media requester has satisfied the public interest standard, the public interest will be the interest primarily served by disclosure to that requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(4) Where only some of the requested records satisfy the requirements for a waiver of fees, a waiver will be granted for those records.

(5) Requests for the waiver or reduction of fees should address the factors listed in paragraphs (k)(2) and (3) of this section, insofar as they apply to each request.

§ 612.11 Other rights and services.

Nothing in this part will be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

Dated: April 26, 2013.

Lawrence Rudolph,

General Counsel.

[FR Doc. 2013–10697 Filed 5–13–13; 8:45 am]

BILLING CODE 7555–01–M

Notices

Federal Register

Vol. 78, No. 93

Tuesday, May 14, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FV–13–0012; FV 13–930–1]

Tart Cherries Grown in Michigan, New York, Et al.; Notice of Request for Extension and Revision of a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's (AMS) intent to request an extension for and revision to a currently approved information collection for Tart Cherries Grown in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, pursuant to Marketing Order No. 930 (7 CFR part 930).

DATES: Comments must be received by July 15, 2013.

ADDRESSES: Interested persons are invited to submit written comments concerning this notice. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *www.regulations.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Weiya Zeng, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Room 1406–S, Washington, DC 20250–0237; Telephone: (202) 690–3870, Fax: (202) 720–8938, or Email: *weiya.zeng@ams.usda.gov.*

Small businesses may request information on this notice by contacting Jeffrey Smutny, Assistant to the Director, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Room 1406–S, Washington, DC 20250–0237; Telephone: (202) 720–9922, Fax: (202) 720–8938; or Email: *jeffrey.smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Tart Cherries Grown in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin. Marketing Order No. 930 (7 CFR part 930).

OMB Number: 0581–0177.

Expiration Date of Approval: August 31, 2013.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables, and specialty crops, in a specified production area, to work together to solve marketing problems that cannot be solved individually. Under the authority of the Agricultural Marketing Agreement Act of 1937 (AMAA), as amended (7 U.S.C. 601–674), industries may enter into marketing orders. The Secretary of Agriculture oversees these operations and issues regulations recommended by a committee of representatives from the respective commodity industry.

The information collection requirements in this request are essential to carry out the intent of the AMAA and to administer the program, which has operated since 1996.

The Federal marketing order for tart cherries (7 CFR part 930) regulates the handling of tart cherries grown in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the ''order.'' The order authorizes volume regulations that provide for a reserve pool in times of heavy cherry supplies. The order also provides for minimum grade and size regulations, and market research and development projects, including paid advertising. These provisions are not currently in use.

The order, and rules and regulations issued thereunder, authorizes the Cherry Industry Administrative Board (Board), the agency responsible for local administration of the order, to require handlers and growers to submit certain information. Much of this information is compiled in aggregate and provided to the Board to assist in carrying out marketing decisions.

The Board has developed forms as a means for persons to file the required and minimum necessary reports with the Board, such as tart cherry inventories, shipments, diversions, and background data. All the information provided is needed to effectively carry out the requirements of the order and fulfill the intent of the AMAA as expressed in the order. Since this order regulates canned and frozen forms of tart cherries, reporting requirements will be in effect all year.

Eight U.S. Department of Agriculture (USDA) forms are also included in this request. Tart cherry growers and handlers nominated by their peers to serve as representatives on the Board must submit nomination forms to the USDA. Formal rulemaking amendments to the order must be approved in grower referenda authorized and conducted by the USDA. In addition, USDA may conduct a referendum to determine industry support for continuation of the order. Finally, handlers are asked to sign an agreement to indicate their willingness to comply with the provisions of the order if the order is amended.

The information collected is used only by authorized representatives of the USDA, including AMS, Fruit and Vegetable Programs' regional and headquarters staff, and authorized Board employees. Authorized Board employees and the industry are the primary users of the information, and AMS is the secondary user.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .225 hours per response.

Respondents: Tart cherry growers and for-profit businesses handling fresh and processed tart cherries produced in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin.

Estimated Number of Respondents: 642.

Estimated Number of Responses per Respondent: 5.03.

Estimated Total Annual Burden on Respondents: 727 hours.

Comments: Comments are invited on: (1) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (2) the accuracy of the agency's estimate of the burden 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 collected; and (4) ways to minimize the burden of the collection of information on those who respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference this docket number and the appropriate marketing order and be sent to the USDA in care of the Docket Clerk at the address above. All comments received within the provided comment period will be available for public inspection during regular business hours, and summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: May 9, 2013.

Rex A. Barnes,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2013–11395 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2013–0020]

National Advisory Committee on Microbiological Criteria for Foods

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This notice is announcing that the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold public meetings of the full Committee and subcommittees on June 4–6, 2013. The Committee will discuss: (1) Control strategies for reducing foodborne Norovirus infections, (2) Study of microbiological criteria as indicators of process control or insanitary conditions, and (3) Application of NACMCF recommendations to the Agricultural Marketing Service, Federal Ground Beef Purchase Program.

DATES: The full Committee will hold an open meeting on Tuesday, June 4, 2013 from 10:00 a.m. to 12:00 p.m. The Subcommittee on Control Strategies for Reducing Foodborne Norovirus Infections and the Subcommittee on Study of Microbiological Criteria as Indicators of Process Control or Insanitary Conditions will hold concurrent open meetings on Tuesday, June 4, 1 p.m. to 5 p.m., Wednesday, June 5, and Thursday, June 6, 2013 from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The June 4–6, 2013, full Committee and subcommittee meetings will be held at the Patriots Plaza 3, 1st Floor Auditorium and Conference Rooms, respectively, 355 E. Street SW., Washington, DC 20024. All documents related to the full Committee meeting will be available for public inspection in the FSIS Docket Room, USDA, 355 E. Street SW., Patriots Plaza 3, Room 8–164, Washington, DC 20250–3700, between 8:30 a.m. and 4:30 p.m., Monday through Friday, as soon as they become available. The NACMCF documents will also be available on the Internet at *http://www.fsis.usda.gov/Regulations_&_Policies/Federal_Register_Notices/index.asp*.

FSIS will finalize an agenda on or before the meeting dates and post it on the FSIS Web page at *http://www.fsis.usda.gov/News/Meetings_&_Events/*. Please note that the meeting agenda is subject to change due to the time required for Committee discussions; thus, sessions could start or end earlier or later than anticipated. Please plan accordingly if you would like to attend a particular session or participate in a public comment period.

Also, the official transcript of the June 4, 2013, full Committee meeting, when it becomes available, will be kept in the FSIS Docket Room at the above address and will also be posted on *http://www.fsis.usda.gov/About/NACMCF_Meetings/*.

The mailing address for the contact person is: Karen Thomas-Sharp, USDA, FSIS, Office of Public Health Science, 1400 Independence Avenue SW., Patriots Plaza 3, Mailstop 3777, Room 9–47, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Persons interested in making a presentation, submitting technical papers, or providing comments at the June 4, plenary session should contact Karen Thomas: Phone: (202) 690–6620; Fax (202) 690–6334; Email: *Karen.thomas-sharp@fsis.usda.gov* or at the mailing address above. Persons requiring a sign language interpreter or other special accommodations should notify Ms. Thomas by May 28, 2013.

SUPPLEMENTARY INFORMATION:

Background

The NACMCF was established in 1988, in response to a recommendation of the National Academy of Sciences for an interagency approach to microbiological criteria for foods, and in response to a recommendation of the U.S. House of Representatives Committee on Appropriations, as expressed in the Rural Development, Agriculture, and Related Agencies Appropriation Bill for fiscal year 1988. The charter for the NACMCF is available for viewing on the FSIS Internet Web page at *http://www.fsis.usda.gov/About/NACMCF_Charter/*.

The NACMCF provides scientific advice and recommendations to the Secretary of Agriculture and the Secretary of Health and Human Services on public health issues relative to the safety and wholesomeness of the U.S. food supply, including development of microbiological criteria and review and evaluation of epidemiological and risk assessment data and methodologies for assessing microbiological hazards in foods. The Committee also provides scientific advice and recommendations to the Centers for Disease Control and Prevention and the Departments of Commerce and Defense.

Dr. Elisabeth A. Hagen, Under Secretary for Food Safety, USDA, is the Committee Chair; Mr. Michael Landa, Director of the Food and Drug Administration's Center for Food Safety and Applied Nutrition (CFSAN), is the Vice-Chair; and Ms. Gerri Ransom, FSIS, is the Executive Secretary.

At the subcommittee meetings the week of June 4–6, 2013, the groups will discuss:

- Control strategies for reducing foodborne Norovirus infections, and
- Study of microbiological criteria as indicators of process control or insanitary conditions.

Documents Reviewed by NACMCF

FSIS intends to make available to the public all materials that are reviewed and considered by the full committee of NACMCF regarding its deliberations. Generally, these materials will be made available as soon as possible after the full Committee meeting. Further, FSIS intends to make these materials available in electronic format on the FSIS Web page (*www.fsis.usda.gov*), as well as in hard copy format in the FSIS Docket Room. Often, an attempt is made to make the materials available at the start of the full Committee meeting when sufficient time is allowed in advance to do so.

Disclaimer: NACMCF documents and comments posted on the FSIS Web site

are electronic conversions from a variety of source formats. In some cases, document conversion may result in character translation or formatting errors. The original document is the official, legal copy.

In order to meet the electronic and information technology accessibility standards in Section 508 of the Rehabilitation Act, NACMCF may add alternate text descriptors for non-text elements (graphs, charts, tables, multimedia, etc.). These modifications only affect the online copies of the documents.

Copyrighted documents will not be posted on the FSIS Web site, but will be available for inspection in the FSIS Docket Room.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at *http://www.fsis.usda.gov/regulations_&_policies/Federal_Register_Notices/index.asp*.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/News_&_Events/Email_Subscription/*. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Done at Washington, DC, on: May 8, 2013.

Alfred V. Almanza,

Administrator.

[FR Doc. 2013–11391 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Rural Business Opportunity Grants

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: USDA announces the availability of grants through the Rural Business Opportunity Grant Program (RBOG) for Fiscal Year (FY) 2013. Public bodies, nonprofit corporations, institutions of higher education, Indian tribes on Federal or State reservations and other Federally Recognized Native American Tribes or tribal groups, and rural cooperatives may apply. Approximately $2.6 million is available in reserved and unreserved funding and will be distributed as follows: $919,820 is reserved for projects benefitting Federally Recognized Native American Tribes (''Native American'') in rural areas; $919,820 is reserved until June 30, 2013 for projects benefitting Rural Economic Area Partnerships (''Partnerships''); and $790,303 is unreserved. Any Partnership funds unobligated after June 30, 2013, will be added to the unreserved funds. Applications, including those for multi-state projects, are limited to $100,000 or less. See 7 CFR part 4284, subpart G.

DATES: Complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 28, 2013, to be eligible for FY 2013 grant funding. An applicant may also hand carry their application to Rural Development field office, but it must be received by close of business on the deadline date. Please note that if you are applying for Partnership funds, your application must be received prior to the June 30, 2013, reservation of funds deadline date. Late applications are not eligible for FY 2013 grant funding.

If you would like to submit an electronic application, you must follow the instructions for the RBOG funding announcement on www.grants.gov. If you would like to submit an electronic application, your application must be received by *http://www.grants.gov* no later than midnight eastern time June 24, 2013, to be eligible for FY 2013 grant funding. Please note that if you are applying for Partnership funds, your application must be received prior to the June 30, 2013, reservation of funds deadline date. You should review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure that you are able to meet the electronic application deadline.

If you do not meet the deadline for submitting an electronic application, you may submit a paper application by the deadline as discussed above. Late applications will not be eligible for FY 2013 grant funding.

ADDRESSES: You should contact a Rural Development State Office if you have questions or need a copy of the application forms. Applications may be submitted in electronic or paper format. If you submit an electronic application, you must follow the instructions for the RBOG funding announcement on www.grants.gov. If you want to submit a paper application, the application should be sent to the State Office located in the State where the project is located. In the case of a multi-state project, you must submit your application to the Rural Development State Office located in the State where the majority of the work will be conducted. You can find the address for your Rural Development State Office at: *http://www.rurdev.usda.gov/StateOfficeAddresses.html.*

FOR FURTHER INFORMATION CONTACT: Office of the Deputy Administrator, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW., MS–3250, Room 4016-South, Washington, DC 20250–3250, (202) 720–7558.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Business-Cooperative Service (RBS).

Funding Opportunity Type: Rural Business Opportunity Grants.

Announcement Type: Funding Announcement.

Catalog of Federal Domestic Assistance Number: 10.773.

Dates: Application Deadline: To be eligible for FY 2013 funding, complete applications must be submitted on paper or electronically according to the following deadlines:

Paper applications must be postmarked and mailed, shipped, or sent overnight no later than June 28, 2013, to be eligible for FY 2013 grant funding. An applicant may also hand carry your application to one of Rural Development's field offices, but it must be received by close of business on the deadline date. Please note that if you are applying for Partnership funds, your application must be received prior to the June 30, 2013, reservation of funds deadline date. Late applications are not eligible for FY 2013 grant funding.

Electronic copies must be received by *http://www.grants.gov* no later than midnight eastern time June 24, 2013, to be eligible for FY 2013 grant funding. Please note that if you are applying for Partnership funds, your application must be received prior to the June 30, 2013, reservation of funds deadline date. Please review the Grants.gov Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering the applicant's organization as soon as possible to ensure that the applicant is able to meet the electronic application deadline.

If you do not meet the deadline for submitting an electronic application, you may submit a paper application by the deadline as discussed above. Late applications will not be eligible for FY 2013 grant funding.

I. Funding Opportunity Description

The RBOG program is authorized under section 306(a)(11) of the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1926(a)(11)).

The primary objective of the program is to improve the economic conditions of rural areas. Assistance provided to rural areas under this program includes the following:

- Rural business incubators
- Technology-based economic development
- Feasibility studies and business plans
- Long-term business strategic planning
- Leadership and entrepreneur training

In addition, we are encouraging applications that will support regional economic development.

Investing in Manufacturing Communities Partnership

Rural Development is participating in the Investing in Manufacturing Communities Partnership (IMCP), which is a new Administration-wide initiative that will accelerate the resurgence of manufacturing and help cultivate an environment for businesses to create well-paying manufacturing jobs in regions across the country. The IMCP is designed to reward communities that demonstrate best practices in attracting and expanding manufacturing by using long-term planning that integrates targeted investments in workforce training, infrastructure, research, and other key assets.

The IMCP is being initiated in FY 2013 as EDA, USDA, SBA and EPA each provide funding for regional implementation strategy grants. The agencies will allocate funding through existing programs to advance this critical national priority. Strategies developed by these grants, as well as existing strategies and those otherwise under development, will enhance regions' efforts to compete for future proposed large scale IMCP grants (10 to 100 times the size of the implementation strategy grants). These grants will be given to communities with the best strategies for attracting private investment. IMCP partner agencies will coordinate funding across agencies in order to leverage complementary activities while also preventing duplication of efforts. Specific information on how applicants can participate in IMCP can be found at Section V.10 of this Notice.

Definitions

The terms you need to know are published at 7 CFR 4284.3 and 4284.603.

II. Award Information

Type of Award: Grant.

Fiscal Year Funds: FY 2013.

Total Funding: $2.8 million distributed as follows: $919,820 is reserved for projects benefitting Native Americans in rural areas; $919,820 is reserved until June 30, 2013, for projects benefitting Partnerships; and $790,303 is unreserved. Any Partnership funds unobligated after June 30, 2013, will be added to the unreserved funds.

Maximum Award: $100,000.

Anticipated Award Date: September 30, 2013.

III. Eligibility Information

A. Eligible Applicants

Grants may be made to public bodies, nonprofit corporations, institutions of higher education, Indian tribes on Federal or State reservations and other Federally recognized tribal groups, and cooperatives with members that are primarily rural residents.

You must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number (see Section IV.B.) and register in the System for Awards Management (SAM, formerly managed by the Central Contractor Registry (CCR)) prior to submitting an application. (See 2 CFR 25.200(b).) In addition, you must maintain your registration in SAM during the time your application is active. Finally, you must have the necessary processes and systems in place to comply with the reporting requirements in 2 CFR 170.200(b), as long as you are not exempted from reporting. Exemptions are identified at 2 CFR 170.110(b).

For additional information on applicant eligibility, see 7 CFR 4284.620.

B. Cost Sharing or Matching

Matching funds are not required.

C. Other Eligibility Requirements

An application must propose to use project funds, including grant and other contributions committed under the evaluation criterion located at 7 CFR 4284.639(c), for eligible purposes (see 7 CFR 4284.621). Also, the proposed project must benefit a rural area; thus, all ultimate recipients of services provided through the project must either reside in a rural area (if an individual) or be located in a rural area (if a business).

Project funds cannot be used for construction, planning a facility, engineering work, or revolving loan funds. See 7 CFR 4284.10 and 4284.629 for more information on ineligible uses of funds. However, if you include funds in your budget that are for ineligible purposes, we will consider the application for funding if the ineligible purposes total 10 percent or less of an applicant's total project budget. However, if the application is successful, those ineligible costs must be removed before we will make the grant award. If we cannot determine the percentage of ineligible costs, the application will not be considered for funding.

Finally, if you have an existing RBOG award, you must be performing satisfactorily to be considered eligible for a new award. Satisfactory

performance includes, but is not limited to, being up-to-date on all financial and performance reports and being current on all tasks as approved in the work plan.

D. Completeness Eligibility

An application will not be considered for funding if it does not provide sufficient information to determine eligibility or is missing required elements. In particular, you must include a project budget that identifies each task to be performed, along with the time period of performance for each task, and the amounts of grant funds and other contributions needed for each task. For more information on application requirements, see 7 CFR 4284.638.

IV. Application and Submission Information

A. Address To Request Application Package

For further information, you should contact your respective Rural Development State Office. Instructions for identifying Rural Development State Offices can be found in the **ADDRESSES** section of this Notice. Program information may also be obtained at: *http://www.rurdev.usda.gov/bcp_rbog.html.*

B. Form of Submission

You may submit their application in paper form or electronically. If you submit an application in paper form, any forms requiring signatures must include an original signature.

To submit an application electronically, you must use the Grants.gov Web site at: *http://www.grants.gov.* You may not submit an application electronically in any way other than through Grants.gov.

- When you enter the Grants.gov Web site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- To use Grants.gov, you must have a Dun and Bradstreet Data Universal Numbering System (DUNS) number, which can be obtained at no cost via a toll-free request line at (866) 705–5711. We strongly recommend that you do not wait until the application deadline date to begin the application process through Grants.gov.
- Before submitting an application, you must also be registered and maintain registration in SAM (formerly the CCR database). (See 2 CFR part 25.) You may register in SAM at *https://www.sam.gov/portal/public/SAM/.*
- You must submit all of your application documents electronically through Grants.gov.
- After electronically submitting an application through Grants.gov, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number.
- You may be required to provide original signatures on forms at a later date.
- You can locate the Grants.gov downloadable application package for this program by using a keyword, the program name, the Catalog of Federal Domestic Assistance Number, or the Funding Opportunity Number.

C. Application Contents

An application must contain all of the required forms and application elements described in 7 CFR 4284.638 and as otherwise clarified in this Notice. Further clarification of application form requirements is as follows:

1. Standard Form (SF) 424, ''Application for Federal Assistance.'' Your DUNS number should be identified in the ''Organizational DUNS'' field. Additionally, you must provide a Commercial and Government Entity (CAGE) code and expiration date. Because there are no specific fields for a CAGE code and expiration date, you may identify them anywhere you want to on the form. If you do not include the CAGE code and expiration date and the DUNS number in your application, it will not be considered for funding.

2. You must complete Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, or the various territories of the United States including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.

D. Submission Date and Time

Application Deadline date: For electronic applications, the deadline date is June 24, 2013. For paper applications, the deadline date is June 28, 2013. Please note that if you are applying for Partnership funds, your application must be received prior to the June 30, 2013, reservation of funds deadline date.

Explanation of Deadlines: Complete paper applications must be in the Rural Development State Office by the deadline date, close of business. Electronic applications submitted through Grants.gov will be accepted by the system through midnight eastern time on the deadline date.

E. Intergovernmental Review

Executive Order (EO) 12372, ''Intergovernmental Review of Federal Programs,'' applies to this program. This EO requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. For a list of States that maintain a SPOC, please see the White House Web site: *http://www.whitehouse.gov/omb/grants_spoc.* If your State has a SPOC, you may submit a copy of the application directly for review. Any comments obtained through the SPOC must be provided to your Rural Development State Office for consideration as part of your application. If your State has not established a SPOC, or if you do not want to submit a copy of your application, our State Office will submit your application to the SPOC or other appropriate agency or agencies.

F. Environmental Review

Applications for financial assistance are subject to an environmental review. However, if an application is for technical assistance or planning purposes, it is generally excluded from the environmental review process (See 7 CFR 1940.310(e)(1)). We will ensure that any required environmental review is completed prior to approval of an application or obligation of funds.

V. Application Review Information

We will review each application to determine if it is eligible for assistance based on the requirements in 7 CFR part 4284, subpart G as well as other applicable Federal regulations. Eligible applications will be initially scored by the USDA Rural Development State Offices and submitted to the National Office for final review and selection. Applications will be funded in rank order.

You must address each selection criterion outlined in 7 CFR 4284.639 in your application. Any criterion not substantively addressed will receive zero points.

To assist you with addressing each criterion, we are providing what we consider to be necessary documentation along with an explanation of how we will score each criterion below.

1. Sustainability of Economic Development (7 CFR 4284.639(a)). You

must identify the economic development (see 7 CFR 4284.603 for a definition) that will occur as a result of their project and describe how that development will be sustainable without any assistance from governments (including local, State, and Federal) or other organizations outside the community. Sustainability may include, but is not limited to, user fees or a continuing source of funds from a community organization. we will score the criterion as follows:

- 0 points if you do not identify at least one type of economic development.
- 1–2 points if you identify at least one type of economic development, but are unable to reasonably quantify it or demonstrate sustainability.
- 3–4 points if you identify at least one type of economic development and reasonably quantify it.
- 5–6 points if you identify at least one type of economic development, reasonably quantify it, and demonstrate that it can be sustained for at least 1 year after the completion of the project through user fees, community organization support, or other non-governmental methods.
- 7–8 points if you identify at least one type of economic development, reasonably quantify it, and demonstrate that it can be sustained for at least 3 years after the completion of the project through user fees, community organization support, or other non-governmental methods.
- 9–10 points if you identify at least one type of economic development, reasonably quantify it, and demonstrate that it can be sustained for at least 5 years after the completion of the project through user fees, community organization support, or other non-governmental methods.

2. Improvements in the Quality of Economic Activity (7 CFR 4284.639(b)). You must quantitatively describe how your project will improve the economic activity in your service area through higher wages, improved benefits, greater career potential, and/or the use of higher level skills than are currently typical. We will score the criterion as follows:

- 0 points if you do not quantitatively describe at least one way your project will improve the economic activity in your service area.
- 1–2 points if you quantitatively describe one way your project will improve the economic activity in your service area.
- 3–4 points if you quantitatively describe two ways your project will improve the economic activity in your service area.
- 5–6 points if you quantitatively describe three ways your project will improve the economic activity in your service area.
- 7–8 points if you quantitatively describe four ways your project will improve the economic activity in your service area.
- 9–10 points if your quantitatively describe five or more ways your project will improve the economic activity in your service area.

3. Other Contributions (7 CFR 4284.639(c)). You must provide documentation indicating who will be providing the other source of funds, the amount of funds, when those funds will be provided, and how the funds will be used in the project budget. Examples of acceptable documentation include: A signed letter from the source of funds stating the amount of funds, when the funds will be provided, and what the funds can be used for or a signed resolution from your governing board authorizing the use of a specified amount of funds for specific components of the project. The other contributions you identify must be specifically dedicated to the project and cannot include your organization's general operating budget. No credit will be given for in-kind donations of time, goods, and/or services from any organization, including the applicant organization. If you choose, you may use a template to summarize the other contributions. The template is available either from your Rural Development State Office or the program Web site at: *http://www.rurdev.usda.gov/bcp_rbog.html.* We will score the criterion as follows:

- 0 points if your other contributions total 25 percent or less of the total project cost.
- 10 points if your other contributions are greater than 25 and 50 percent of the total project cost.
- 20 points if your other contributions are more than 50 percent and less than or equal to 80 percent of the total project cost.
- 30 points if your other contributions are more than 80 percent of the total project cost.

4. Major Natural Disaster (7 CFR 4284.639(d)(1)). You must provide a Federal Emergency Management Agency (FEMA) disaster reference number or USDA disaster declaration date and description for any disasters that occurred within 3 years of the application deadline in the counties in the project service area. We will award 15 points if a FEMA disaster reference number or USDA disaster declaration date and description is provided for the majority of the counties in an applicant's service area; otherwise we will award 0 points.

5. Fundamental Structural Change (7 CFR 4284.639(d)(2)). You must describe a structural change (for example, the loss of major employer or closing of a military base) that occurred within or affected one or more of the counties in the project service area. The structural change must have occurred within the 3 years prior to submitting your application. We will award 15 points if the structural change affected the majority of the counties in your service area and if it caused the loss of at least 100 jobs; otherwise the Agency will award 0 points.

6. Long-Term Poverty (7 CFR 4284.639(d)(3)). You must provide the percentage of residents living below the poverty level from the 1990 and the 2010 decennial censuses for all counties and all States in the service area. If you need assistance locating the census information, you should contact your Rural Development State Office. We will award 10 points if the majority of counties in the service area have a percentage of residents living below that poverty level that is above the state percentage in both the 1990 and the 2010 censuses; otherwise we will award 0 points.

7. Long-Term Population Decline (7 CFR 4284.639(d)(4)). You must provide population statistics from the 1990 and the 2010 decennial censuses for all counties in the service area. If you need assistance locating the census information, you should contact your Rural Development State Office. We will award 10 points if the majority of the counties in the service area experienced a net loss of population between 1990 and 2010; otherwise we will award 0 points.

8. Long-Term Job Deterioration (7 CFR 4284.639(d)(5)). You must provide the unemployment rate from the 1990 and 2010 decennial censuses for all counties in the service area. If you need assistance locating the census information, you should contact your Rural Development State Office. We will award 10 points if the majority of counties in the service area experienced an increase in the unemployment rate between 1990 and 2010; otherwise we will award 0 points.

9. Best Practices (7 CFR 4284.639(e)). You must describe how your project could be replicated, including any potentially necessary modifications, in other communities or service areas. We will score the criterion as follows:

- 0 points if your project could not be replicated.

• 1–3 points if your project could be replicated in another community, but with substantial modifications.

• 4–6 points if your project could be replicated in another community, but with moderate modifications.

• 7–10 points if your project could be replicated in another community, with minimal modifications.

10. Discretionary Points (7 CFR 4284.639(f)). If you wish to be considered for discretionary points, your application must include a description of the following:

• The project service area, and/or

• The special importance for implementation of a regional strategic plan in partnership with other organizations, and/or

• The extraordinary potential for success of the project due to superior project plans or qualifications of your organization, including the key personnel for the project.

Applications can receive discretionary points from either the State Director or the Administrator, but not both. Because awarding these points is completely at the option of the State Director or the Administrator, no additional point break down can be provided.

To Be Competitive for IMCP Funded Implementation Strategies

Successful projects will be regional in scope and focus on manufacturing sectors that demonstrate comparative advantages in the marketplace. To compete for IMCP, applications should emphasize some combination of public-private and higher education collaboration. In addition, they will target investments that help stakeholders within a region to collaborate and build on existing regional assets to create a supportive regional economic ecosystem for business investment and innovation, creation of good jobs, and improved quality of life. Regions are geographic areas, which need not be contiguous or defined by political boundaries, which are capable of undertaking self-sustained economic development.

For the first phase of IMCP in FY 2013, applicants should focus on identifying targeted industries, and specific public investments that will enhance the attractiveness of regions to private investment. Competitive applications will demonstrate the following in the project narrative:

(1) *A detailed assessment of the local industrial ecosystem as it currently exists* and a path to development that could make a region uniquely competitive. The assessment could address how a strategy will capitalize on—intermediaries of various types, industry specialization and competitiveness in international investment and trade, workforce development programs, site availability, research centers, industrial consortia, transportation networks, energy projects to reduce business operational costs, and alliances to bolster supply chain networks and support small businesses.

(2) *Plans for leveraging the region's existing assets* and comparative advantages to build on or develop public private partnerships and local manufacturing capabilities. These plans should include how the strategy will sustain the ecosystem long after the federal award. If the region has or is developing an economic development strategy or a plan for regional growth and revitalization, the plan and the way in which manufacturing will factor into the success of that plan should be described.

(3) *How funds from this award would be employed* to directly fund one or several aspects of the plan described and #2. Allowable activities under the grants may include, but are not limited to:

• A regional strategy that expands, strengthens, enhances and advances manufacturing in a specific industry, with a particular focus on the attraction of significant private sector investment in manufacturing communities. This could be based on the manufacturing and private sector investment attraction objectives included in a current comprehensive economic development strategy, or other regional strategy, and further refine the strategy by developing specific action plans, partnerships, networks, that are critical to the development of a manufacturing ecosystem;

• A regional action/implementation initiative that fulfills the manufacturing and private sector investment attraction objectives of an already existing regional economic development strategy. This may include specific non-construction implementation initiatives that benefit the region's manufacturing ecosystem; or,

• A combination of the above.

VI. Award Administration Information

A. Award Notices

If an application is successful, you will receive notification regarding funding from the Rural Development State Office where the application was submitted. You must comply with all applicable statutes and regulations before the grant award will be approved. If your application is not successful, you will receive notification by mail.

All adverse determinations regarding applicant eligibility and the awarding of points as part of the selection process are appealable (see 7 CFR part 11). Instructions on the appeal process will be provided at the time an applicant is notified of the adverse decision.

B. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subparts A and G, parts 3015, 3016, 3019, 3052, and 2 CFR parts 215 and 417. All recipients of Federal financial assistance are required to comply with the Federal Funding Accountability and Transparency Act of 2006 and must report information about sub awards and executive compensation (see 2 CFR part 170). These recipients must also maintain their registration in SAM as long as their grants are active. So long as an applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding (see 2 CFR 170.200(b)). These regulations may be obtained at *http://www.gpoaccess.gov/cfr/index.html.*

The following additional requirements apply to grantees selected for this program:

• Agency-approved Grant Agreement.

• Letter of Conditions.

• Form RD 1940–1, ''Request for Obligation of Funds.''

• Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

• Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''

• Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''

• Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''

• Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.''

• Form RD 400–4, ''Assurance Agreement.''

• SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

VII. Agency Contacts

If you have questions about this Notice, please contact the Rural Development State Office located in your State as identified in the **ADDRESSES** section of this notice.

VIII. Nondiscrimination Statement

Non-Discrimination Policy

USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identify, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

To File a Program Complaint

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at *http://www.ascr.usda.gov/complain_filing_cust.html,* or at any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 690–7442 or email at *program.intake@usda.gov.*

Persons With Disabilities

Individuals who are deaf, hard of hearing or have speech disabilities and who wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.), please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: May 9, 2013.

Lillian Salerno,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2013–11451 Filed 5–13–13; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Ohio Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a fact finding meeting on Wednesday, June 5, 2013, and Thursday, June 6, 2013, for the purpose to acquire information and hear recommendations regarding human trafficking in Ohio from advocates, federal and state officials, law enforcement officials, business leaders, professors, and community leaders. The June 5 session will convene at 1:00 p.m. for a business meeting with panels beginning at 2:00 p.m. and adjourn at approximately 5:30 p.m. The June 6 session will convene at 9:00 a.m. and adjourn at approximately 1:00 p.m. The meeting will be held at the THE Hotel @ UTMC, 3100 Glendale Ave., Toledo, OH 43614.

Members of the public are entitled to submit written comments; the comments must be received in the regional office by June 25, 2013. Written comments may be mailed to the Midwestern Regional Office, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8311, or emailed to the Commission at *callen@usccr.gov.* Persons who desire additional information may contact the Midwestern Regional Office at (312) 353–8311.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Midwestern Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Midwestern Regional Office at the above email or street address.

The meeting will be conducted pursuant to the rules and regulations of the Commission and FACA.

Dated in Chicago, IL, May 8, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–11334 Filed 5–13–13; 8:45 am]

BILLING CODE 6335–01–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 Oceanic and Atmospheric Administration (NOAA).

Title: Survey of Shore-based Non-Commercial Fishing on St. Croix, U.S. Virgin Islands.

OMB Control Number: None.

Form Number(s): NA.

Type of Request: Regular submission (request for a new information collection).

Number of Respondents: 915.

Average Hours Per Response: 10 minutes.

Burden Hours: 153.

Needs and Uses: This request is for a new information collection to benefit local fishery managers in the U.S. Virgin Islands (USVI). Non-commercial fishing is an important activity on St. Croix, USVI, yet robust data characterizing the catch, effort and cultural attributes of such fishing are limited. Without these basic data on the non-commercial fishery on St. Croix, it is not possible to develop required fishery management plans. Consequently, local fishery managers have asked for collection of information required to make management decisions, information that will help them to balance the need for more effective fishery management with social, economic and cultural imperatives of the region.

Researchers propose to conduct two distinct data collection efforts, a survey of non-commercial, shore-based fishers. This survey will ascertain the catch, effort, and socioeconomic characteristics of fishers using this mode of fishing on St. Croix. A survey of boat-based, non-commercial fishers on St. Croix to document levels of catch and effort will be submitted separately.

The data gathered will be used to describe recreational and subsistence sectors in St. Croix, and evaluate the socio-economic impacts of federal regulatory actions. In addition, the information will be used to strengthen

and improve fishery management decision-making, satisfy legal mandates under Executive Order 12866, the Magnuson Stevens Fishery Conservation and Management Act (U.S.C. 1801 et seq.), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act, and other pertinent statues.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Voluntary.

OMB Desk Officer: *OIRA_Submission@omb.eop.gov.*

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 *OIRA_Submission@omb.eop.gov.*

Dated: May 9, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–11425 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–7–2013]

Authorization of Production Activity; Foreign-Trade Subzone 29C; GE Appliances (Electric Water Heaters); Louisville, Kentucky

On January 7, 2013, GE Appliances, operator of Subzone 29C in Louisville, Kentucky, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 7394–7395, 2–1–2013). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: May 7, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–11317 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–42–2013]

Foreign-Trade Zone (FTZ) 134—Chattanooga, Tennessee; Notification of Proposed Production Activity; Komatsu America Corporation (Construction and Forestry Equipment Production); Chattanooga, Tennessee

The Chattanooga Area Chamber of Commerce, grantee of FTZ 134, submitted a notification of proposed production activity to the FTZ Board on behalf of Komatsu America Corporation (Komatsu), for its facility located in Chattanooga, Tennessee. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 6, 2013.

The Komatsu facility is located within Site 14 of FTZ 134 (S–38–2013, 4–2–2013). The facility is used for the production of construction and forestry equipment. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products listed in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Komatsu from customs duty payments on the foreign status components used in export production (an estimated five percent of production). On its domestic sales, Komatsu would be able to choose the duty rates during customs entry procedures that apply to hydraulic excavators; bulldozers; wheel loaders; dump trucks; forklifts; forestry harvesters, feller bunchers and forwarders; and, parts of excavators and forestry equipment (duty rates range from duty-free to 25%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: cleaning agents; glues; adhesives; adhesive plates; O-rings; rubber bolts/rods; hoses/tubes (including reinforced); floor mats; gaskets/washers/seals; rubber caps; glass; mirrors; insulating covers; tubes/pipes; elbows; nipples; fuel tanks; joints; nuts; washers; rivets; cotter pins; indicators; springs; supports; clamps; pipes; brackets; engines; engine blocks; engine plugs; engine cylinders; motors; pump assemblies; parts of pumps; fan parts; bands; filter assemblies; air cleaner assemblies; connectors; arm assemblies; plastic shrouds; accumulators; accumulator parts; valves; breathers; ball bearings; bearings; bearing flanges; bushings; swing circles; pulleys; idlers and parts; gaskets; washers; alternators; cameras; monitors; horns; fuses; electrical connectors; switch sensors; lamps; wiring harnesses; electrical cables; bumpers and parts; supports; exhaust tubes; steering wheels; guides; sensors; plugs; and timer switches (duty rate ranges from duty-free to 8.6%). The request indicates that certain bearings and bearing flanges may be subject to antidumping/countervailing duty (AD/CVD) orders. The FTZ Board's regulations (15 CFR 400.14(e)) require that merchandise subject to AD/CVD actions be admitted to the zone in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 24, 2013.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* (202) 482–1367.

Dated: May 7, 2013.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2013–11315 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–830]

Carbon and Certain Alloy Steel Wire Rod From Mexico: Final Results of Antidumping Duty Administrative Review; 2010–2011

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: On November 8, 2012, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on carbon and certain alloy steel wire rod (wire rod) from Mexico. The period of review (POR) is October 1, 2010, through September 30, 2011, and the review covers one producer/exporter of the subject merchandise, Deacero S.A. de C.V. and Deacero USA, Inc. (collectively, Deacero).

Based on our analysis of the comments received, we have made certain changes in the margin calculations. The final results, consequently, differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled ''Final Results of Review.''

DATES: *Effective Date:* May 14, 2013.

FOR FURTHER INFORMATION CONTACT: Patricia M. Tran or Eric B. Greynolds, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1503 or (202) 482–6071, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 8, 2012, the Department published in the **Federal Register** the *Preliminary Results* of the antidumping duty administrative review of wire rod from Mexico.[1] We invited interested parties to comment on our *Preliminary Results.* On December 10, 2012, the Department received case briefs from Deacero S.A. de C.V. and Deacero USA, Inc. (collectively, Deacero) and Nucor Corporation (Nucor). On December 17, 2012, we received rebuttal briefs from ArcelorMittal USA LLC and Gerdau Ameristeel US Inc. (collectively, ArcelorMittal), Nucor, and Deacero. The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Period of Review

The POR covered by this review is October 1, 2010, through September 30, 2011.

Scope of the Order

The merchandise subject to this order is carbon and certain alloy steel wire rod. The product is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 7213.91.3010, 7213.91.3090, 7213.91.4510, 7213.91.4590, 7213.91.6010, 7213.91.6090, 7213.99.0031, 7213.99.0038, 7213.99.0090, 7227.20.0010, 7227.20.0020, 7227.20.0090, 7227.20.0095, 7227.90.6051, 7227.90.6053, 7227.90.6058, and 7227.90.6059. Although the HTS numbers are provided for convenience and customs purposes, the written product description, available in *Notice of Antidumping Duty Orders: Carbon and Certain Alloy Steel Wire Rod from Brazil, Indonesia, Mexico, Moldova, Trinidad and Tobago, and Ukraine,* 67 FR 65945 (October 29, 2002), remains dispositive.

On October 1, 2012, the Department published *Carbon and Certain Alloy Steel Wire Rod from Mexico: Affirmative Final Determination of Circumvention of the Antidumping Duty Order.*[2] The Department found that shipments of wire rod with an actual diameter of 4.75 mm to 5.00 mm produced in Mexico and exported to the United States by Deacero constitute merchandise altered in form or appearance in such minor respects that it should be included within the scope of the order on wire rod from Mexico.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this proceeding and to which we have responded are listed in Appendix 1 to this notice and addressed in the Memorandum to Paul Piquado, Assistant Secretary for Import Administration, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review: Carbon and Certain Alloy Steel Wire Rod from Mexico; 2010–2011, dated concurrently with this notice (Issues and Decision Memorandum)'', which is hereby adopted by this notice. A list of the issues which parties raised is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit (CRU), Room 7046 of the main Department of Commerce building, as well as electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the CRU. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at *http://ia.ita.doc.gov/frn.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have corrected a programming error in the weighted-average dumping margin calculation. A detailed discussion of the corrections made is included in the final analysis memorandum,[3] which is hereby adopted by this notice and is on file electronically via IA ACCESS and in the CRU.

Final Results of Review

As a result of this review, we determine that the following margin exists for the period October 1, 2010, through September 30, 2011:

Manufacturer/exporter	Weighted-average dumping margin (percent)
Deacero S.A. de C.V. and Deacero USA, Inc. (collectively, Deacero)	12.08

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

For assessment purposes, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final*

[1] *See Carbon and Certain Alloy Steel Wire Rod From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2010–2011,* 77 FR 66954 (November 8, 2012) (*Preliminary Results*).

[2] *See Carbon and Certain Alloy Steel Wire Rod from Mexico: Affirmative Final Determination of Circumvention of the Antidumping Duty Order,* 77 FR 59892 (October 1, 2012).

[3] *See* ''Final Results in the 6th Administrative Review on Carbon and Certain Alloy Steel Wire Rod from Mexico: Calculation Memorandum for Deacero S.A. de C.V. and Deacero USA, Inc. (collectively, Deacero),'' from Patricia Tran, International Trade Analyst, AD/CVD Operations, Office 8, to The File, through Eric Greynolds, Program Manager, AD/CVD Operations, Office 8, dated concurrently with this notice.

Modification, 77 FR 8101 (February 14, 2012).

We calculated such rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. If an importer-specific assessment rate is zero or *de minimis* (*i.e.,* less than 0.50 percent) or the exporter has a weighted-average dumping margin that is zero or *de minimis,* the Department will instruct CBP to assess that importer's entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2).

The Department clarified its ''automatic assessment'' regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by each respondent for which they did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Deacero will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 20.11 percent, the all-others rate established in the investigation.[4] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent increase in antidumping duties by the amount of antidumping duties reimbursed.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b). We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 7, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

List of Topics Discussed in the Final Decision Memorandum

Comment 1: Universe of Sales for Assessment Rate and Cash Deposit Rate
Comment 2: Universe of Sales—Entry Date vs. Sale Date
Comment 3: Establishing De Minimis Guidelines for ''Sufficient Sales'' or ''Meaningful Difference''
Comment 4: Whether to Automatically Apply the Average-to-Transaction Methodology to the Final Results
Comment 5: Whether Nucor's Argument in Case Briefs Qualifies as New Information
Comment 6: Whether the Department Erred in Calculating Inventory Carrying Cost

[FR Doc. 2013–11464 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Notice of Final Determination of Sales at Less Than Fair Value: Carbon and Certain Alloy Steel Wire Rod From Mexico,* 67 FR 55800 (August 30, 2002).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–821]

Polyethylene Retail Carrier Bags From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Thailand. The review covers 11 respondents. The period of review (POR) is August 1, 2011, through July 31, 2012. We preliminarily find that subject merchandise has been sold at less than normal value by the companies subject to this review.

DATES: *Effective Date:* May 14, 2013.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0665.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the antidumping duty order is polyethylene retail carrier bags, which are currently classified under subheading 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS number is provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ''Decision Memorandum for Preliminary Results of the 2011/12 Antidumping Duty Administrative Review: Polyethylene Retail Carrier Bags from Thailand,'' dated concurrently with this notice (Preliminary Decision Memorandum), which is hereby adopted by this notice. The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at *http://*

iaaccess.trade.gov and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/ia/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Methodology

We have relied on total facts available with respect to Trinity Pac Co., Ltd. (Trinity Pac), the sole company selected for individual examination in this review. Because this company did not act to the best of its ability to respond to the Department's requests for information, we have drawn an adverse inference in selecting from among the facts otherwise available.[1] We have preliminarily determined to apply a 122.88 percent rate as adverse facts available for Trinity Pac.[2]

Preliminary Determination of No Reviewable Entries

With respect to TPN FlexPac Co., Ltd., we preliminarily determine that it had no shipments of subject merchandise to the United States during the POR.[3]

Rates for Respondents Not Selected for Individual Examination

Section 735(c)(5)(B) of the Act states that ''if the estimated weighted average dumping margins established for all exporters and producers individually investigated are zero or *de minimis,* or determined entirely under section 776'' in an investigation, the Department may ''use any reasonable method to establish the estimated all-others rate for exporters and producers not individually investigated.'' In administrative reviews, when the Department does not review all of the respondents, the Department will rely on section 735(c)(5) of the Act for guidance in determining a rate for companies not individual investigated. In this administrative review, the only rate preliminarily applied to an individually investigated exporter has been determined pursuant to section 776(a) and (b) of the Act. Therefore, consistent with section 735(c)(5)(B) of the Act, we preliminarily determine that a reasonable method for determining the weighted-average dumping margins for the nine non-selected respondents in this review is to apply an all-others rate of 4.69 percent.[4] This rate is taken from the *Section 129 Determination* for the original antidumping duty investigation.[5]

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following percentage weighted-average dumping margins on PRCBs from Thailand exist for the period August 1, 2011, through July 31, 2012:

Company	Margin percent
Elite Poly and Packaging Co., Ltd	4.69
Multibax Public Company Limited	4.69
PMC Innopack Co., Ltd	4.69
Prepack Thailand Co., Ltd	4.69
TPN FlexPac Co., Ltd	(*)
Superpac Corporation Co. Ltd	4.69
Siam Best Products Trading Limited Partnership	4.69
Two Path Plaspack Co. Ltd	4.69
Sun Pack Inter Co. Ltd	4.69
Apple Film Company, Ltd	4.69
Trinity Pac Co. Ltd	122.88

* No shipments in this review.

Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs. Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically *via* IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. For the final results, if we continue to rely on total adverse facts available to establish Trinity Pac's weighted-average dumping margin, we will instruct CBP to apply an *ad valorem* assessment rate of 122.88 percent to all entries of subject merchandise during the POR which were produced and/or exported by Trinity Pac.

For the companies which were not selected for individual examination and for which we did not determine that there were no shipments, we will

[1] *See* sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act).

[2] For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

[3] *See* Preliminary Decision Memorandum.

[4] For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

[5] *See Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Polyethylene Retail Carrier Bags From Thailand,* 75 FR 48940 (August 12, 2010) (*Section 129 Determination*).

instruct CBP to apply an *ad valorem* assessment rate of 4.69 rate to all entries of subject merchandise produced and/or exported by such firms.

Consistent with the *Assessment Policy Notice,*[6] for TPN FlexPac Co., Ltd., which claimed that it had no shipments of subject merchandise to the United States, we will instruct CBP to assess antidumping duties on all entries of subject merchandise at the cash deposit rate applicable for the intermediary company, or if no such rate exists, at the all-others rate of 4.69 percent from the *Section 129 Determination.*

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PRCBs from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for the reviewed companies, except for TPN FlexPac Co., Ltd., will be the rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash deposit rate will be 4.69 percent.[7] These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications to Importer

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: May 6, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

1. Scope of the Order
2. Selection of Respondents
3. Request for Duty Absorption Determinations
4. Use of Facts Otherwise Available
5. Preliminary Determination of No Reviewable Entries
6. Rate for Non-Selected Companies

[FR Doc. 2013–11319 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–DS–P

[6] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

[7] *See Section 129 Determination.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–954]

Certain Magnesia Carbon Bricks From the People's Republic of China: Notice of Correction to the Final Results of the 2010–2011 Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* May 14, 2013.

FOR FURTHER INFORMATION CONTACT: Jerry Huang, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4047.

SUPPLEMENTARY INFORMATION:

Correction

On April 15, 2013, the Department of Commerce (''Department'') published, in the **Federal Register**, the final results of the 2010–2011 administrative review of the antidumping duty order on certain magnesia carbon bricks from the People's Republic of China.[1] The period of review covered March 12, 2010, through August 31, 2011. The published **Federal Register**≤ notice contained a clerical error, in that it identified an incorrect exporter company name (*i.e.,* Fengchi Imp. and Exp. Co., Ltd. of Haicheng City and Fengchi Refractories Co., of Haicheng City).[2] The correct exporter company name is Fengchi Imp. and Exp. Co., Ltd. of Haicheng City. Pursuant to section 751(h) of the Tariff Act of 1930, as amended (''the Act''), the Department shall correct any ministerial errors within a reasonable time after the determinations are issued under this section. A ministerial error is defined as an error ''in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error.'' This notice serves to correct the incorrect exporter company name listed in the *Final Results.*

This correction is published in accordance with sections 751(h) and 777(i) of the Act.

Dated: May 7, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013–11321 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Magnesia Carbon Bricks from the People's Republic of China: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 22230 (April 15, 2013) (''Final Results'').

[2] *See id.* at 22231.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–886]

Polyethylene Retail Carrier Bags From the People's Republic of China: Initiation of Anticircumvention Inquiry on Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* May 14, 2013.

SUMMARY: In response to a request from The Polyethylene Retail Carrier Bag Committee and its individual members: PCL Packaging, Inc., Hilex Poly Co., LLC, Superbag Corp., and Inteplast Group, Ltd., (collectively, the petitioners), the Department of Commerce (the Department) is initiating an anticircumvention inquiry pursuant to section 781(a) of the Tariff Act of 1930, as amended (the Act), to determine whether imports of unfinished polyethylene retail carrier bags (PRCBs) from the People's Republic of China (PRC) are circumventing the antidumping duty order on PRCBs from the PRC.[1]

FOR FURTHER INFORMATION CONTACT: Dustin Ross, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and

[1] *See Antidumping Duty Order: Polyethylene Retail Carrier Bags From the People's Republic of China,* 69 FR 48201 (August 9, 2004) (*PRCB Order*).

Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0747.

SUPPLEMENTARY INFORMATION:

Background

The Department received from U.S. Customs and Border Protection (CBP) a sample of merchandise that was part of a larger shipment imported into the United States and that resembles an unfinished PRCB. The sample resembles an in-scope, finished PRCB in all respects except that it is sealed on all four sides and appears ready to undergo the final processing step of die-cutting the unfinished PRCB, which will create the opening and the handles of the finished PRCB.[2] On August 29, 2012, the Department placed a memorandum onto the record stating that it received this sample unfinished PRCB along with proprietary documentation associated with the shipment and invited parties to view the sample and submit comments.

On March 15, 2013, the petitioners requested that the Department issue an affirmative anticircumvention determination (the petitioners' Request), pursuant to section 781(a) of the Act and 19 CFR 351.225(g). Specifically, the petitioners stated that CBP officials advised them that some importers have been entering merchandise described by the CBP officials as unfinished ''t-shirt'' style PRCBs. The petitioners explain that CBP officials conveyed that the unfinished PRCBs are sealed on all four sides and lack handles when entered into the United States, but that they are clearly intended for use as finished PRCBs. Furthermore, they explained that the CBP officials advised the petitioners that the practice of importing unfinished PRCBs is increasing and expanding to multiple ports. The petitioners further assert that there is no commercial justification for not completing the PRCB production process at the place of manufacture and instead locating the final minor finishing operation in the United States except to evade imposition of antidumping duties.

Scope of the Order

The merchandise subject to the antidumping duty order is PRCBs which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm). PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.,* grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.,* garbage bags, lawn bags, trash-can liners. Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of the order. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Scope of the Anticircumvention Inquiry

This anticircumvention inquiry covers merchandise from the PRC that appears to be an unfinished PRCB which is sealed on all four sides, cut to length, and which appears ready to undergo the final step in the production process, *i.e.,* to use a die press to stamp out the opening and create the handles of a finished PRCB. The unfinished PRCBs subject to this inquiry may or may not have printing and may be of different dimensions as long as they meet the description of the scope of the order.

The Petitioners' Request for Initiation of Anticircumvention Proceeding

As stated above, the petitioners filed a request for a circumvention determination, in which they commented on the relationship of this merchandise to merchandise covered by the scope of the *PRCB Order.* The petitioners allege that the product is intended to be a finished PRCB and is dedicated to PRCB use, as it has gone through every stage of the production process except for the final die cut operation.[3] According to the petitioners, the number ''2'' in the recycling symbol indicates that the product is made out of polyethylene.[4] The petitioners also allege that the two holes near the top of the unfinished PRCBs are alignment holes that allow the merchandise to be slipped over pins to ensure that the stack of unfinished PRCBs is properly positioned for the die-cutting operation that opens the top and creates the handles of the finished PRCB. The petitioners explain that, once aligned, a simple press is used to cut the stack of unfinished PRCBs to create finished PRCBs that are ready for use.[5]

Citing the International Trade Commission (ITC)'s recent sunset review determination of PRCBs from the PRC, the petitioners explain that the PRCB production process can be described as a four-step process consisting of (1) blending polyethylene resin pellets, color concentrates, and other additives; (2) extrusion and film forming; (3) printing; and (4) PRCB conversion.[6] The final step in the conversion process for die-cut PRCBs, such as t-shirt bags, involves the use of an automated die and press at the end of an integrated PRCB conversion line to cut the film, which serves the dual purpose of opening the top of the PRCB and creating the PRCB handles, at which point the merchandise is ready for inspection, packing, and shipment.[7] For the unfinished PRCBs subject to this circumvention inquiry, the product is taken off-line prior to completion of this final step, which the petitioners allege is subsequently performed after importation into the United States.[8] Additionally, the petitioners continue, no material is added to complete the finished PRCBs, but rather the scrap film is typically removed for recycling.[9]

[2] This particular CBP sample measures roughly 19 inches by 11.5 inches; the front surface includes red print that reads ''THANK YOU'' six times; it contains the number ''2'' within the recycling symbol in the bottom left area; the product displays the caution, ''WARNING: TO AVOID DANGER OF SUFFOCATION. KEEP THIS PLASTIC BAG AWAY FROM BABIES AND CHILDREN. DO NOT USE THIS BAG IN CRIBS, BEDS. CARRIAGES OR PLAYPENS.'' The merchandise also includes the text, ''PLEASE RETURN TO A PARTICIPATING STORE FOR RECYCLING.'' There are two holes near the top border of the CBP sample.

[3] *See* The petitioners' Request at 7.

[4] *See* The petitioners' Request at 7, referencing ''The American Chemistry Council Plastic Packaging Resin Codes,'' provided at Exhibit 9 of the petitioners' Request.

[5] *See* The petitioners' Request at 7.

[6] *See* The petitioners' Request at 4, citing *Polyethylene Retail Carrier Bags from China, Malaysia, and Thailand,* Inv. Nos. 731–TA–1043–1045 (Review), USITC Pub. 4160 (June 2010) at I–17.

[7] *See* The petitioners' Request at 6.

[8] *Id.*

[9] *Id.*

Initiation of Anticircumvention Proceeding

Applicable Statute

Section 781(a) of the Act and 19 CFR 351.225(g) provide that the Department may find circumvention of an antidumping duty order when merchandise of the same class or kind subject to the order is completed or assembled in the United States. In conducting anticircumvention inquiries under section 781(a)(1) of the Act, the Department relies upon the following criteria: (A) Merchandise sold in the United States is of the same class or kind as any other merchandise that is produced in a foreign country that is subject to an antidumping duty order; (B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which the antidumping duty order applies; (C) the process of assembly or completion in the United States is minor or insignificant; and (D) the value of the parts or components referred to in (B) is a significant portion of the total value of the merchandise. As discussed below, the petitioners presented evidence with respect to these criteria.

A. Merchandise of the Same Class or Kind

The petitioners state that the unfinished PRCB sold in the United States is of the same class or kind as subject merchandise, as it is dedicated as a generic ''Thank You'' t-shirt bag and only requires a simple die-cutting to become proto-typical subject merchandise.[10] The petitioners assert that the script on the merchandise identifies the product twice as a ''bag'' and states that it should be returned to the participating store for recycling, indicating it is used by retail establishments.[11] Petitioners also assert that the merchandise is made of polyethylene film, as indicated by the ''2'' in the recycle triangle, and that it falls within the dimensions of in-scope merchandise.[12] For these reasons, the petitioners argue, it is completely and exclusively intended for use as a finished PRCB once it undergoes the final ''bag conversion'' step of the production process and, therefore, is of the same class or kind as subject merchandise.

B. Completion of Merchandise in the United States

The petitioners assert that the unfinished PRCBs are imported from the PRC and CBP officials described the product as only needing to undergo the final die-cutting operation to open the top and create the handles of finished PRCBs, which means that no materials are added in the United States.[13] Rather, the merchandise as entered has all the necessary raw materials for a finished PRCB. Performing the final die-cutting operation in the United States simply removes the material to finish the PRCB.[14]

C. Minor or Insignificant Process

According to the petitioners, the process of converting this product into a finished PRCB is minor or insignificant.[15] Based on publicly-available information, and their own industry experience, the petitioners argue that an analysis of the relevant statutory factors of section 781(a)(2) of the Act supports their conclusion that the final processing in the United States is ''minor or insignificant'' as the only operation remaining to transform this unfinished PRCB into subject merchandise is to perform the final die-cutting operation.[16] The petitioners assert that the Statement of Administrative Action (SAA) for the Uruguay Round Agreements Act provides that no single factor will be controlling in determining whether the process of assembly or completion is minor or insignificant, and that the Department will evaluate each of the factors as they exist in the United States depending on the particular factual pattern of each case.[17] These factors include: (1) The level of investment in the United States; (2) the level of research and development in the United States; (3) the nature of the production process in the United States; (4) the extent of production facilities in the United States; and (5) whether the value of the processing performed in the United States represents a small proportion of the value of the merchandise sold in the United States.[18]

The petitioners argue that the level of investment in the United States is extremely limited. The only equipment needed is a small press and a die for the cut-out. The petitioners assert that dies cost from $45 to $65 each and a new press, according to the advertisement provided by the petitioners, can be purchased for around $7,000.[19] In contrast, the operations performed in the PRC, the petitioners contend, are highly capital-intensive and sophisticated.[20]

The petitioners argue that no research and development expenditures are required to perform the simple die-cutting operation, as the technically complex research and development activities are performed prior to this stage in the PRC.[21]

Next, the petitioners explain that all production steps, with the exception of the final die-cutting operation, are performed in the PRC and, therefore, the nature of the production process in the United States is minor in scope and elementary in technique, relative to the production process as a whole.[22]

The petitioners also state that minor production facilities are required to perform the final die-cutting operation in the United States. Specifically, the operation could be performed in a small single-story room.[23]

Finally, the petitioners assert that the value of processing performed in the United States represents a negligible proportion of the value of the merchandise sold in the United States.[24] Completion of the PRCB can be performed by a single employee, and the capital and marginal costs of the die-cutting operations in the United States are relatively insignificant in comparison to the manufacturing of the unfinished PRCB performed in the PRC.[25] The petitioners further explain that the Department need not collect precise information on the amount of value added in the United States to conclude that the process is minor or insignificant but may rather rely on a qualitative assessment to draw this conclusion, citing *Anti-Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta From Italy: Affirmative Preliminary Determinations of Circumvention of Antidumping and Countervailing Duty Orders,* 68 FR 46571 (August 6, 2003), unchanged in *Anti-Circumvention Inquiry of the Antidumping and Countervailing Duty Orders on Certain Pasta from Italy: Affirmative Final Determinations of Circumvention of Antidumping and*

[10] *See* The petitioners' Request at 10.

[11] *Id.*

[12] *Id.*

[13] *See* The petitioners' Request at 11.

[14] *Id.*

[15] *Id.*

[16] *Id.*

[17] *See* The petitioners' Request at 9, citing SAA, Uruguay Round Agreements Act, H. Doc. 103–316, Vol. 1 (1994) at 893.

[18] *See* The petitioners' Request at 9.

[19] *See* The petitioners' Request at 12.

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *See* The petitioners' Request at 13.

[24] *Id.*

[25] *Id.*

Countervailing Duty Orders, 68 FR 54888 (September 19, 2003).[26]

D. Value of Merchandise Produced in the Foreign Country Is a Significant Portion of the Value of the Merchandise Sold in the United States

As stated above, the petitioners contend that the value of the processing performed in the United States represents a minor portion of the value of the completed merchandise, as little value is added by processing in the United States.[27] Therefore, because virtually all of the value of the finished PRCB is created in the PRC, the value of the parts or components entered are certainly a significant portion of the total value of merchandise.

E. Factors To Consider in Determining Whether Action Is Necessary

Section 781(a)(3) of the Act identifies additional factors that the Department shall consider in determining whether to include parts or components in an antidumping duty order as part of an anticircumvention inquiry. Of these, the petitioners argue that importation of the circumventing merchandise represents a change in the pattern of trade.[28] The petitioners assert that prior to imposition of the *PRCB Order,* no party imported unfinished PRCBs. The petitioners argue that interrupting the production process prior to completion is neither economical nor rational, and the only reason not to complete the PRCB in the country of origin is to evade application of antidumping duties upon importation.[29]

Analysis

Based on our analysis of the petitioners' Request, the Department determines that the criteria under section 781(a) of the Act have been satisfied to warrant an initiation of an anticircumvention inquiry. In accordance with 19 CFR 351.225(f)(1), a notice of the initiation of an anticircumvention inquiry issued under 19 CFR 351.225(e) will include a description of the product that is the subject of the anticircumvention inquiry—in this case, unfinished PRCBs from the PRC—and an explanation of the reasons for the Department's decision to initiate an anticircumvention inquiry, as provided below.

With regard to whether the merchandise sold in the United States is of the same class or kind as the merchandise covered by the antidumping duty order, the petitioners presented information indicating that the merchandise sold in the United States is of the same class or kind as finished PRCBs from the PRC, which are subject to the antidumping duty order.[30] We note, however, that there only exists a presumption at this time that the imported merchandise ultimately is sold in the United States after undergoing further processing.

With regard to completion of merchandise in the United States, the petitioners have also presented information to support their contention that the unfinished PRCBs which are presumably further processed and sold in the United States as in-scope merchandise are produced from merchandise imported into the United States from the PRC.[31]

With regard to whether the process of converting this product into a finished PRCB is a ''minor or insignificant process,'' the petitioners addressed the relevant statutory factors with the best information available to them at the time of their anticircumvention inquiry request.[32] The petitioners relied on publicly-available information for this purpose, in addition to their own expertise in the production process. Given that the petitioners do not have access to cost or price data of either the PRC producer or the U.S. importer, the petitioners therefore relied on their own knowledge of the production process to draw their conclusions and demonstrate that, qualitatively, the value of the conversion from an unfinished PRCB to subject merchandise is minor or insignificant.[33]

With respect to the value of the merchandise produced in the PRC, the petitioners relied on the information and arguments in the ''minor or insignificant process'' portion of their anticircumvention request to indicate that the value of the PRC production for unfinished PRCBs is significant relative to the total value of finished PRCBs sold in the United States.[34] We find that this information adequately meets the requirements of this factor, as discussed above.

Finally, the petitioners argued that the Department should also consider the pattern of trade as a factor in determining whether to initiate the anticircumvention inquiry. In particular, the petitioners asserted that no party imported unfinished PRCBs that must undergo the final step of the production process to be converted into finished PRCBs prior to the imposition of the *PRCB Order,* as doing so is irrational and uneconomical.[35]

Based on our analysis of the information in the petitioners' submission, we find that the petitioners provided sufficient evidence for each of the criteria enumerated in the statute to initiate an anticircumvention inquiry.

Accordingly, we are initiating an anticircumvention inquiry concerning the antidumping duty order on PRCBs from the PRC, pursuant to section 781(a) of the Act and 19 CFR 351.225(g). The Department is initiating this circumvention proceeding with respect to all such unfinished PRCBs received by CBP from the PRC as described above, regardless of producer or exporter. In accordance with 19 CFR 351.225(l)(2), if the Department issues a preliminary affirmative determination, we will then instruct CBP to suspend liquidation and require a cash deposit of estimated duties, at the applicable rate, for each unliquidated entry of the merchandise at issue, entered or withdrawn from warehouse for consumption on or after the date of initiation of the inquiry. In accordance with section 781(e)(1) of the Act and 19 CFR 351.225(f)(7)(i)(C), we intend to notify the ITC in the event of an affirmative preliminary determination of circumvention under section 781(d) of the Act.

This notice serves as an invitation to interested parties to participate in this anticircumvention inquiry. The Department invites all potential respondents to identify themselves as producers of such merchandise, and provide their own evidence and information that may inform the Department's determination. Please contact the official listed under the above heading, **FOR FURTHER INFORMATION CONTACT** for instructions for participating in this segment of the proceeding. The Department will, following consultation with interested parties, establish a schedule for questionnaires and comments on the issues. The Department intends to issue its final determination within 300 days of the date of publication of this initiation consistent with section 781(f) of the Act.

This notice is published in accordance with 781(a) of the Act and 19 CFR 351.225(f).

[26] *See* The petitioners' Request at Footnote 40.

[27] *See* The petitioners' Request at 13.

[28] *See* The petitioners' Request at 14.

[29] *Id.*

[30] *See* The petitioners' Request at 10–11.

[31] *See* The petitioners' Request at 11.

[32] *See* The petitioners' Request at 11–13.

[33] *Id.*

[34] *See* The petitioners' Request at 13.

[35] *See* The petitioners' Request at 14.

Dated: May 7, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–11314 Filed 5–13–13; 8:45 am]

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

[Docket #: 130425410–3410–01; OMB Control #: 0625–0273 (Expiration: 04/30/2016)]

RIN 0625–XC005

Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States-Panama Trade Promotion Agreement

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Notice of Interim Procedures and Request for Comments.

SUMMARY: This notice sets forth the interim procedures the Committee for the Implementation of Textile Agreements (''CITA'') will follow in implementing certain provisions of the United States-Panama Trade Promotion Agreement (''US-Panama TPA''). Section 203(o)(4) of the United States-Panama Trade Promotion Agreement Implementation Act (''Implementation Act'') [Public Law 112–43] authorizes the President to establish procedures to modify the list of fabrics, yarns, or fibers not available in commercial quantities in a timely manner in either the United States or Panama as set out in Annex 3.25 of the US-Panama TPA. The President has delegated to CITA the authority to determine whether fabrics, yarns, or fibers are not available in commercial quantities in a timely manner in either the United States or Panama and has directed CITA to establish procedures that govern the submission of a request and provide the opportunity for interested entities to submit comments and supporting evidence for any such determination pursuant to the Implementation Act. CITA hereby gives notice to interested entities of the procedures CITA will follow in considering such requests and solicits public written comments on these interim procedures. CITA will be using the procedures detailed in this notice as of May 14, 2013.

DATE: Comments on the interim procedures must be received no later than June 13, 2013 of this notice, either in hard copy or electronically.

ADDRESSES: If submitting comments in hard copy, an original, signed hard copy must be submitted to the Chairman, Committee for the Implementation of Textile Agreements, Room 30003, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. If submitting comments electronically, the electronic copy must be submitted to *OTEXA_PANAMA@trade.gov.* All submitted comments will be posted for public review on the Web site dedicated to US-Panama TPA commercial availability proceedings. The Web site is located on the U.S. Department of Commerce's Office of Textile and Apparel Web site (*http://otexa.ita.doc.gov*), under ''Commercial Availability''/''Panama TPA.'' Additional instructions regarding the submission of comments may be found at the end of this notice.

FOR FURTHER INFORMATION CONTACT: Maria Dybczak, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Legal Authority: Section 203(o) of the Implementation Act and Proclamation No. 8894, 77 FR 66507 (November 5, 2012).

Background

The US-Panama TPA provides a list in Annex 3.25 for fabrics, yarns, and fibers that the United States has determined are not available in commercial quantities in a timely manner from producers in the United States or Panama. A textile or apparel good must satisfy the specific rules of origin in Annex 4.1 of the US-Panama TPA as well as other requirements of the Agreement. However, a textile and apparel good containing fabrics, yarns, or fibers that are included on the list in Annex 3.25 of the US-Panama TPA will be treated as if it is an originating good for purposes of the US-Panama TPA, regardless of the actual origin of those inputs in accordance with the specific rules of origin in Annex 4.1, Notes to Section XI. The Implementation Act provides that the President will establish procedures governing the submission of requests under Section 203(o)(4) (''the commercial availability provision''), and as set forth in the US-Panama TPA, and may determine whether additional fabrics, yarns, or fibers are available or are not available in commercial quantities in a timely manner in the United States or Panama. In addition, Section 203(o)(4) of the Implementation Act establishes that the President may restrict the quantity of, or remove a fabric, yarn, or fiber from the list, if it has been added to the list in an unrestricted quantity or has had a restriction eliminated, if he determines that the fabric, yarn, or fiber has become available in commercial quantities in a timely manner.

In Proclamation No. 8894 (77 FR 66507, November 5, 2012), the President delegated to CITA his authority under the commercial availability provision to establish procedures for modifying the list of fabrics, yarns, or fibers not available in commercial quantities in a timely manner, as set out in Annex 3.25 of the US-Panama TPA.

Pursuant to that delegation, CITA provides below its interim procedures governing the submission of requests under Section 203(o)(4) set forth in the Implementation Act. As of May 14, 2013, CITA intends to use these procedures to process requests for modifying the list of fabrics, yarns, or fibers not available in commercial quantities. CITA intends to publish its final procedures after considering any public comments received pursuant to its request for comments.

Interim Procedures

1. Introduction

The intent of these procedures is to foster trade in U.S. and Panamanian textile and apparel articles by allowing non-originating fibers, yarns, or fabrics to be placed on or removed from a list of items not available in commercial quantities in a timely manner, and in a manner that is consistent with normal business practice. To this end, these procedures are intended to facilitate the transmission, on a timely basis, of requests for commercial availability determinations and offers to supply the products that are the subject of the requests; have the market indicate the availability of the supply of products that are the subject of requests; make available promptly, to interested entities and parties, information regarding the requests for products and offers to supply received; ensure wide participation by interested entities and parties; provide careful scrutiny of information provided to substantiate order requests and response to supply offers; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

2. Definitions

(a) *Commercial Availability Request.* A Commercial Availability Request (''Request'') is a request for a commercial availability determination submitted by an interested entity requesting that CITA place a good on the Commercial Availability List in

Annex 3.25 of the US-Panama TPA in a restricted or unrestricted quantity because that fiber, yarn, or fabric is not available in commercial quantities in a timely manner from a US-Panama TPA supplier.

(b) *Commercial Availability List.* The Commercial Availability List is the list of products (fibers, yarns, and/or fabrics) in Annex 3.25 of the US-Panama TPA that have been determined to be not commercially available from US-Panama TPA suppliers in commercial quantities in a timely manner.

(c) *Fiber, Yarn, or Fabric.* The terms ''fiber, yarn, or fabric'' mean a single product or a range of products, which meet the same specifications provided in a submission, and which may be only part of a Harmonized Tariff Schedule of the United States (''HTSUS'') classification.

(d) *Interested Entity.* An ''interested entity'' means the government of Panama, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good. CITA recognizes that a legal or other representative may act on behalf of an interested entity. *See* Section 203(o)(4)(B)(i) of the Implementation Act.

(e) *Interested Party.* An ''interested party'' means any interested person that requests to be included on the email notification list for commercial availability proceedings. Any interested person may become an interested party by contacting CITA either by sending an email to *OTEXA_PANAMA@trade.gov,* or through the Web site dedicated to commercial availability proceedings under the US-Panama TPA (''Web site''). The Web site is located on the U.S. Department of Commerce's Office of Textile and Apparel Web site (*http://otexa.ita.doc.gov*), under ''Commercial Availability''/''Panama TPA.''

(f) *Official Receipt.* The ''official receipt'' is CITA's email confirmation that it has received both the electronic version and the original submission signed by the interested entity delivered via express courier.

(g) *Rebuttal Comment.* A ''Rebuttal Comment'' (''Rebuttal'') is a submission from an interested entity providing information in response to evidence or arguments raised in a Response. A Rebuttal must be limited to evidence and arguments provided in a Response.

(h) *Request to Remove or Restrict.* A ''Request to Remove or Restrict'' is a submission from an interested entity requesting that CITA either remove a product or that a quantity restriction be introduced, made no sooner than six months after a product has been added to the Commercial Availability List in Annex 3.25 of the US-Panama TPA in an unrestricted quantity pursuant to Section 203(o)(4) of the Implementation Act.

(i) *Requestor.* The ''Requestor'' refers to the interested entity that files a Commercial Availability Request or a Request to Remove or Restrict, under the commercial availability provision of the US-Panama TPA, for CITA's consideration.

(j) *Response with an Offer to Supply.* A ''Response with an Offer to Supply'' (''Response'') is a submission from an interested entity to CITA objecting to the Commercial Availability Request and asserting its ability to supply the subject product by providing an offer to supply the subject product described in the Request.

(k) *U.S. Business Day.* A ''U.S. business day'' is any calendar day other than a Saturday, Sunday, or a legal holiday observed by the Government of the United States. *See* section 203(o)(4)(B)(ii) of the Implementation Act.

(l) *US-Panama TPA Supplier.* A ''US-Panama TPA Supplier'' is a potential or actual supplier of a textile or apparel good of a producer.

3. Submissions for Participation in a US-Panama TPA Commercial Availability Proceeding

(a) *Filing a Submission.* All submissions in a US-Panama TPA commercial availability proceeding (e.g., Request, Response, Rebuttal, and Request to Remove or Restrict) must be in English. If any attachments are in a language other than English, then a complete translation must be provided. Each submission must be submitted to the Chairman of CITA, in care of the U.S. Department of Commerce's Office of Textiles and Apparel (''OTEXA'') in two forms: email and an original signed submission.

(1) An electronic version of the submission must be either in PDF, Word, or Word-Perfect format, must contain an adequate public summary of any business confidential information and the due diligence certification, and be sent to *OTEXA_PANAMA@trade.gov.* The electronic version of the submission will be posted for public review on the US-Panama TPA commercial availability Web site. No business confidential information should be submitted in the electronic version of any document.

(2) The original signed submission must be received via express courier to—Chairman, Committee for the Implementation of Textile Agreements, Room 30003, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC 20230. Any business confidential information upon which an interested entity wishes to rely must be included in the original signed submission only. Except for the inclusion of business confidential information and corresponding public summary, the two versions of a submission should be identical.

(3) Brackets must be placed around all business confidential information contained in submissions. Documents containing business confidential information must have a bolded heading stating ''Confidential Version.'' Attachments considered business confidential information must have a heading stating ''Business Confidential Information.'' Documents, including those submitted electronically, provided for public release, must have a bolded heading stating ''Public Version'' and all the business confidential information must be deleted and substituted with an adequate public summary.

(4) Generally, details such as quantities and lead times for providing the subject product can be treated as business confidential information. However, the names of US-Panama TPA suppliers who were contacted, what was asked generally about the capability to manufacture the subject product, and the responses thereto should be included in public versions, which will be made available to the public.

(b) *Due Diligence Certification.* An interested entity must file a certification of due diligence as described in subsection (b)(1) with each submission, both electronic and original signed versions, containing factual information. If the interested entity has legal counsel or other representation, the legal counsel or other representative must also file a certification of due diligence as described in subsection (b)(2) with each submission, both electronic and original signed versions, containing factual information. Accurate representations of material facts submitted to CITA for the US-Panama TPA commercial availability proceeding are vital to the integrity of this process and are necessary for CITA's effective administration of the statutory scheme. Each submission containing factual information for CITA's consideration must be accompanied by the appropriate certification regarding the accuracy of the factual information. Any submission that lacks the applicable certifications will be considered an incomplete submission that CITA will reject and return to the submitter. CITA may verify any factual information submitted by interested entities in a US-Panama TPA commercial availability proceeding.

(1) For the person responsible for presentation of the factual information: I, (name and title), currently employed by (interested entity), certify that (1) I have read the attached submission, and (2) the information contained in this submission is, to the best of my knowledge, complete and accurate.

(2) For the person's legal counsel or other representative: I, (name), of (law or other firm), counsel or representative to (interested entity), certify that (1) I have read the attached submission, and (2) based on the information made available to me by (person), I have no reason to believe that this submission contains any material misrepresentation or omission of fact.

(c) *Official Receipt.* A submission will be considered officially submitted to CITA only when both the electronic version and the original signed submission have been received by CITA. For Requests, CITA will confirm to the requestor that both versions of the Request were received through an email confirmation. CITA's email confirmation shall be considered the ''official receipt'' of the Request, and also begins the statutory 30 U.S. business-day process for CITA consideration of Requests. CITA will confirm official receipt of any Response and Rebuttal by posting the submissions on the US-Panama TPA commercial availability Web site.

4. Submitting a Request for Consideration in a Commercial Availability Proceeding

(a) *Commercial Availability Request.* An interested entity may submit a Request to CITA alleging that a fiber, yarn, or fabric is not available in commercial quantities in a timely manner from a US-Panama TPA supplier.

(b) *Contents of a Commercial Availability Request.*

(1) *Detailed Product Information.* The Request must provide a detailed description of the subject product, including, if applicable, fiber content, construction, yarn size, and finishing processes; and the classification of the product under the HTSUS. All measurements in the entire submission must be stated in metric units. If the English count system is used in any part, then a conversion to metric units must be provided. The description must include reasonable product specifications, including, if applicable, fiber content, construction, yarn size, and finishing processes, as well as timelines and quantities. Reasonable product specifications include the use of accepted terminology and standards, such as those used by the American Society for Testing and Materials (''ASTM'') or the American Association of Textile Chemists and Colorists (''AATCC'').

If any aspect of the Request is outside the normal course of business (e.g., tight deadline, higher standards of performance, requirements to match existing specifications), requestors must provide US-Panama TPA suppliers with detailed explanations and measurable criteria for the specification or term at issue. In the course of its review of the Request, CITA will consider record evidence to determine whether such specifications and terms are reasonable.

The requestor must clearly describe the unique characteristics of the subject product that distinguishes it from other similar or potentially substitutable products. In addition, the requestor must also explain why such characteristics are required for the purposes of the end-use of the product and cannot be substituted by another product. However, all characteristics and specifications must be supported by measurable criteria.

(2) *Quantity.* The Request must provide the specific quantity of the product needed by the requestor, in standard units of quantity for production of the subject product in the United States or Panama.

(3) *Due Diligence.* The Request must provide a complete description of the due diligence undertaken by the requestor to determine the subject product's availability in the United States or Panama. Due diligence for the requestor means it has made reasonable efforts to obtain the subject product from US-Panama TPA suppliers.

(i) *Generally:* The requestor must provide the names and addresses of suppliers contacted, who (by name and position) was specifically contacted, the exact request that was made, the dates of those contacts, whether a sample of the subject product was provided for review, and the exact response given for the supplier's inability to supply the subject product under the same conditions as contained in the Request submitted to CITA, in addition to any other information the requestor believes is relevant. The requestor must submit copies or notes of relevant correspondence, both inquiries and responses, with these suppliers. Relevant correspondence includes notes of telephone conversations.

(ii) *Identification of US-Panama TPA suppliers:* Requestors must make reasonable efforts to identify US-Panama TPA suppliers in the United States or Panama. Requestors should identify US-Panama TPA suppliers through a number of means, including the requestor's knowledge of the industry, industry directories, and industry association memberships. However, an email from a requestor with a general inquiry to all manufacturers in the United States or Panama may not constitute due diligence. Rather, reasonable efforts must be taken to identify US-Panama TPA suppliers who are generally known to produce the class or type of product at issue. Requestors must provide an explanation in their Request as to why their efforts to identify US-Panama TPA suppliers were reasonable given the product at issue.

(iii) *Use of Third Parties and Business-to-Business Contact:* Due diligence includes substantive and direct contact, indicating a legitimate intent to do business, between requestors and US-Panama TPA suppliers. Third party communications are no substitute for meaningful dialogue between appropriate officials. Once interest is expressed between requestors and US-Panama TPA suppliers, subsequent communications should be conducted by appropriate officials of the requestor and US-Panama TPA supplier based on normal business practice. A lack of appropriate business-to-business contact may be deemed as insufficient due diligence.

(iv) *Description of the Subject Product:* In undertaking due diligence, requestors must provide a detailed description of the product to US-Panama TPA suppliers. The description must include reasonable product specifications, including, if applicable, fiber content, construction, yarn size, and may include a finishing process or operation, as well as timelines and quantities. Reasonable product specifications include the use of accepted terminology and standards, such as those used by ASTM or AATCC. If any aspect of the Request is outside the normal course of business (e.g., tight deadline, higher standards of performance, requirements to match existing specifications), requestors must provide US-Panama TPA suppliers with detailed explanations and measurable criteria for the specification or term at issue that would render such aspects as reasonable for the product in question. CITA will consider record evidence to determine whether such specifications and terms are reasonable.

(v) *Provision of Samples:* In undertaking its due diligence, a requestor must clearly communicate to US-Panama TPA suppliers its standard business practice with respect to the provision of samples. While requestors may request a sample, a US-Panama TPA supplier is not required to provide

a sample under CITA's procedures. However, CITA notes that US-Panama TPA suppliers must meet certain requirements with respect to the provision of samples and/or information demonstrating their ability to supply the subject product in commercial quantities in a timely manner. *See* Section 6(b)(3) and Section 6(b)(4).

(vi) *Substitutability of Products:* In undertaking its due diligence, a requestor must clearly communicate information regarding the substitutability of the product in question to US-Panama TPA suppliers. In its inquiries to US-Panama TPA suppliers, the requestor must clearly describe the unique characteristics of the subject product that distinguishes it from other similar or potentially substitutable products. In addition, the requestor must provide US-Panama TPA suppliers with information why such characteristics are required for the purposes of the end-use of the product and cannot be substituted by another product. However, all characteristics and specifications must be supported by measurable criteria. If, in the course of due diligence, a US-Panama TPA supplier proposes a substitutable product, the requestor must provide reasonable justifications to the US-Panama TPA supplier for rejecting potentially substitutable products.

(vii) *Treatment of Business Confidential Information:* Specific details of correspondence with suppliers, such as quantities and lead times for providing the subject product, can be treated as business confidential information. However, the names of US-Panama TPA suppliers who were contacted, what was asked generally about the capability to manufacture the subject product, and the responses thereto should be available for public review to ensure proper public participation in the process. ''Lead times'' refers to supplying the subject product within normal business time frames for the subject product once an order is received. Specific delivery dates are not necessary. Required delivery dates that fall within the time needed to complete the commercial availability determination process are not acceptable.

(4) *Substitutable Products.* The Request must provide information on whether the requestor believes that other products supplied by the US-Panama TPA supplier are not substitutable in commercial quantities in a timely manner for the product(s) that is (are) the subject of the Request for purposes of the intended use. Clearly describe the unique characteristics of the subject product that distinguishes it from other similar or potentially substitutable products. Describe why such characteristics are required for the purposes of the end-use of the product and cannot be substituted by another product available from a US-Panama TPA supplier.

(5) *Additional Information.* The Request may provide any additional evidence or information believed to be relevant for CITA to determine whether a fiber, yarn, or fabric is not available in commercial quantities in a timely manner from a supplier in the United States or Panama.

5. Consideration and Acceptance of a Request

In considering whether to accept a Request, CITA will consider and determine whether the Request provides all the required information specified in Sections 3 and 4 of these Procedures. CITA will determine whether to accept the Request for consideration and investigation not later than two U.S. business days after the official receipt of a Request.

(a) *Request Rejected.* If CITA determines that the Request does not contain the required information, the requestor will be notified promptly by email that the Request has not been accepted and the reasons for the rejection. A Request may be resubmitted with additional information for the subject product and CITA will reevaluate it as a new Request.

(1) *Requests for Downstream Products with Inputs Not Commercially Available.* If, in its initial review of a Request, CITA determines that a subject product would be commercially available but for the commercial unavailability of a certain input of the subject product, CITA will reject the Request. The requestor may submit a Request for the input in question rather than the downstream product.

(2) *Requests for Products with Prohibited Inputs, Specifications, and/or Processes.* If, in its initial review of a Request, CITA determines that the subject product requires inputs, specifications, and/or processes that are prohibited under the laws and regulations of the United States, CITA will reject the Request if there is a substitute product that does not require such prohibited inputs, specifications, or processes.

(b) *Request Accepted.* If CITA determines that the Request contains the required information, CITA will notify interested parties by email that a Request has been accepted and filed and will assign a File Number. CITA will post the accepted Request on its Web site for public notice. The email notification and the Web site posting will indicate the calendar date deadlines for submitting Responses and Rebuttals.

6. Submitting a Response With an Offer To Supply

Responses must meet the requirements outlined in Section 3 of these Procedures. General comments in support of or opposition to a Request do not meet the requirements of a Response. A Due Diligence Certification must accompany a Response.

(a) Response With an Offer to Supply Submission. An interested entity (a US-Panama TPA supplier) may file a Response to a Request CITA accepted advising CITA of its objection to the Request and its ability to supply the subject product by providing an offer to supply the subject product as described in the Request. An interested entity will have 10 U.S. business days after official receipt of a Request to respond to a Request. If good cause is shown, CITA may extend this deadline.

(b) *Contents of a Response with an Offer to Supply.*

(1) *File Number.* The Response must reference the CITA File Number assigned to the particular Request being addressed.

(2) *Quantity.* The Response must supply the quantity of the subject product that the respondent is capable of currently supplying, in standard units of quantity. All measurements must be in metric units. If the English count system is used in any part, then a conversion to metric units must be provided.

(3) *Production Capability/Demonstration of Ability to Supply.* A Response must contain information supporting the claim to supply the subject product, or one substitutable, in commercial quantities in a timely manner.

(i) The Response must report the quantity, in metric units, that the US-Panama TPA supplier produced of the subject product, or a substitutable product, in the preceding 24-month period.

(ii) For products that have experienced cyclical demand or are not currently produced, the US-Panama TPA supplier must indicate the quantity that has been supplied or offered commercially in the past, with an explanation of the reasons it is not currently produced or offered.

(iii) If the subject product involves a new style, weight, or other variation that is new to the market or new to the US-Panama TPA supplier, then the supplier must provide detailed information on its current ability to make the subject

product in commercial quantities in a timely manner. Such information could include current production capacity, current loom availability, and standard timetables to produce.

(iv) A US-Panama TPA supplier may support its claim to be able to produce the subject product through provision of a sample meeting exactly the specifications as presented in the Request. However, the provision of a sample is not required. Regardless of whether a sample is provided, a respondent must demonstrate its ability to produce the subject product by providing sufficient relevant information regarding their production capability. Such information could include past production of similar products and/or descriptions of equipment and identification of suppliers necessary to produce the subject product. If some operations, such as finishing, will be completed by other entities, the name of the facility and contact information must be provided.

(v) The Response may provide, if relevant, the basis for the US-Panama TPA supplier's rationale that other products that are supplied by the US-Panama TPA supplier in commercial quantities in a timely manner are substitutable for the subject product(s) for purposes of the intended use, supported by measurable criteria.

(vi) In its review of a Response, CITA will consider whether the US-Panama TPA supplier was responsive to the efforts employed by the requestor to obtain the subject product in the course of due diligence. In the event that a US-Panama TPA supplier was not responsive, a US-Panama TPA supplier must provide a reasonable explanation in its Response as to why it did not respond to earlier inquiries by the requestor in the course of due diligence. CITA will reject a Response if it does not include such explanation.

(4) *Due Diligence.* The Response must provide a complete description of the due diligence undertaken by the US-Panama TPA supplier to substantiate the ability to supply the subject product. If a US-Panama TPA supplier has participated in the requestor's undertaking of due diligence, the supplier must provide certain information in response to the requestor's inquiries.

(i) If a US-Panama TPA supplier has been responsive to a requestor in the undertaking of due diligence, the US-Panama TPA supplier must have stated its ability to supply or not supply the subject product. If the product can be supplied, the response to the inquiry must contain information supporting the US-Panama TPA supplier's claim to supply the subject product, or one substitutable, in commercial quantities in a timely manner.

(ii) If a US-Panama TPA supplier offers to supply the subject product, the supplier may support its offer by reporting the quantity, in metric units, that it has produced of the subject product, or a substitutable product, in the preceding 24-month period. If the US-Panama TPA supplier does not provide such information, it must, subject to section 6(b)(4)(vii), explain why the information it has provided sufficiently supports its offer to supply.

(iii) In response to a requestor's inquiry, for products that have experienced cyclical demand or are not currently produced, the US-Panama TPA supplier must provide the requestor the quantity that has been supplied or offered commercially in the past, with an explanation of the reasons it is not currently produced or offered.

(iv) If the subject product involves a new style, weight, or other variation that is new to the market or new to the US-Panama TPA supplier, then the supplier must provide detailed information on its current ability to make the subject product in commercial quantities in a timely manner. Such information could include current production capacity, current loom availability, and standard timetables to produce the subject product.

(v) A US-Panama TPA supplier may support its claim to be able to produce the subject product through provision of a sample meeting the specifications as presented in an inquiry. However, the provision of a sample is not required. Regardless of whether a sample is provided, the US-Panama TPA supplier must demonstrate its ability to produce the subject product by providing sufficient relevant information regarding their production capability. Such information could include past production of similar products and/or descriptions of equipment and identification of suppliers necessary to produce the subject product. If some operations, such as finishing, will be completed by other entities, the name of the facility and contact information must be provided.

(vi) A response to a requestor's inquiry must provide, as applicable, the basis for the US-Panama TPA supplier's rationale that other products that are supplied by the US-Panama TPA supplier in commercial quantities in a timely manner are substitutable for the subject product for purposes of the intended use, supported by measurable criteria.

(vii) Nothing in these procedures shall require any US-Panama TPA supplier to provide business confidential or other commercially sensitive information to a requestor. However, a US-Panama TPA supplier must provide the requestor a reasonable explanation why such information was not provided and why the information it has provided sufficiently supports its offer to supply.

(5) *Location of the US-Panama TPA supplier.* The Response must provide the name, address, phone number, and email address of a contact person at the facility claimed to be able to supply the subject product.

7. Submitting a Rebuttal Comment

A Rebuttal must meet the requirements outlined in Section 3 of these procedures. General comments in support of or opposition to a Request or a Response do not meet the requirements of a Rebuttal. A Due Diligence Certification must accompany a Rebuttal.

(a) *Rebuttal Comment.* Any interested entity may submit a Rebuttal to a Response. An interested entity must submit its Rebuttal not later than 4 U.S. business-days after the deadline for Response. If good cause is shown, CITA may extend the time limit.

(b) *Contents of a Rebuttal.* The Rebuttal Comment may respond only to evidence or arguments raised in the Response and must identify the Response, evidence and/or arguments to which it is responding. The Rebuttal must reference the CITA File Number assigned to the particular Request being addressed.

8. Determination Process

(a) Not later than 30 U.S. business days after official receipt of a Request (or not later than 44 U.S. business days where an extension is provided), CITA will notify interested entities by email and will post a notice on its Web site whether the subject product is available in commercial quantities in a timely manner in the United States or Panama and whether an interested entity has objected to the Request.

(b) CITA will notify the public of the determination by publication in the **Federal Register** when the determination results in a change to the Commercial Availability List in Annex 3.25 of the US-Panama TPA.

(c) *Types of Determinations.*

(1) *Denial.* A denial means that CITA has determined that the subject product is available in commercial quantities in a timely manner in the United States or Panama. If a Request is denied, notice of the denial will be posted on the US-

Panama TPA Commercial Availability Web site.

(i) *Denial of Requests for Downstream Products with Inputs Not Commercially Available:* If, during the course of its review of a Request, CITA determines that the subject product is commercially available but for the commercial unavailability of a certain input of the subject product, CITA will deny the Request. The requestor may submit a Request for the input in question rather than the downstream product.

(ii) *Denial of Requests for Products with Prohibited Inputs, Specifications, and/or Processes:* If, during the course of its review of a Request, CITA determines that the subject product requires inputs, specifications, and/or processes that are prohibited under the laws and regulations of the United States, CITA will deny the Request if there is a substitute product that does not require such prohibited inputs, specifications, or processes.

(2) *Approval in Unrestricted Quantity.* An approval in unrestricted quantities means that CITA has determined that the subject product is not available in commercial quantities in a timely manner in the United States or Panama or that no interested entity has objected to the Request.

If a Request is approved without restriction, a notice will be published in the U.S. **Federal Register** not later than 30 U.S. business days (or not more than 44 U.S. business days where an extension is provided) after the official receipt of a Request, adding the subject product to the Commercial Availability List in Annex 3.25 of the US-Panama TPA. The effective date of the determination is the date of publication of the notice in the U.S. **Federal Register**.

(3) *Approval in a Restricted Quantity.*

(i) *Approval in a Restricted Quantity:* An Approval in a Restricted Quantity means that CITA has determined to add the subject product to the Commercial Availability List in Annex 3.25 of the US-Panama TPA with a specified restricted quantity. CITA may approve the Request in a restricted quantity if CITA determines that a US-Panama TPA supplier(s) can partially fulfill the Request for the subject product. The restricted quantity specifies the amount of the subject product that can be provided by a US-Panama TPA supplier(s).

(A) If a Request is approved in a restricted quantity, a notice will be published in the **Federal Register** not later than 30 U.S. business days (or not more the 44 U.S. business days where an extension is provided) after official receipt of the Request, adding the subject product to the Commercial Availability List in Annex 3.25 of the US-Panama TPA with a specified restricted quantity. The restricted quantity specifies the amount of the subject product that can be provided by a US-Panama TPA supplier(s).

(B) The effective date of the determination will be the date of publication in the U.S. **Federal Register**.

(ii) *Elimination of a restricted quantity:* Not later than six months after adding a product to the Commercial Availability List in Annex 3.25 of the US-Panama TPA in a restricted quantity, CITA may eliminate the restriction if it determines that the subject product is not available in commercial quantities in a timely manner in the United States or Panama. *See* Section 203(o)(4)(C)(vi) of the Implementation Act.

(A) The determination that the subject product is not available in commercial quantities in a timely manner will be based upon whether the restricted quantity has been provided by a US-Panama TPA supplier(s). CITA will solicit comments and information from the US-Panama TPA supplier(s) and the requestor.

(B) If the US-Panama TPA supplier(s) are still capable of providing the restricted quantity, the restriction will remain.

(C) If the US-Panama TPA supplier(s) are unable to provide the restricted quantity, CITA will eliminate the quantity restriction. CITA will publish a notice in the U.S. **Federal Register**, and post on the Web site, that the quantity restriction is eliminated and the subject product is added to the Commercial Availability List in Annex 3.25 of the US-Panama TPA in an unrestricted quantity. The effective date of the determination will be the date of publication in the U.S. **Federal Register**.

(4) *Insufficient Information to Determine.* CITA will extend its time period for consideration of the Request by an additional 14 U.S. business days in the event that CITA determines, not later than 30 U.S. business days after official receipt of a Request, that it has insufficient information to make a determination regarding the ability of a US-Panama TPA supplier to supply the subject products of the Request based on the submitted information. CITA will normally determine that it does not have sufficient information to make a determination on a Request when CITA finds there is inconsistency in material information contained in the Request, one or more Responses, and/or the Rebuttal(s). CITA will notify interested parties via email that it has extended the time period for CITA's consideration by 14 U.S. business days. CITA also will announce the extension on the Web site for US-Panama TPA commercial availability proceedings.

(i) *Process during Extension Period:* During the extended time period, CITA will request that interested entities provide additional evidence to substantiate the information provided, and may initiate a meeting with interested entities. Such evidence may include, *inter alia,* product samples, lab tests, detailed descriptions of product facilities, and comparisons of product performance in the intended end-use of the subject product. Any samples, if requested, of fibers, yarns, or fabrics, that are provided to CITA will be made available for public inspection at the Office of Textiles and Apparel, Room 30003, U.S. Department of Commerce, 14th St. and Constitution Ave. NW., Washington, DC 20230. All written submissions must follow instructions described in Section 3 of these procedures. Samples should be identified with a cover sheet that describes the specifications of the sample and be identical to the specifications of the Request. If CITA conducts a meeting, it will comply with requirements to conduct proceedings in an open manner.

(ii) CITA also will consider evidence in support of claims that US-Panama TPA supplier(s) can supply a substantially similar product to that specified in the Request.

(ii) CITA will make a determination, not later than 44 U.S. business days after the official receipt of a Request whether to approve, approve with restriction, or deny the Request and will follow the notification process accordingly.

(5) *Deemed Approval.* In the event that CITA does not make a determination in response to a Request to add a product to the Commercial Availability List in Annex 3.25 of the US-Panama TPA within the statutory deadlines provided, not later than 45 U.S. business days after the official receipt of the Request or not later than 60 U.S. business days after the official receipt of the Request that was determined to lack sufficient information pursuant to Section 8(c)(4) of these Procedures, the requested subject product shall be added to the Commercial Availability List in Annex 3.25 of the US-Panama TPA, in an unrestricted quantity, in accordance with the requirements of section 203(o)(4)(D) of the Implementation Act. CITA will notify the public of the deemed approval by publication in the **Federal Register** and posting on OTEXA's Web site.

9. Submitting a Request To Remove or Restrict

(a) *Request to Remove or Restrict.* No earlier than six months after a product has been added to the Commercial Availability List in Annex 3.25 of the US-Panama TPA in an unrestricted quantity pursuant to Sections 203(o)(2), 203(o)(4)(C)(iii) or (vi), or 203(o)(4)(D) of the Implementation Act, an interested entity may submit a request to CITA requesting that a product be either removed from the List in Annex 3.25 or that a quantity restriction be introduced. *See* Section 203(o)(4)(E)(i) of the Implementation Act.

(b) *Content of a Request to Remove or Restrict.* The Request to Remove or Restrict must provide the substantive information set forth in Section 6(b) (Contents of a Response with an Offer to Supply) of these procedures.

(c) *Procedures.*

(1) In considering whether to accept a Request to Remove or Restrict, CITA will follow procedures set forth in Section 5 (Consideration and Acceptance of a Request) of these procedures.

(2) If CITA determines to accept the Request to Remove or Restrict, CITA and any responding interested entity shall follow applicable procedures and contents set forth in subsection 6(a) (Response with an Offer to Supply) and Section 7 (Submitting a Rebuttal Comment) of these procedures.

(3) As set forth in subsections 8(a) and (b) (Determination Process) of these procedures, CITA will determine whether the subject product of the Request to Remove or Restrict is available in commercial quantities in a timely manner from a US-Panama TPA supplier not later than 30 U.S. business days after the official receipt of the Request to Remove or Restrict.

(i) If CITA determines that the product is available in commercial quantities in a timely manner in the United States or Panama, then that product will be removed from the Commercial Availability List in Annex 3.25 of the US-Panama TPA.

(ii) If CITA determines that the product is available in restricted quantities in a timely manner in the United States or Panama, then a restricted quantity will be introduced for that product.

(iii) If the Commercial Availability List in Annex 3.25 of the US-Panama TPA changes as a result of CITA's determination for the Request to Remove or Restrict, CITA will notify interested parties by email of its determination and will publish a notice of its determination for the Request to Remove or Restrict in the U.S. Federal Register.

(A) For removal, the notice of determination will state that textile and apparel good containing the subject product are not to be treated as originating in either the United States or Panama if the subject product is obtained from sources outside the United States or Panama, effective for goods entered into the United States on or after six months (i.e., 180 calendar days) after the date of publication of the notice. *See* Section 203(o)(4)(E)(iv) of the Implementation Act.

(B) For restriction, the notice of determination will specify the restricted quantity for the subject product that is to be effective on or after six months (i.e., 180 calendar days) after the publication date of the notice. *See* Section 203(o)(4)(E)(iv) of the Implementation Act.

Request for Comments on the Interim Procedures

Comments must be received no later than June 13, 2013, and in the following format:

(1) Comments must be in English.

(2) Comments must be submitted electronically OR in hard copy, with original signatures.

(3) Comments submitted electronically must be either in PDF, Word, or Word-Perfect format, and sent to the following email address: *OTEXA_PANAMA@trade.gov*. Comments submitted electronically will be posted for public review on the Web site dedicated to US-Panama TPA commercial availability proceedings.

(4) Comments submitted in hard copy must be original signed documents and must be mailed to the Chairman, Committee for the Implementation of Textile Agreements, Room 30003, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230. Comments submitted in hard copy will be made available for public inspection at the Office of Textiles and Apparel, Room 30003, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC, between the hours of 8:30 a.m. and 5:00 p.m. on business days. In addition, comments submitted in hard copy will also be posted for public review on the Web site dedicated to US-Panama TPA commercial availability proceedings.

Kim Glas,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 2013–11455 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–DS–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meetings

TIME AND DATE: 10:00 a.m., Thursday, May 16, 2013.

PLACE: CFTC Headquarters Conference Center, Three Lafayette Centre, 1155 21st St. NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has scheduled this meeting to consider various rulemaking matters, including the issuance of interpretive guidance and policy statement and the approval of final rules. The agenda for this meeting is available to the public and posted on the Commission's Web site at *http://www.cftc.gov.* In the event that the time, date, or place of the meeting changes, an announcement of the change, along with the new time, date, or place of the meeting, will be posted on the Commission's Web site.

CONTACT PERSON FOR MORE INFORMATION: Melissa D. Jurgens, Secretary of the Commission, 202–418–5516.

Melissa D. Jurgens,

Secretary of the Commission.

[FR Doc. 2013–11506 Filed 5–10–13; 11:15 am]

BILLING CODE 6351–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2013–0014]

Agency Information Collection Activities; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (Bureau) is proposing to renew the Office and Management and Budget (OMB) approval for an existing information collection titled, *Truth in Savings (Regulation DD) 12 CFR 1030.*

DATES: Written comments are encouraged and must be received on or before July 15, 2013 to be assured of consideration.

ADDRESSES: You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail/Hand Delivery/Courier:* Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552.

Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. In general, all comments received will be posted without change to regulations.gov, including any personal information provided. Sensitive personal information, such as account numbers or social security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau, (Attention: PRA Office), 1700 G Street NW., Washington, DC 20552, (202) 435–9575, or email: *CFPB_Public_PRA@cfpb.gov. Please do not submit comments to this mailbox.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Truth in Savings (Regulation DD) 12 CFR 1030.

OMB Control Number: 3170–0004.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Businesses or other for-profits (insured depository institutions with total assets of more than $10 billion and their depository affiliates).

Estimated Number of Respondents: 146.

Estimated Total Annual Burden Hours: 19,000.

Abstract: The Truth in Savings Act (TISA), 12 U.S.C. 4301 *et seq.* was enacted to enhance economic stability, improve competition between depository institutions, and strengthen consumer ability to make informed decisions regarding deposit accounts by requiring uniformity in the disclosure of interest rates and fees. TISA assists consumers in comparing deposit accounts offered by depository institutions, principally through the disclosure of fees, the annual percentage yield, the interest rate, and other account terms. TISA and Regulation DD require depository institutions to disclose yields, fees, and other terms concerning deposit accounts to consumers at account opening, upon request, and when changes in terms occur. Depository institutions that provide periodic statements are required to include information about fees imposed, interest earned, and the annual percentage yield earned during those statement periods. TISA and Regulation DD mandate the methods by which institutions determine the account balance on which interest is calculated. They also contain rules about advertising deposit accounts and overdraft services. Regulation DD requires depository institutions subject to TISA to retain evidence of compliance with the regulation. These recordkeeping requirements ensure that records that might contain evidence of violations of TISA remain available to Federal enforcement agencies, as well as to private litigants.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information shall have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Please note that the Bureau may revise the burden estimates of these information collection requirements as it engages in its compliance cost research efforts and obtains data allowing for revisions to its burden calculation methodology. In this regard, the Bureau especially appreciates comments providing insights into the time and effort (''burden'') for supervised entities to comply with the recordkeeping and disclosure requirements of Regulation DD. Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record.

Dated: May 7, 2013.

Matthew Burton,

Acting Chief Information Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2013–11439 Filed 5–13–13; 8:45 am]

BILLING CODE 4810–AM–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 13–1]

Notice of Second Prehearing Conference

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Notice of the second prehearing conference for the case: In the Matter of BABY MATTERS LLC, CPSC Docket No.13–1.

DATES: May 23, 2013, 11:00 a.m. Eastern.

ADDRESSES: Members of the public are welcome to attend the prehearing conference to be held at the Alexander Hamilton U.S. Customs House, One Bowling Green, Room 302 (U.S. Coast Guard Hearing Room), New York, New York 10004.

FOR FURTHER INFORMATION CONTACT: Regina Maye, Paralegal Specialist, U.S. Coast Guard ALJ Program, (212) 825–1230.

SUPPLEMENTARY INFORMATION: The purpose of this prehearing conference is to address the remaining items listed in the Final Pre-Hearing Order that were left unresolved at the time this matter was stayed.

Telephonic conferencing arrangements for the parties will be made by the court. Mary B. Murphy, Esq., Kelly Moore, Esq. and Daniel Vice, Esq., Counsel for the U.S. Consumer Product Safety Commission; Raymond G. Mullady, Jr., Esq. and Adrien C. Pickard, Esq. of BLANK ROME, LLP, Counsel for BABY MATTERS LLC; and, Larry W. Bennett, Esq. and Geoffrey S. Wagner, Esq., of GIARMARCO, MULLINS & HORTON, PC, shall be provided with a phone number and passcode in a separate notice of pre-hearing conference so they may participate telephonically if they so choose.

Authority: Consumer Product Safety Act, 15 U.S.C. 2064.

Dated: May 8, 2013.

Todd A. Stevenson,

Secretary.

[FR Doc. 2013–11335 Filed 5–13–13; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF ENERGY

Notice of Availability of the Draft Environmental Impact Statement for the Lake Charles Carbon Capture and Sequestration Project (DOE/EIS–0464D)

AGENCY: U.S. Department of Energy.

ACTION: Notice of availability and public hearings.

SUMMARY: The U.S. Department of Energy (DOE) announces the availability of the Lake Charles Carbon Capture and Sequestration Project Draft

Environmental Impact Statement (DOE/EIS–0464D) for public review and comment, as well as the dates, locations, and times for two public hearings. The draft environmental impact statement (EIS) analyzes the potential environmental impacts associated with the Lake Charles Carbon Capture and Sequestration Project, which would be constructed and operated by Lake Charles Clean Energy, LLC (LCCE), an affiliate of Leucadia Energy, LLC (Leucadia). Leucadia's proposal was selected by DOE to receive financial assistance under the Industrial Carbon Capture and Sequestration program.

DOE prepared this draft EIS in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) regulations that implement the procedural provisions of NEPA (40 CFR Parts 1500–1508), the DOE procedures implementing NEPA (10 CFR Part 1021), the DOE procedures for compliance with floodplain and wetland environmental review requirements (10 CFR Part 1022), and the General Conformity Rule for air emissions in non-attainment or maintenance areas (40 CFR 93.150–165).

DATES: DOE invites the public to comment on the draft EIS during the public comment period, which ends June 25, 2013. DOE will consider all comments postmarked or received during the public comment period in preparing the final EIS and will consider late comments to the extent practicable.

DOE will conduct public hearings on June 4, 2013 at Westlake City Hall, 1001 Mulberry Street, in Westlake, Louisiana, and on June 5, 2013 at Berry Miller Junior High School, 3301 Manvel Road, in Pearland, Texas, to obtain comments on the draft EIS. Requests to speak at the public hearings can be made by calling or writing to Mrs. Pierina N. Fayish (see **ADDRESSES**). Requests to speak may also be made at the meetings. Comments will be recorded by a court reporter and will become part of the public record. Oral and written comments will be given equal consideration.

The hearings will begin at 6 p.m. with an informational session. The formal presentations and formal comment period will be held from 7 p.m. to approximately 9 p.m., or until all registered commenters have been given the opportunity to speak.

All meetings will be accessible to people with disabilities. Any individual needing specific assistance, such as a sign language interpreter or a translator, should contact Mrs. Fayish (see **ADDRESSES**) at least 48 hours in advance of the hearings so that arrangements can be made.

ADDRESSES: Requests for information about this draft EIS and requests to receive a copy of it should be directed to: Mrs. Pierina N. Fayish, U.S. Department of Energy, National Energy Technology Laboratory, M/S 922–243D, P.O. Box 10940, Pittsburgh, PA 15236. Additional information about the draft EIS may also be requested by electronic mail: *LeucadiaEIS@netl.doe.gov* or by telephone at 1–(888)–322–7436, extension 5428. The draft EIS is available for download at *http://energy.gov/nepa/and http://www.netl.doe.gov/publications/others/nepa/index.html.* Copies of the draft EIS are also available for review at the locations listed in the **SUPPLEMENTARY INFORMATION** section of this Notice.

Written comments on the draft EIS can be mailed to Mrs. Fayish at the address noted above. Written comments may also be submitted by fax to: (412) 386–4775, or submitted electronically to: *LeucadiaEIS@netl.doe.gov.* Oral comments on the draft EIS will be accepted verbatim during the public hearings scheduled for the dates and locations provided in the (see **DATES**) section of this Notice.

FOR FURTHER INFORMATION CONTACT: For further information on the proposed project or the draft EIS, please contact Mrs. Fayish (see **ADDRESSES**). For general information regarding the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone, (202) 586–4600; fax, (202) 586–7031; or leave a message at, (800) 472–2756.

SUPPLEMENTARY INFORMATION: DOE proposes to provide limited financial assistance (approximately $261.4 million), through a cooperative agreement, to Leucadia for the proposed Lake Charles Carbon Capture and Storage (CCS) Project. The total cost of the Lake Charles CCS Project is estimated at $435.6 million (2010 dollars). DOE has already provided a portion of the total funding (approximately $9.5 million) to Leucadia for DOE's share of the costs of preliminary design and project definition.

The Lake Charles CCS Project would involve the capture and sequestration of carbon dioxide (CO_2) from the LCCE gasification plant, a petroleum coke gasification plant to be constructed by LCCE in Calcasieu Parish adjacent to the Port of Lake Charles, Louisiana. Approximately 4.6 million tons per year of CO_2 generated by the gasification process would be captured, compressed, and delivered via a new connecting pipeline to the existing Green Pipeline for use in existing commercial enhanced oil recovery (EOR) operations in a portion of the West Hastings oil field in Brazoria County, Texas. The project includes a monitoring, verification and accounting (MVA) program aimed at providing an accurate accounting of approximately 1 million tons per year of stored CO_2 and a high level of confidence that the CO_2 will remain sequestered permanently in a portion in the West Hastings oil field through existing EOR operations. The research MVA activities would supplement on-going monitoring activities conducted in conjunction with existing commercial EOR operations.

Though DOE funds would only apply to the CCS Project, which consists of the carbon capture unit, compression and associated equipment, a new pipeline approximately 12 miles in length connecting the plant to the existing Green Pipeline, and the research MVA program, DOE determined that the LCCE Gasification Plant is a connected action in accordance with 40 CFR 1508.25 (a), and its impacts are analyzed in the draft EIS.

The LCCE gasification plant would use a state-of-the-art process to gasify approximately 2.6 million tons per year of petroleum coke, producing syngas that would be converted into methanol and hydrogen gas. The LCCE gasification plant also produces steam during the gasification and auxiliary processes, which would be used in turbines to generate power, covering a significant portion of the plant's energy demand.

The draft EIS evaluates the potential impacts of DOE's proposed action; Leucadia's proposed project, the connected action, and reasonable alternatives. DOE analyzed two alternatives in the draft EIS: the proposed action described above and the no-action alternative. The proposed project also included an alternative route for the CO_2 pipeline and alternative routes for linear facilities for the LCCE gasification plant, all of which are still under consideration and evaluated in the draft EIS.

The draft EIS considers the environmental consequences that may result from the proposed project and describes mitigation that might be used to reduce impacts. Potential impacts identified during the scoping process and analyzed in the draft EIS relate to the following:

Air quality; soils, geology, and mineral resources; ground water; surface water; biological resources; cultural resources; land use; socioeconomics; environmental justice; community services; utility systems; transportation; materials and waste management; human health, safety, and accidents; and noise. Because the proposed project may affect wetlands, the draft EIS includes an assessment of impacts to wetlands in accordance with DOE regulations for Compliance with Floodplains and Wetlands Environmental Review Requirements (10 CFR Part 1022). In accordance with 40 CFR 93.156, DOE is also publishing a draft conformity analysis for the Lake Charles area, which is contained in the draft EIS.

Availability of the Draft EIS

Copies of the draft EIS have been distributed to members of Congress; Native American tribal governments; federal, state, and local officials; and agencies, organizations, and individuals who have expressed interest. The draft EIS will be available on the internet at *http://energy.gov/nepa/* and *http://www.netl.doe.gov/publications/others/nepa/index.html.* Copies of the draft EIS are available for public review at the following locations: Sulphur Regional Library, 1160 Cypress Street in Sulphur, Louisiana; Westlake Library, 937 Mulberry Street in Westlake, Louisiana; Maplewood Library, 91 Center Circle in Sulphur, Louisiana; and Pearland Library, 3522 Liberty Drive in Pearland, Texas. Additional copies also can be requested (see **ADDRESSES**).

Dated: May 8, 2013.

Mark J. Matarrese,

Director, Office of Environment, Security, Safety & Health, Office of Fossil Energy.

[FR Doc. 2013–11413 Filed 5–13–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, June 6, 2013; 8:30 a.m.–5:00 p.m., Friday, June 7, 2013; 8:30 a.m.–3:30 p.m.

ADDRESSES: Red Lion Hanford House, 802 George Washington Way, Richland, WA 99352.

FOR FURTHER INFORMATION CONTACT: Kimberly Ballinger, Federal Coordinator, Department of Energy Richland Operations Office, 825 Jadwin Avenue, P.O. Box 550, A7–75, Richland, WA, 99352; Phone: (509) 376–6332; or Email: *kimberly.ballinger@rl.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Draft Advice
  - Advice on 2014–2015 Budget Priorities
  - Advice on 2014 Lifecycle Report
  - Advice on 100–F Area Remedial Investigation/Feasibility Study and Proposed Plan (Draft A), and Transition to Long Term Stewardship
  - Advice on 300 Area Remedial Investigation/Feasibility Study and Proposed Plan (Rev. 0)
- *Discussion Topics*
  - Tri-Party Agreement Agencies' Program Updates
    - DOE, Richland Operations Office
    - DOE, Office of River Protection
    - State of Washington Department of Ecology
    - U.S. Environmental Protection Agency
  - Committee reports
  - Draft Recommendations for Board Diversity and other Board Effectiveness Issues
  - Draft 2014 Hanford Advisory Board Work Plan/Priorities and Calendar
  - Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kimberly Ballinger at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kimberly Ballinger at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Kimberly Ballinger's office at the address or phone number listed above. Minutes will also be available at the following Web site: *http://www.hanford.gov/page.cfm/hab.*

Issued at Washington, DC, on May 8, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–11414 Filed 5–13–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee (EAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, June 5, 2013; 12:15 p.m.–5:45 p.m. (EDT); Thursday, June 6, 2013; 8:00 a.m.–3:30 p.m. (EDT).

ADDRESSES: National Rural Electric Cooperative Association, 4301 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586–1060 or Email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse

background selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include discussion of the activities of the Energy Storage Technologies Subcommittee, the Smart Grid Subcommittee, and the Transmission Subcommittee, as well as discussions of cyber security issues in the power sector, energy storage valuation, and customer acceptance issues of Smart Grid technology.

Tentative Agenda: June 5, 2013

12:15 p.m.–1:15 p.m. EAC Leadership Committee Meeting
12:15 p.m.–1:15 p.m. Registration
1:15 p.m.–1:30 p.m. Welcome and Developments since the October 2012 Meeting
1:30 p.m.–2:00 p.m. Update on DOE Office of Electricity Delivery and Energy Reliability (OE) 2013 Current Programs and Initiatives
2:00 p.m.–2:50 p.m. Race to the Top Initiative Working Group Discussion
2:50 p.m.–3:10 p.m. FERC Update
3:10 p.m.–3:20 p.m. Break
3:20 p.m.–5:00 p.m. Key Federal Roles to Enhance Cyber Security in the Power Sector Panel and EAC Member Discussion
5:00 p.m.–5:40 p.m. EAC Transmission Subcommittee 2013 Papers and Work Plan for 2013, EAC Member Discussion
5:40 p.m.–5:45 p.m. Wrap up Day One
5:45 p.m. Adjourn Day One of June 2013 Meeting of the EAC

Tentative Agenda: June 6, 2013

8:00 a.m.–9:20 a.m. Energy Storage Valuation Panel and EAC Member Discussion
9:40 a.m.–10:50 a.m. EAC Storage Subcommittee Activities and Plans for 2013, EAC Member Discussion
10:50 a.m.–11:00 a.m. Break
11:00 a.m.–12:40 p.m. Customer Acceptance Issues for the Smart Grid Panel and EAC Member Discussion
12:40 p.m.–2:00 p.m. Lunch (Local Restaurants)
2:00 p.m.–3:10 p.m. EAC Smart Grid Subcommittee Papers and Work Plans for 2013, EAC Member Discussion and Decision
3:10 p.m.–3:25 p.m. Public Comments (Must register to comment at time of check-in)
3:25 p.m.–3:30 p.m. Wrap Up of June 2013 EAC Meeting.
3:30 p.m. Adjourn June 2013 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Thursday, June 6, 2013, but must register at the registration table in advance. Approximately 15 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum. You may submit comments, identified by ''*Electricity Advisory Committee Open Meeting''*, by any of the following methods:

• *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585.

• *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity Advisory Committee Open Meeting'' in the subject line of the message.

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. *Instructions:* All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac,* including any personal information provided.

• *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure. DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on May 7, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–11411 Filed 5–13–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–100–000.
Applicants: Southwestern Public Service Company.
Description: Application of Southwestern Public Service Company for Authorization under Section 203 of the Federal Power Act for Disposition of Jurisdictional Facilities.
Filed Date: 4/29/13.
Accession Number: 20130429–5291.
Comments Due: 5 p.m. ET 5/20/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1530–001.
Applicants: Llano Estacado Wind, LLC.
Description: Supplement to December 31, 2012 Triennial Updated Market Power Analysis for the Southwest Power Pool, Inc. Region of Llano Estacado Wind, LLC.
Filed Date: 4/29/13.
Accession Number: 20130429–5109.
Comments Due: 5 p.m. ET 5/20/13.

Docket Numbers: ER10–2712–001.
Applicants: Cargill Power Markets, LLC.
Description: Notice of Change in Status of Cargill Power Markets, LLC.
Filed Date: 4/30/13.
Accession Number: 20130430–5349.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER10–2630–001.

Applicants: NGP Blue Mountain I LLC.

Description: Notice of Change in Status of NGP Blue Mountain I LLC.

Filed Date: 4/29/13.

Accession Number: 20130429–5355.

Comments Due: 5 p.m. ET 5/20/13.

Docket Numbers: ER10–2719–013; ER10–2718–013; ER10–2633–013 ER10–2570–013; ER10–2717–013; ER10–3140–012 ER13–55–003.

Applicants: East Coast Power Linden Holding, L.L.C., Cogen Technologies Linden Venture, L.P., Birchwood Power Partners, L.P., Shady Hills Power Company, L.L.C., EFS Parlin Holdings, LLC, Inland Empire Energy Center, LLC, Homer City Generation, L.P.

Description: Notice of Non-Material Change in Status of East Coast Power Linden Holding, L.L.C., et al.

Filed Date: 4/30/13.

Accession Number: 20130430–5227.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1359–000.

Applicants: Tampa Electric Company.

Description: Emergency Interchange Service Schedule A&B—2013 (Bundled) to be effective 5/1/2013.

Filed Date: 4/30/13.

Accession Number: 20130430–5118.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1360–000.

Applicants: Tampa Electric Company.

Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii: QF Transmission Agreement with Auburndale Pwr Partners—2013 to be effective 5/1/2013.

Filed Date: 4/30/13.

Accession Number: 20130430–5125.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1361–000.

Applicants: Tampa Electric Company.

Description: Tampa Electric Company submits tariff filing per 35.13(a)(2)(iii: Emergency Interchange Service Contract with Southern Company—2013 (Unbundled) to be effective 5/1/2013.

Filed Date: 4/30/13.

Accession Number: 20130430–5128.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1362–000.

Applicants: Southwest Power Pool, Inc.

Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: 1148R15 American Electric Power NITSA and NOAs to be effective 4/1/2013.

Filed Date: 4/30/13.

Accession Number: 20130430–5181.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1363–000.

Applicants: Southwest Power Pool, Inc.

Description: Submission of Notice of Cancellation of Southwest Power Pool, Inc.

Filed Date: 4/30/13.

Accession Number: 20130430–5185.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1364–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits tariff filing per 35.13(a)(2)(iii: Revised Added Facilities Rate for Agmts under WDAT to be effective 1/1/2013.

Filed Date: 4/30/13.

Accession Number: 20130430–5188.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1365–000.

Applicants: California Independent System Operator Corporation.

Description: California Independent System Operator Corporation submits tariff filing per 35.13(a)(2)(iii: 2013–04–30 CDWR PLA Amendment 8 to be effective 5/1/2013.

Filed Date: 4/30/13.

Accession Number: 20130430–5210.

Comments Due: 5 p.m. ET 5/21/13.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA13–1–000.

Applicants: Midland Cogeneration Venture Limited Partnership.

Description: Quarterly Land Acquisition Report of Midland Cogeneration Venture Limited Partnership.

Filed Date: 4/29/13.

Accession Number: 20130429–5344.

Comments Due: 5 p.m. ET 5/20/13.

Docket Numbers: LA13–1–000.

Applicants: Southern Company Services, Inc., Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company and Southern Power Company.

Description: Quarterly Land Acquisition Report of Southern Company Services, Inc.

Filed Date: 4/30/13.

Accession Number: 20130430–5039.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: LA13–1–000.

Applicants: Astoria Generating Company, L.P.

Description: Quarterly Land Acquisition Report of Astoria Generating Company, L.P.

Filed Date: 4/30/13.

Accession Number: 20130430–5191.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: LA13–1–000.

Applicants: Bruce Power Inc.

Description: Quarterly Land Acquisition Report of Bruce Power Inc.

Filed Date: 4/30/13.

Accession Number: 20130430–5277.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: LA13–1–000.

Applicants: Colorado Highlands Wind, LLC.

Description: Quarterly Land Acquisition Report of Colorado Highlands Wind, LLC.

Filed Date: 4/30/13.

Accession Number: 20130430–5286.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: LA13–1–000.

Applicants: Cloud County Wind Farm LLC.

Description: Quarterly Land Acquisition Report of Cloud County Wind Farm, LLC.

Filed Date: 4/30/13.

Accession Number: 20130430–5301.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: LA13–1–000.

Applicants: High Prairie Wind Farm II, LLC.

Description: Quarterly Land Acquisition Report of High Prairie Wind Farm II, LLC.

Filed Date: 4/30/13.

Accession Number: 20130430–5326.

Comments Due: 5 p.m. ET 5/21/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 30, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–11416 Filed 5–13–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–102–000.
Applicants: Covanta Energy Corporation, Camden County Energy Recovery Associates.
Description: Joint Application of Covanta Energy Corporation and Camden County Energy Recovery Associates, L.P. for Authorization Under Section 203 of the Federal Power Act and Request for Waivers of Certain Commission Requirements.
Filed Date: 5/2/13.
Accession Number: 20130502–5112.
Comments Due: 5 p.m. ET 5/23/13.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG13–31–000.
Applicants: Dominion Bridgeport Fuel Cell, LLC.
Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Dominion Bridgeport Fuel Cell, LLC.
Filed Date: 5/1/13.
Accession Number: 20130501–5377.
Comments Due: 5 p.m. ET 5/22/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1298–001.
Applicants: Mega Energy Holdings LLC.
Description: Mega Energy Holdings LLC submits Amended New to be effective 5/1/2013.
Filed Date: 5/2/13.
Accession Number: 20130502–5035.
Comments Due: 5 p.m. ET 5/23/13.
Docket Numbers: ER13–1413–000.
Applicants: Northern Indiana Public Service Company.
Description: Northern Indiana Public Service Company submits Filing of a CIAC Agreement to be effective 5/3/2013.
Filed Date: 5/2/13.
Accession Number: 20130502–5080.
Comments Due: 5 p.m. ET 5/23/13.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF13–389–000.
Applicants: Adkins Energy LLC.
Description: Form 556—Notice of self-certification of qualifying cogeneration facility status of Adkins Energy LLC.
Filed Date: 4/15/13.
Accession Number: 20130415–5082.
Comments Due: None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 3, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–11417 Filed 5–13–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–3081–004.
Applicants: Equilon Enterprises LLC.
Description: Equilon Enterprises LLC MBR Tariff to be effective 12/27/2012.
Filed Date: 4/30/13.
Accession Number: 20130430–5335.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–347–002.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance Filing per 4/1/2013 Order in Docket No. ER13–347–001 to be effective 1/8/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5318.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1366–000.
Applicants: Public Service Company of New Mexico.
Description: City of Gallup Network Integration Transmission Service Agreement to be effective 4/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5250.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1367–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Blue Ridge FRPPA–RS 315 Revisions (2013) to be effective 7/2/2012.
Filed Date: 4/30/13.
Accession Number: 20130430–5288.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1368–000.
Applicants: NaturEner Wind Watch, LLC.
Description: Market-Based Rate Application and Request for Waivers and Blanket Authorization to be effective 5/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5290.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1369–000.
Applicants: Duke Energy Carolinas, LLC.
Description: Greenwood PPA–RS 334 to be effective 7/2/2012.
Filed Date: 4/30/13.
Accession Number: 20130430–5293.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1370–000.
Applicants: MATL LLP.
Description: Tariff Revisions to be effective 7/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5303.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1371–000.
Applicants: GP Big Island, LLC.
Description: Refile Change in tariff title to be effective 5/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5310.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1372–000.
Applicants: California Independent System Operator Corporation.
Description: 2013–04–30 PacifiCorp EIM Agreement to be effective 7/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5337.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1373–000.
Applicants: Alabama Power Company.
Description: SMEPA NITSA Amendment Filing—To Add Sunplex Delivery Point to be effective 4/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5352.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1374–000.
Applicants: California Power Exchange Corporation.
Description: Rate Filing for Rate Period 23 to be effective 7/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5359.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1375–000.
Applicants: Arizona Public Service Company.
Description: Rate Schedule No. 33—WAPA Triangle Agreement to be effective 6/29/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5397.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1376–000.
Applicants: Arizona Public Service Company.
Description: Rate Schedule No. 3—SRP Power Coordination Agreement to be effective 6/29/2013.

Filed Date: 4/30/13.
Accession Number: 20130430–5402.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1377–000.
Applicants: Southwest Power Pool, Inc.
Description: 1630R3 The Empire District Electric Company NITSA and NOA to be effective 4/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5417.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1378–000.
Applicants: Southwest Power Pool, Inc.
Description: Revisions to Implement City of Coffeyville Formula Rates to be effective 7/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5446.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1379–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: Revisions to Att. L, Section III—Distribution of Revenues to be effective 7/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5487.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1380–000.
Applicants: New York Independent System Operator, Inc.
Description: New York Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii: NYISO Tariff Revisions—New Capacity Zone to be effective 7/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5489.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1381–000.
Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.
Description: Commonwealth Edison Company submits tariff filing per 35.13(a)(2)(iii: ComEd files PJM SA No. 3530 among ComEd and Ameren to be effective 5/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5491.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1382–000.
Applicants: Public Service Company of Colorado.
Description: 20130430_Holy Cross Filing to be effective 5/1/2013.
Filed Date: 4/30/13.
Accession Number: 20130430–5493.
Comments Due: 5 p.m. ET 5/21/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13–11–000.
Applicants: Monongahela Power Company.
Description: FirstEnergy Service Company, on behalf of Monongahela Power Company, submits Updated and Revised Exhibits C, D and E.
Filed Date: 4/30/13.
Accession Number: 20130430–5536.
Comments Due: 5 p.m. ET 5/10/13.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA13–1–000.
Applicants: Spring Canyon Energy LLC, Judith Gap Energy LLC, Invenergy TN, LLC, Wolverine Creek Energy LLC, Grays Harbor Energy LLC, Forward Energy LLC, Willow Creek Energy LLC, Sheldon Energy LLC, Hardee Power Partners Limited, Spindle Hill Energy LLC, Invenergy Cannon Falls LLC, Beech Ridge Energy LLC, Grand Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Vantage Wind Energy LLC, Stony Creek Energy LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Bishop Hill Energy LLC, Bishop Hill Energy III LLC, California Ridge Wind Energy LLC.
Description: Quarterly Land Acquisition Report of Spring Canyon Energy LLC, et al.
Filed Date: 4/30/13.
Accession Number: 20130430–5521.
Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: LA13–1–000.
Applicants: Alabama Electric Marketing, LLC, Big Sandy Peaker Plant, LLC, California Electric Marketing, LLC, Crete Energy Venture, LLC, CSOLAR IV South, LLC, High Desert Power Project, LLC, Kiowa Power Partners, LLC, Lincoln Generating Facility, LLC, New Covert Generating Company, LLC, New Mexico Electric Marketing, LLC, Rolling Hills Generating, L.L.C., Tenaska Alabama Partners, L.P., Tenaska. Alabama II Partners, L.P., Tenaska Frontier Partners, Ltd., Tenaska Gateway Partners, Ltd., Tenaska Georgia Partners, L.P., Tenaska Power Management, LLC, Tenaska Power Services Co., Tenaska Virginia Partners, L.P., Texas Electric Marketing, LLC, TPF Generation Holdings, LLC, Wolf Hills Energy, LLC.
Description: Quarterly Land Acquisition Report of Alabama Electric Marketing, LLC, et al.
Filed Date: 4/30/13.
Accession Number: 20130430–5533.
Comments Due: 5 p.m. ET 5/21/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 1, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–11419 Filed 5–13–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–959–001.
Applicants: Duke Energy Carolinas, LLC.
Description: Compliance Filing ER13–959 to be effective 6/1/2011.
Filed Date: 5/6/13.
Accession Number: 20130506–5018.
Comments Due: 5 p.m. ET 5/28/13.

Docket Numbers: ER13–976–000.
Applicants: Arizona Public Service Company.
Description: Refund Report for Navajo Generating Station Operating Agreement to be effective N/A.
Filed Date: 5/3/13.
Accession Number: 20130503–5172.
Comments Due: 5 p.m. ET 5/24/13.

Docket Numbers: ER13–1222–001.
Applicants: NV Energy, Inc.
Description: OATT Revisions to Attachment N—LGIA and Attachment O—SGIA Compliance Filing to be effective 3/1/2013.
Filed Date: 5/3/13.
Accession Number: 20130503–5177.
Comments Due: 5 p.m. ET 5/24/13.

Docket Numbers: ER13–1425–000.
Applicants: Massachusetts Electric Company.
Description: Interconnection Agreement between Mass. Electric Co. and The City of Brockton to be effective 7/3/2013.
Filed Date: 5/3/13.
Accession Number: 20130503–5178.

Comments Due: 5 p.m. ET 5/24/13.

Docket Numbers: ER13–1426–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: 05–06–2013 SA 2520 Mandan IA MDU-Minnkota to be effective 5/7/2013.

Filed Date: 5/6/13.

Accession Number: 20130506–5016.

Comments Due: 5 p.m. ET 5/28/13.

Docket Numbers: ER13–1427–000.

Applicants: Western Massachusetts Electric Company.

Description: Western Massachusetts Electric Company submits Cancellation of Pioneer Valley Design and Engineering Agreement to be effective 5/11/2012.

Filed Date: 5/6/13.

Accession Number: 20130506–5068.

Comments Due: 5 p.m. ET 5/28/13.

Docket Numbers: ER13–1428–000.

Applicants: Lighthouse Energy Group, LLC.

Description: Lighthouse Energy Group, LLC submits Lighthouse Energy Group, LLC Market Based Rate Tariff to be effective 5/31/2013.

Filed Date: 5/6/13.

Accession Number: 20130506–5072.

Comments Due: 5 p.m. ET 5/28/13.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF13–404–000.

Applicants: Mosaic Fertilizer, LLC.

Description: Form 556—Application for Commission certification of Mosaic Fertilizer, LLC.

Filed Date: 5/2/13.

Accession Number: 20130502–5073.

Comments Due: 5 p.m. ET 5/23/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

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Dated: May 6, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–11418 Filed 5–13–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC13–101–000.

Applicants: Epsom Investment Pte Ltd., GWF Energy LLC.

Description: Joint Application for Transaction Approval pursuant to Section 203 of Epsom Investment Pte Ltd. and GWF Energy LLC.

Filed Date: 4/30/13.

Accession Number: 20130430–5577.

Comments Due: 5 p.m. ET 5/21/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2985–011; ER10–3049–012; ER10–3051–012.

Applicants: Champion Energy Marketing LLC, Champion Energy Services, LLC, Champion Energy, LLC.

Description: Notice of Change in Status of Champion Energy Marketing LLC, et al.

Filed Date: 5/1/13.

Accession Number: 20130501–5232.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER12–2627–003; ER10–2488–007; ER12–1931–003; ER10–2504–004; ER12–610–004; ER13–338–002.

Applicants: Catalina Solar, LLC, Oasis Power Partners, LLC, Pacific Wind Lessee, LLC, Shiloh Wind Project 2, LLC, Shiloh III Lessee, LLC, Shiloh IV Lessee, LLC.

Description: Notice of Change in Status of the EDF Renewable Energy Inc. Southwest Region Companies.

Filed Date: 04/30/2013.

Accession Number: 20130430–5571.

Comments Due: 5 p.m. ET 5/21/13.

Docket Numbers: ER13–1378–001.

Applicants: Southwest Power Pool, Inc.

Description: Errata Filing—Implement City of Coffeyville Formula Rate—ER13–1378 to be effective 7/1/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5142.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1383–000.

Applicants: New England Power Pool Participants Committee.

Description: May 2013 Membership Filing to be effective 5/1/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5000.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1384–000.

Applicants: Interstate Power and Light Company.

Description: IPL and JCE Second Amended Wholesale Power Supply Agreement to be effective 4/1/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5139.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1385–000.

Applicants: Northern Maine Independent System Administrator, Inc.

Description: Tariff Revisions to be effective 6/30/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5152.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1386–000.

Applicants: PPL Energy Supply, LLC.

Description: Notice of Cancellation to be effective 7/1/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5165.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1387–000.

Applicants: PPL Great Works, LLC.

Description: Notice of Cancellation to be effective 7/1/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5168.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1388–000.

Applicants: Northern Maine Independent System Administrator, Inc.

Description: Market Rules Revisions to be effective 6/30/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5170.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1389–000.

Applicants: El Paso Electric Company.

Description: WestConnect Point-to-Point Regional Transmission Service Tariff to be effective 7/1/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5193.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1390–000.

Applicants: New York Independent System Operator, Inc., Niagara Mohawk Power Corporation.

Description: LGIA 1952 NYISO, NiMo and Erie Blvd Hydropower (Stewart's Bridge Hydro) to be effective 4/17/2013.

Filed Date: 5/1/13.

Accession Number: 20130501–5195.

Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1391–000.

Applicants: Commonwealth Edison Company, PJM Interconnection, L.L.C.

Description: ComEd submits revisions to PJM Tariff Attachment H–13A to be effective 6/1/2013.

Filed Date: 5/1/13.
Accession Number: 20130501–5206.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1392–000.
Applicants: Public Service Company of Colorado.
Description: 2013–05–01–NSP–WKFLD-Tran-to Load-550 to be effective 1/1/2013.
Filed Date: 5/1/13.
Accession Number: 20130501–5207.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1393–000.
Applicants: El Paso Electric Company.
Description: El Paso Electric Company submits updated depreciation rates in the formula rate of Rio Grande Electric Cooperative, Inc.
Filed Date: 5/1/13.
Accession Number: 20130501–5217.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1394–000.
Applicants: Indiana Michigan Power Company, American Electric Power Service Corporation, PJM Interconnection, L.L.C.
Description: AEP (I&M) submits withdrawal of RAA sections per 4/2/2013 Order in ER12–1173 to be effective 10/1/2012.
Filed Date: 5/1/13.
Accession Number: 20130501–5239.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1395–000.
Applicants: Maine Yankee Atomic Power Company.
Description: Maine Yankee Application to Reduce Rates Under Wholesale Power Contrac—Clone to be effective 7/1/2013.
Filed Date: 5/1/13.
Accession Number: 20130501–5248.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1396–000.
Applicants: Public Service Company of New Mexico.
Description: Public Service Company of New Mexico submits City of Gallup Coordination Tariff Service Agreement 2 to be effective 7/1/2013.
Filed Date: 5/1/13.
Accession Number: 20130501–5257.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1397–000.
Applicants: Yankee Atomic Electric Company.
Description: Yankee Atomic Electric Company submits Yankee Atomic Application to Reduce Rates Under Wholesale Power Contract to be effective 7/1/2013.
Filed Date: 5/1/13.
Accession Number: 20130501–5258.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1398–000.
Applicants: Fairless Energy, LLC, Dominion Bridgeport Fuel Cell, LLC.
Description: Fairless Energy, LLC submits Compliance Filing—DBFC MBR Application and Tariff to be effective 7/2/2013.
Filed Date: 5/1/13.
Accession Number: 20130501–5260.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1399–000.
Applicants: Connecticut Yankee Atomic Power Company.
Description: Connecticut Yankee Atomic Power Company submits Connecticut Yankee Application to Reduce Rates Under Wholesale Power Contract to be effective 7/1/2013.
Filed Date: 5/1/13.
Accession Number: 20130501–5262.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1401–000.
Applicants: Westbrook Energy Center, LLC.
Description: Westbrook Energy Center, LLC submits Application for Market-Based Rate Authorization to be effective 5/2/2013.
Filed Date: 5/1/13.
Accession Number: 20130501–5269.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1402–000.
Applicants: Arizona Public Service Company.
Description: Request for Rate Recovery to be effective 7/1/2013.
Filed Date: 5/2/13.
Accession Number: 20130502–5000.
Comments Due: 5 p.m. ET 5/23/13.

Docket Numbers: ER13–1403–000.
Applicants: Dominion Bridgeport Fuel Cell, LLC.
Description: Compliance Filing—MBR Application and MBR Tariff to be effective 7/2/2013.
Filed Date: 5/2/13.
Accession Number: 20130502–5002.
Comments Due: 5 p.m. ET 5/23/13.

Docket Numbers: ER13–1405–000.
Applicants: NorthWestern Corporation.
Description: SA 682—NITSA with Western Area Power Administration to be effective 7/1/2013.
Filed Date: 5/2/13.
Accession Number: 20130502–5004.
Comments Due: 5 p.m. ET 5/23/13.

Docket Numbers: ER13–1406–000.
Applicants: Osprey Energy Center, LLC.
Description: Application for Market-Based Rate Authorization to be effective 5/3/2013.
Filed Date: 5/2/13.
Accession Number: 20130502–5005.
Comments Due: 5 p.m. ET 5/23/13.

Docket Numbers: ER13–1407–000.
Applicants: CCFC Sutter Energy, LLC.
Description: Application for Market-Based Rate Authorization to be effective 5/3/2013.
Filed Date: 5/2/13.
Accession Number: 20130502–5006.
Comments Due: 5 p.m. ET 5/23/13.

Docket Numbers: ER13–1408–000.
Applicants: The Connecticut Light and Power Company.
Description: The Connecticut Light and Power Company submits Notice of Cancellation of Algonquin Windsor Locks, LLC Interconnection Agreement.
Filed Date: 5/1/13.
Accession Number: 20130501–5321.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1409–000.
Applicants: The Connecticut Light and Power Company.
Description: The Connecticut Light and Power Company submits Notice of Cancellation of Towantic Energy, LLC Preliminary Design Services Agreement.
Filed Date: 5/1/13.
Accession Number: 20130501–5333.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1410–000.
Applicants: Western Massachusetts Electric Company.
Description: Western Massachusetts Electric Company submits Notice of Cancellation of Littleville Power, Inc. Interconnection Agreement.
Filed Date: 5/1/13.
Accession Number: 20130501–5335.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1411–000.
Applicants: Western Massachusetts Electric Company.
Description: Western Massachusetts Electric Company submits Notice of Cancellation of Pioneer Valley Energy Center Preliminary Design and Engineering Agreement.
Filed Date: 5/1/13.
Accession Number: 20130501–5337.
Comments Due: 5 p.m. ET 5/22/13.

Docket Numbers: ER13–1412–000.
Applicants: Western Massachusetts Electric Company.
Description: Western Massachusetts Electric Company submits Notice of Cancellation of Russell Biomass, LLC Permitting, Licensing, Siting and Real Estate Acquisition Services Agreement.
Filed Date: 5/1/13.
Accession Number: 20130501–5344.
Comments Due: 5 p.m. ET 5/22/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES11–29–002.
Applicants: Entergy Texas, Inc.
Description: Application of Entergy Texas, Inc., for extension of FPA Section 204 authorization.
Filed Date: 4/30/13.
Accession Number: 20130430–5556.
Comments Due: 5 p.m. ET 5/21/13.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA13–1–000.
Applicants: CPV Sentinel, LLC.
Description: Quarterly Land Acquisition Report of CPV Sentinel, LLC.
Filed Date: 5/1/13.
Accession Number: 20130501–5211.
Comments Due: 5 p.m. ET 5/22/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 2, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–11420 Filed 5–13–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1348–000]

Gainesville Renewable Energy Center, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Gainesville Renewable Energy Center, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is May 21, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 1, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–11424 Filed 5–13–13; 8:45 am]

BILLING CODE 6717–01–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities; Comment Request

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Commission announces that it intends to request an extension without change of the existing information collection described below from the Office of Management and Budget (OMB). The Commission is seeking public comments on the proposed extension.

DATES: Written comments on this notice must be submitted on or before *July 15, 2013.*

ADDRESSES: Send written comments by mail to Bernadette B. Wilson, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street NE., Suite 6NE03F, Washington, DC 20507. Written comments of six or fewer pages may be faxed to the Executive Secretariat at (202) 663–4114. (There is no toll free FAX number.) Receipt of facsimile transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4070 (voice) or (202) 663–4074 (TTY). (These are not toll free numbers.) Instead of sending written comments to EEOC, comments may be submitted to EEOC electronically on the Federal eRulemaking Portal: *http://www.regulations.gov.* After accessing this Web site, follow its instructions for submitting comments.

All comments received will be posted without change to *http://www.regulations.gov*, including any personal information you provide. Copies of the received comments also will be available for inspection, by advance appointment only, in the EEOC Library from 9 a.m. to 5 p.m., Monday through Friday except legal holidays. Persons who schedule an appointment in the EEOC Library and need assistance to view the comments will be provided with appropriate aids upon request, such as readers or print magnifiers. To schedule an appointment to inspect the comments at the EEOC Library, contact the EEOC Library by calling (202) 663–4630 (voice) or (202) 663–4641 (TTY). (These are not toll free numbers.)

FOR FURTHER INFORMATION CONTACT: Thomas J. Schlageter, Assistant Legal Counsel, (202) 663–4668, or Danielle Hayot, General Attorney, (202) 663–4695, Office of Legal Counsel, 131 M Street NE., Washington, DC 20507. Copies of this notice are available in the following alternate formats: large print, braille, electronic computer disk, and audio-tape. Requests for this notice in an alternative format should be made to the Publications Center at 1–800–699–3362 (voice), 1–800–800–3302 (TTY), or 703–821–2098 (FAX—this is not a toll free number).

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission (EEOC), in accordance with the Paperwork Reduction Act of 1995 (PRA) and OMB regulation 5 CFR 1320.8(d)(1), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and

continuing collections of information. This helps the EEOC assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the EEOC's information collection requirements and provide the requested data in the desired format. The EEOC is soliciting comments on the proposed information collection request that is described below. The EEOC is especially interested in public comment that will assist the EEOC in the following: (1) Evaluating whether the proposed collection of information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility; (2) Evaluating the accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhancing the quality, utility, and clarity of the information to be collected; and (4) Minimizing the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Please note that written comments received in response to this notice will be considered public records.

Overview of This Information Collection

Collection Title: Informational requirements under Title II of the Older Workers Benefit Protection Act of 1990 (OWBPA), 29 CFR 1625.22.

OMB Number: 3046–0042.

Type of Respondent: Business, State or local governments, not for profit institutions.

Description of Affected Public: Any employer with 20 or more employees that seeks waiver agreements in connection with an exit incentive or other employment termination program.

Number of Responses: 17,080.

Reporting Hours: 25,620.

Number of Forms: None.

Burden Statement: The only paperwork burden involved is the inclusion of the relevant data in requests for waiver agreements under the OWBPA.

Abstract: The EEOC enforces the Age Discrimination in Employment Act (ADEA) which prohibits discrimination against employees and applicants for employment who are age 40 or older. The OWBPA, enacted in 1990, amended the ADEA to require employers to disclose certain information to employees (but not to EEOC) in writing when they ask employees to waive their rights under the ADEA in connection with an exit incentive program or other employment termination program. The regulation at 29 CFR 1625.22 reiterates those disclosure requirements. The EEOC seeks an extension without change for the third-party disclosure requirements contained in this regulation.

For the Commission.

Dated: May 2, 2013.

Jacqueline A. Berrien,

Chair.

[FR Doc. 2013–11269 Filed 5–13–13; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before July 15, 2013. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov*. To submit your PRA comments by email send them to: *PRA@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, FCC, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0076.

Title: Common Carrier Annual Employment Report.

Form Number: FCC Form 395.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 809 respondents; 809 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: Annual reporting requirement and recordkeeping requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. sections 154(i), 303, and 307–310 of the Communications Act of 1934, as amended.

Total Annual Burden: 809 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The respondents are instructed on the appropriate procedures to follow to safeguard information deemed confidential under 47 CFR 0.457 of the Commission's rules details the type of records that are not routinely available for public inspection. Section 0.459 of the Commission's rules contains procedures for requesting that material and information submitted to the Commission be withheld from public inspection.

Needs and Uses: The Commission will be submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the public reporting and/or recordkeeping requirements).

The FCC Report 395, Common Carrier Annual Employment Report, is a data collection mechanism to implement the FCC's Equal Employment Opportunity (EEO) rules. All common carrier

licensees or permittees with sixteen (16) or more full-time employees are required to file its Annual Employment Report. Each common carrier is also obligated to file copies of all exhibits, letters and other documents pertaining to all equal employment opportunity statements and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law filed with this Commission. The common carriers are required to retain these documents for a period of two years. The Annual Employment Report identifies each filer's staff by gender, race, color and/or national origin in each of ten major job categories. The report and all other EEOC documents are filed with the Commission to detail the applicant's compliance with the Commission's EEO rules. Those documents are available for public inspection at the FCC's Public Reference Room.

OMB Control Number: 3060–0166.

Title: Part 42, Sections 42.5, 42.6 and 42.7, Preservation of Records of Communications Common Carriers.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 56 respondents; 56 responses.

Estimated Time per Response: 2 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in 47 U.S.C. section 220 as amended by the Communications Act of 1934, as amended.

Total Annual Burden: 112 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The respondents are instructed on the appropriate procedures to follow to safeguard information deemed confidential under 47 CFR 0.457 of the Commission's rules details the type of records that are not routinely available for public inspection. Section 0.459 of the Commission's rules contains procedures for requesting that material and information submitted to the Commission be withheld from public inspection.

Needs and Uses: The Commission will be submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the recordkeeping requirement).

Section 42.5 requires that records kept in a machine-readable medium be accompanied by a statement indicating the type of data included in the record and certifying that the information contained in it has been accurately duplicated.

Section 42.6 requires a carrier to retain telephone toll records for 18 months that are necessary to provide the following billing information about telephone toll calls: the name, address, and telephone number of the caller, telephone number called, date, time and length of call.

Section 42.7 allows a carrier to establish its own retention periods for all of its records, except records of telephone toll calls and records relevant to complaint proceedings.

Documentation of premature records destruction is necessary so that the Commission can be aware of the frequency and consequences of such destruction. If carriers were allowed to destroy records at will, the Commission would lose historical information, thus making it impossible to regulate the industry properly. A specific retention period for telephone toll records of 18 months is imposed to assist Department of Justice in law enforcement.

OMB Control Number: 3060–0807.

Title: Section 51.803, Procedures for Commission Notification of a State Commission's Failure to Act; Supplemental Procedures for Petitions Pursuant to Section 252(e)(5) of the Communications Act of 1934, as amended.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities and state, local or tribal government.

Number of Respondents: 60 respondents; 60 responses.

Estimated Time per Response: 40 hours per requirement.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. section 252(e)(5) as amended by the Communications Act of 1934, as amended.

Total Annual Burden: 1,600 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting petitioners to submit confidential information to the Commission.

Needs and Uses: The Commission will be submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the reporting and/or third party disclosure requirements). There is no change in the Commission's burden estimates.

Any interested party seeking preemption of a state commission's jurisdiction based on the state commission's failure to act shall notify the Commission as follows: (1) File with the Secretary of the Commission a detailed petition, supported by an affidavit, that states with specificity the basis for any claim that it has failed to act; and (2) serve the state commission and other parties to the proceeding on the same day that the party serves the petition on the Commission. Within 15 days of filing the petition, the state commission and parties to the proceeding may file a response to the petition. In an OMB-approved Public Notice, DA 97–2540, released December 4, 1997, the Commission set forth procedures for filing petitions for preemption pursuant to section 252(e)(5). Section 252(e)(5) provides that ''if a state commission fails to act to carry out its responsibility under this section in any proceeding or other matter under this section, then the Commission shall issue an order preempting the state commission's jurisdiction of the proceeding or matter within 90 days after being notified (or taking notice) of such failure, and shall assume the responsibility of the state commission under this section with respect to the proceeding or matter and act for the state commission.'' All of the requirements are used to ensure that petitioners have complied with their obligations under the Communications Act of 1934, as amended.

OMB Control Number: 3060–0992.

Title: Section 54.507(d)(1)–(4), Request for Extension of the Implementation Deadline for Non-Recurring Services.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit entities and state, local or tribal government.

Number of Respondents: 1,675 respondents; 1,675 responses.

Estimated Time per Response: .75 hours (45 minutes).

Frequency of Response: On occasion reporting requirement, third party disclosure requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory

authority for this information collection is contained in 47 U.S.C. sections 151, 154(i), and (j), 201–205, 214, 254, and 403 as amended by the Communications Act of 1934, as amended.

Total Annual Burden: 1,256 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the applicant believes is confidential, they may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will be submitting this expiring information collection to the Office of Management and Budget (OMB) for approval of an extension request (no change in the reporting, third party disclosure requirement and/or recordkeeping requirement).

Pursuant to the E-rate program (formerly known as the schools and libraries universal support program), eligible schools, libraries, and their consortia may apply for discounts for telecommunications services, Internet access, and internal connections. In general, the applicant must use the funded services within the funding year, which runs from July 1 through June 30, except that the rules of the FCC, hereinafter the ''Commission'', give applicants three additional months, until September 30 following the close of the funding year, to install one-time services known as non-recurring services. The Universal Service Administrative Company (USAC) may extend the September 30 deadline if the applicant falls within at least one of four designated circumstances. The applicant must, however, submit any required documentation to support an extension on or before the September 30 deadline. These extensions ensure that schools and libraries are not penalized when they are not responsible for missing the installation deadline. Additionally, implementation of this policy provides clarify to the USAC and applicants by establishing a certain deadline for installation. This rule also gives schools and libraries in the program the opportunity to schedule implementation of non-recurring services over the summer months.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–11336 Filed 5–13–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting: FCC To Hold Open Commission Meeting

Thursday, May 9, 2013.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, May 9, 2013. The meeting is scheduled to commence at 10:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC

Item No.	Bureau	Subject
1	INTERNATIONAL, WIRELESS TELECOMMUNICATIONS & OFFICE OF ENGINEERING & TECHNOLOGY.	TITLE: Expanding Access to Broadband and Encouraging Innovation through Establishment of an Air-Ground Mobile Broadband Secondary Service for Passengers Aboard Aircraft in the 14.0–14.5 GHz Band (RM–11640 and 11429). SUMMARY: The Commission will consider a Notice of Proposed Rulemaking seeking to improve consumer access to broadband aboard aircraft and encourage innovation through establishment of an Air-Ground Mobile Broadband secondary service in the 14.0–14.5 GHz band, while ensuring that existing users are protected from interference.
2	OFFICE OF ENGINEERING & TECHNOLOGY.	TITLE: Amendment of Part 2 of the Commission's Rules for Federal Earth Stations Communicating with Non-Federal Fixed Satellite Service Space Stations; Federal Space Station Use of the 399.9–400.05 MHz band; and Allocation of Spectrum for Non-Federal Space Launch Operations (RM–11341). SUMMARY: The Commission will consider a Notice of Proposed Rulemaking and Notice of Inquiry to ease access to spectrum for commercial space launch operators and better facilitate federal government use of commercial satellite services, and seek comment on streamlining processes, eliminating unnecessary burdens, and identifying future communication and spectrum needs of the commercial space sector.
3	PUBLIC SAFETY AND HOMELAND SECURITY.	TITLE: Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment (PS Docket Nos. 11–153; 10–255). SUMMARY: The Commission will consider a Report and Order requiring CMRS providers and providers of interconnected text messaging services to provide consumers with an automatic bounce-back message if the consumer attempts to text 911 where that capability is unavailable.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov<mailto:fcc504@fcc.gov>* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live<http://www.fcc.gov/live>*.

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services call (703) 993–3100 or go to *www.capitolconnection.gmu.edu<http://www.capitolconnection.gmu.edu/>*.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by email at *FCC@BCPIWEB.com*.

Federal Communications Commission.

May 2, 2013.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–11498 Filed 5–10–13; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Deletion of Agenda Item From May 9, 2013 Open Meeting

May 8, 2013.

The following item has been adopted by the Commission and deleted from the list of agenda items scheduled for consideration at the Thursday, May 9, 2013, Open Meeting and previously listed in the Commission's Notice of May 2, 2013.

Item No.	Bureau	Subject
3	PUBLIC SAFETY AND HOMELAND SECURITY.	TITLE: Facilitating the Deployment of Text-to-911 and Other Next Generation 911 Applications; Framework for Next Generation 911 Deployment (PS Docket Nos. 11–153; 10–255). SUMMARY: The Commission will consider a Report and Order requiring CMRS providers and providers of interconnected text messaging services to provide consumers with an automatic bounce-back message if the consumer attempts to text 911 where that capability is unavailable.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–11504 Filed 5–10–13; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS13–11]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: OCC—400 7th Street SW., Washington, DC 20024.

Date: May 21, 2013 (rescheduled from May 8th).

Time: 10:30 a.m.

Status: Open.

Matters To Be Considered

Summary Agenda

April 10, 2013 minutes—Open Session

(No substantive discussion of the above items is anticipated. These matters will be resolved with a single vote unless a member of the ASC requests that an item be moved to the discussion agenda.)

Discussion Agenda

Revised ASC Policy Statements

Appraisal Foundation January 2013 Grant Reimbursement Request

Vermont Compliance Review

How To Attend and Observe an ASC Meeting

Email your name, organization and contact information to *meetings@asc.gov.*

You may also send a written request via U.S. Mail, fax or commercial carrier to the Executive Director of the ASC, 1401 H Street NW., Ste 760, Washington, DC 20005. The fax number is 202–289–4101. Your request must be received no later than 4:30 p.m., ET, on the Monday prior to the meeting. Attendees must have a valid government-issued photo ID and must agree to submit to reasonable security measures. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: May 9, 2013.

James R. Park,

Executive Director.

[FR Doc. 2013–11375 Filed 5–13–13; 8:45 am]

BILLING CODE P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS13–12]

Appraisal Subcommittee; Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in closed session:

Location: OCC—400 7th Street SW., Washington, DC 20024.

Date: May 21, 2013 (rescheduled from May 8th).

Time: Immediately following the ASC open session.

Status: Closed.

Matters To Be Considered

April 10, 2013 minutes—Closed Session

Preliminary discussion of State Compliance Reviews

Dated: May 9, 2013.

James R. Park,

Executive Director.

[FR Doc. 2013–11374 Filed 5–13–13; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 7, 2013.

A. Federal Reserve Bank of New York (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. *Provident New York Bancorp, Inc.,* Montebello, New York; to become a bank holding company upon the acquisition and merger of Sterling Bancorp, New York, New York, with and into Provident, and thereby indirectly acquire Sterling National Bank, New York, New York. Immediately, after the merger, Provident New York Bancorp, Inc., will convert its subsidiary savings association, Provident Bank, Montebello, New York, into a national bank and merge Sterling National Bank into Provident Bank, with Provident Bank as the surviving bank. The resulting bank holding company and subsidiary national bank will be named Sterling Bancorp and Sterling National Bank.

Board of Governors of the Federal Reserve System, May 9, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–11378 Filed 5–13–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act; Notice of Meeting

TIME AND DATE: 9:00 a.m. (Eastern Time), May 20, 2013.

PLACE: 10th Floor Board Meeting Room, 77 K Street NE., Washington, DC 20002.

STATUS: Parts will be open to the public and parts closed to the public.

MATTERS TO BE CONSIDERED:

Parts Open to the Public

1. Approval of the Minutes of the April 22, 2013 Joint Board/ETAC Meeting
2. Thrift Savings Plan Activity Reports by the Executive Director
   a. Monthly Participant Activity Report
   b. Monthly Investment Policy Report
   c. Legislative Report
3. FY13 Strategic Plan Status
4. Budget Review
5. TSP Fund Participation in Settlements
6. Board Meeting Calendar

Parts Closed to the Public

1. Security
2. Personnel

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director, Office of External Affairs, (202) 942–1640.

Dated: May 10, 2013.

James B Petrick,

Secretary, Federal Retirement Thrift Investment Board.

[FR Doc. 2013–11555 Filed 5–10–13; 4:15 pm]

BILLING CODE 6760–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodin Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination—on the dates indicated—of the waiting period provided by law and the premerger notification rules. The listing for each transaction includes the transaction number and the parties to the transaction. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

EARLY TERMINATIONS GRANTED

April 1, 2013 thru April 30, 2013

04/02/2013		
20130684	G	Kirk Kerkorian; MGM Resorts International; Kirk Kerkorian.
04/03/2013		
20130705	G	Encore Capital Group, Inc.; Asset Acceptance Capital Corp.; Encore Capital Group, Inc.
04/04/2013		
20130721	G	Cynosure, Inc.; Palomar Medical Technologies, Inc.; Cynosure, Inc.
04/05/2013		
20130183	G	ASML Holding N.V.; Cymer, Inc.; ASML Holding N.V.

EARLY TERMINATIONS GRANTED—Continued

April 1, 2013 thru April 30, 2013

20130722	G	Trio Merger Corp.; Jeffrey Hastings; Trio Merger Corp.
20130729	G	Royal Dutch Shell plc; Repsol S.A.; Royal Dutch Shell plc.
20130737	G	H.I.G. Bayside Debt & LBO Fund II, L.P.; Wayzata Opportunities Fund II, L.P.; H.I.G. Bayside Debt & LBO Fund II, L.P.
04/08/2013		
20130716	G	Liberty Media Corporation; Charter Communications, Inc.; Liberty Media Corporation.
20130736	G	Shire plc; SARcode Bioscience Inc.; Shire plc.
20130746	G	Mill Luxembourg Holdings 2 S.a.r.l.; CSM N.Y.; Mill Luxembourg Holdings 2 S.a.r.l.
04/10/2013		
20130687	G	Carl C. Icahn; Dell Inc.; Carl C. Icahn.
20130740	G	Foundation Capital VI, LP; LendingClub Corporation; Foundation Capital VI, LP.
04/11/2013		
20130517	G	ARRIS Enterprises I, Inc.; Google Inc.; ARRIS Enterprises I, Inc.
20130730	G	ValueAct Capital Master Fund, L.P.; MICROS Systems, Inc.; ValueAct Capital Master Fund, L.P.
20130738	G	KIA VIII (Power), L.P.; PowerTeam Services, LLC; KIA VIII (Power), L.P.
20130741	G	AltaGas Ltd.; LS Power Equity Partners II, L.P.; AltaGas Ltd.
04/12/2013		
20130739	G	Novafives SAS; MAG LAS Holdings, Inc.; Novafives SAS.
20130748	G	Cummins Inc.; William H. Wolpert; Cummins Inc.
20130751	G	Michael S. Dell; Dell Inc.; Michael S. Dell.
20130752	G	CVCI Growth Partnership II, L.P.; HOV Services Limited; CVCI Growth Partnership II, L.P.
20130754	G	Funai Electric Co., Ltd.; Koninklijke Philips Electronics N.Y.; Funai Electric Co., Ltd.
04/16/2013		
20130758	G	General Electric Company; EMC Corporation; General Electric Company.
04/17/2013		
20130755	G	E. Stanley Kroenke; Outdoor Channel Holdings, Inc.; E. Stanley Kroenke.
20130761	G	KIA VIII (International) L.P.; EACOM Timber Corporation; KIA VIII (International) L.P.
20130764	G	Gordon E. Moore; Gilead Sciences, Inc.; Gordon E. Moore.
04/18/2013		
20130753	G	Acadia Healthcare Company, Inc.; Donald R. Dizney; Acadia Healthcare Company, Inc.
20130763	G	Silver Ridge Power Inc.; The AES Corporation; Silver Ridge Power Inc.
04/22/2013		
20130658	G	Bain Capital Fund IX, L.P.; ABILITY Network, Inc.; Bain Capital Fund IX, L.P.
20130760	G	FCPR Astorg V managed by Astorg Partners SAS; Areva S.A.; FCPR Astorg V managed by Astorg Partners SAS.
20130771	G	Churchill Downs Incorporated; Black Bear Realty Co., LLC; Churchill Downs Incorporated.
20130772	G	NCT Fund, L.P.; American International Group, Inc.; NCT Fund, L.P.
20130776	G	Friedman Fleischer & Lowe Capital Partners III, L.P.; Lime Rock Partners IV, L.P.; Friedman Fleischer & Lowe Capital Partners III, L.P.
20130777	G	KKR Asian Fund L.P.; Warburg Pincus Private Equity IX, L.P.; KKR Asian Fund L.P.
20130778	G	Investor AB; Nordic Capital V, LP; Investor AB.
04/25/2013		
20130762	G	Francisco Partners III (Cayman), L.P.; Corsair Components, Inc.; Francisco Partners III (Cayman), L.P.
20130773	G	Thomas H. Lee Equity Fund VI, L.P.; CompuCom Systems Holding Corp.; Thomas H. Lee Equity Fund VI, L.P.
20130775	G	Avago Technologies Limited; CyOptics, Inc.; Avago Technologies Limited.
20130784	G	NRG Energy, Inc.; Manulife Financial Corporation; NRG Energy, Inc.
04/26/2013		
20130794	G	Roper Industries, Inc.; Diamond Castle Partners IV, L.P.; Roper Industries, Inc.

FOR FURTHER INFORMATION CONTACT: Renee Chapman, Contact Representative, or Theresa Kingsberry, Legal Assistant, Federal Trade Commission, Premerger Notification Office, Bureau Of Competition, Room H–303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2013–11201 Filed 5–13–13; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis Meeting (ACET)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned committee:

Times and Dates: 8:30 a.m.–5:30 p.m., June 4, 2013; 8:30 a.m.–2:30 p.m., June 5, 2013.

Place: CDC, Corporate Square, Building 8, 1st Floor Conference Room, Atlanta, Georgia 30333, Telephone: (404) 639–8317. This meeting is also accessible by teleconference, toll-free +1 (866) 814–3113, Participant code: 5812405.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 100 people.

Purpose: This council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters To Be Discussed: Agenda items include the following topics: 1) Tuberculosis (TB) prevention and control in the changing healthcare environment; 2) Drug/Diagnostic Shortages Update; 3) TB in the Homeless; 4) TB efforts along the United States/Mexico border; and 5) other tuberculosis-related issues.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Margie Scott-Cseh, Centers for Disease Control and Prevention, 1600 Clifton Road NE., M/S E–07, Atlanta, Georgia 30333, Telephone: (404) 639–8317; Email: *zkr7@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–11331 Filed 5–13–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Healthcare Infection Control Practices Advisory Committee (HICPAC)

In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announce the following meeting for the aforementioned committee:

Times and Dates: 9:00 a.m.–5:00 p.m., June 5, 2013; 9:00 a.m.–12:00 p.m., June 6, 2013.

Place: Centers for Disease Control and Prevention (CDC), Global Communications Center, Bldg 19, Auditorium B3, 1600 Clifton Rd., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. Please register for the meeting at *www.cdc.gov/hicpac.*

Purpose: The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion, the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC, the Secretary, Health and Human Services regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

Matters To Be Discussed: The agenda will include updates on CDC's activities for healthcare associated infections (HAI), an update on draft CDC guideline for the prevention of surgical site infections and guideline for infection prevention in healthcare personnel. Also to be discussed are updates on National Healthcare Safety Network (NHSN) surveillance activities including definitions for catheter-associated urinary tract infections.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Erin Stone, M.S., HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE., Mailstop A–07, Atlanta, Georgia 30333 Telephone (404) 639–4045. Email: *hicpac@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2013–11330 Filed 5–13–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Youth Violence Training and Technical Assistance, Funding Opportunity Announcement (FOA) CE13–1305, Initial Review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned SEP:

Time and Date: 12:30 p.m.–5:00 p.m. EDT, July 24, 2013 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review,

discussion, and evaluation of applications received in response to ''Youth Violence Training and Technical Assistance, FOA CE13–1305''.

Contact Person for More Information: Donald Blackman, Ph.D., M.P.H., Scientific Review Officer, CDC, 4770 Buford Highway, NE., Mailstop F63, Atlanta, Georgia 30341, Telephone: (770) 488–0641.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–11329 Filed 5–13–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10380]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare & Medicaid Services (CMS) is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Reporting Requirements for Grants to Support States in Health Insurance Rate Review and Pricing Transparency—Cycles I, II, and III; *Use:* Under the Section 1003 of the Affordable Care Act (ACA) (Section 2794 of the Public Health Service Act), the Secretary, in conjunction with the states and territories, is required to establish a process for the annual review, beginning with the 2010 plan year, of unreasonable increases in premiums for health insurance coverage. Section 2794(c) requires the Secretary to establish the Rate Review Grant Program to States to assist states to implement this provision. In addition, Section 2794(c) requires the Rate Review Grant Program to assist states in the establishment and enhancement of ''Data Centers'' that collect, analyze, and disseminate health care pricing data to the public.

The U.S. Department of Health and Human Services (HHS) released the Rate Review Grants Cycle I funding opportunity twice; first to states (and the District of Columbia) in June 2010 and then to the territories and the five states that did not apply during the first release, *(http://www.hhs.gov/ociio/initiative/final_premium_review_grant_solicitation.pdf).* The second release was due to the decision that the territories were subject to provisions of the ACA and hence eligible for the Rate Review Grants. Forty-five (45) states and 5 U.S. territories plus the District of Columbia were awarded grants.

On February 24, 2011, HHS released the Funding Opportunity Award (FOA) for Cycle II Rate Review Grants. On December 21, 2012, Cycle II of the Rate Review Grant Program was amended in order to include an additional application date. Thirty (30) states, the District of Columbia, and three territories were awarded grants in Cycle II.

The CMS is seeking to publish the Cycle III Funding Opportunity Announcement, ''Grants to Support States in Health Insurance Rate Review and Pricing Transparency'', and associated grantee reporting requirements consisting of: (4) quarterly reports, (5) rate review transaction data reports (quarterly and annual), (1) Annual report, and (1) final report from all grantees. This information collection is required for effective monitoring of grantees and to fulfill statutory requirements under section 2794(b)(1)(A) of the ACA that requires grantees, as a condition of receiving a grant authorized under section 2794(c) of the ACA, to report to the Secretary information about premium increases. *Form Number:* CMS–10380 (OCN: 0938–1121); *Frequency:* Annually, on occasion; *Affected Public:* Public Sector—State and Territory Governments; *Number of Respondents:* 56; *Total Annual Responses:* 1,001; *Total Annual Hours:* 31,378. (For policy questions regarding this collection contact Sarah Norman at 301–492–4185. For all other issues call 410–786–1326.)

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995,* or Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326.

In commenting on the proposed information collections please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in one of the following ways by *July 15, 2013:*

1. *Electronically.* You may submit your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: May 9, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–11440 Filed 5–13–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[OMB No. 0970–0364]

Submission for OMB Review; Comment Request

Title: DHHS/ACF/OPRE Head Start Classroom-based Approaches and Resources for Emotion and Social skill promotion (CARES) project: Tracking Participants.

Description: The Head Start Classroom-based Approaches and

Resources for Emotion and Social skill promotion (CARES) project is an evaluation of three social emotional program enhancements within Head Start settings serving three- and four-year-old children. This project focuses on identifying the central features of effective programs to provide the information federal policy makers and Head Start providers will need if they are to increase Head Start's capacity to improve the social and emotional skills and school readiness of preschool age children. The Head Start CARES project completed data collection for cohort (1) 4-year-olds and cohort (2) 3-year-olds in spring of 2011, and for cohort (2) 4-year-olds in the spring of 2013.

ACF is proposing to collect information necessary to identify Head Start CARES study respondents' current location and follow-up with respondents until the children reach third grade. In support of the examination of fourth grade outcomes, information must be collected from parents or guardians until the third grade year. Therefore, in the summer of 2013 and spring of 2014 tracking of all children will be necessary, in the spring of 2015 for the three- and four-year-olds in Cohort 2 only, and in the spring of 2016 the three-year-olds in Cohort 2 only. In addition to location and contact information, a small set of additional items will provide information on the parents' perception of the children's social and emotional skills and behavioral outcomes.

Respondents: Low-income parents and their Head Start children. This is a three-year information collection request.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
Parent Survey Cohort 1 (4-year-olds)	603	2	0.50	603	201
Parent Survey Cohort 2 (4-year-olds)	2070	3	0.50	3105	1035
Parent Survey Cohort 2 (3-year-olds)	960	4	0.50	1920	640
Estimated Annual Burden Sub-total					1876

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: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@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, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Steven M. Hanmer,

OPRE Reports Clearance Officer.

[FR Doc. 2013–11202 Filed 5–13–13; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Submission for OMB Review; Comment Request; OAA Title III–C Evaluation

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (formerly the Administration on Aging (AoA)) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by June 13, 2013.

ADDRESSES: Submit written comments on the collection of information by fax 202.395.5806 or by email to *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Susan Jenkins, 202.357.3591

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, the Administration for Community Living (Formerly the Administration for Aging) has submitted the following proposed collection of information to OMB for review and clearance. The data collection associated with the Evaluation of the Elderly Nutrition Services Program (ENSP) is necessary to meet three broad objectives of ACL: (1) To provide information to support program planning, including an analysis of program processes, (2) to develop information about program efficiency and cost issues, and (3) to assess program effectiveness, as measured by the program's effects on a variety of important outcomes, including nutrient adequacy, socialization opportunities, health outcomes, and, ultimately, helping elderly people avoid institutionalization.

In response to the 60-day **Federal Register** notice related to this proposed data collection and published on April 5, 2012, no relevant comments were received. The proposed data collection tools and participant recruitment materials may be found on the AoA Web site: *http://www.aoa.gov/AoARoot/Program_Results/ENSP/Index.aspx.* ACL estimates the burden of this collection of information as follows 3,750 hours for individuals, 1,672 for local agencies (AAAs and LSPs) and 94.08 hours for State Units on Aging (SUAs) and 463 hours for organizations—Total Burden for Study 5,516.08 hours.

Dated: May 8, 2013.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2013–11388 Filed 5–13–13; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0902]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approval; Prescription Drug Product Labeling; Medication Guide Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a collection of information entitled ''Prescription Drug Product Labeling; Medication Guide Requirements'' 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 April 30, 2012, the Agency submitted a proposed collection of information entitled ''Prescription Drug Product Labeling; Medication Guide Requirements'' 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 0910–0393. The approval expires on January 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: May 8, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–11364 Filed 5–13–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0892]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Communicating Composite Scores in Direct-to-Consumer Advertising

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 13, 2013.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–New and title, ''Communicating Composite Scores in Direct-to-Consumer (DTC) Advertising.'' Also include the FDA docket number found in brackets in the heading of this document.

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: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Communicating Composite Scores in Direct-to-Consumer (DTC) Advertising—(OMB Control Number 0910–New)

I. Regulatory Background

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 903(b)(2)(c) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

II. Composite Scores

To market their products, pharmaceutical companies must demonstrate to FDA the efficacy and safety of their drugs, typically through well-controlled clinical trials (Ref. 1) (see section 505 of the FD&C Act; 21 U.S.C. 355). In some cases, drug efficacy can be measured by a single endpoint, such as high blood pressure (Ref. 2). Often, however, efficacy is measured by multiple endpoints that are sometimes combined into an overall score called a composite score (Ref. 3). For example, nasal allergy relief is measured by examining individual symptoms such as runny nose, congestion, nasal itchiness, and sneezing. Each symptom is measured on its own. An overall score is computed from the individual symptom measurements; if a drug has a significantly better overall score than the comparison group (e.g., placebo), it can be marketed for the relief of allergy symptoms. However, although a drug may have a significantly better score overall, it may not have a significantly better score on a particular aspect (e.g., runny nose). Scientists and medical professionals have had training to understand the difference between composite score endpoints and single endpoints, but members of the general public may not understand the difference.

Given the frequency of DTC advertising, it is important to determine whether consumers understand composite scores as they are currently communicated and how best to communicate such scores to lay audiences in general. Because most DTC prescription drug ads do not explicitly state that they used composite scores to demonstrate efficacy or they provide little explanation of how these scores are calculated, it is also important to investigate whether consumers understand how composite scores are used for measuring drug efficacy.

Prior research on composite scores is scant. Therefore, in September 2011, FDA conducted a focus group study (OMB control number 0910–0677) to better understand how consumers understand the concept of composite scores. Prior to the focus group, few participants had heard the term ''composite score,'' none were aware of how the scores might be used in clinical trials, and most participants had difficulty correctly interpreting efficacy information that was based on composite scores. Once the moderator explained composite scores to

participants, some reassessed their opinion of the advertised drug's effectiveness and said they thought that the information on effectiveness was ''much less convincing,'' in many cases because it was unclear whether the drug would work for a particular symptom. As a result, some participants said they would want a drug ad to include more detailed information on the effectiveness of the drug on each component of the composite score. However, others felt that the ads already provided enough information on effectiveness and that adding more statistical details would make the ads more complicated, thus decreasing the likelihood that consumers would read them.

The focus group findings suggest that research is required to examine how the inclusion of increasingly detailed information affects understanding of composite scores and influences perceptions of efficacy. This is especially important given the many marketed prescription drugs that are based on composite scores.

We are aware of no quantitative research on best practices for communicating composite score information to consumers. One related area of research, communicating health-related information to consumers, offers two practical recommendations that are particularly relevant to communicating composite scores in DTC advertisements. First, because less-numerate and less-literate consumers may not understand the information as well, examining differences in comprehension of composite scores by numeracy- and literacy-relevant demographic characteristics such as education level and age is important (Refs. 4 and 5). Second, although the literature tends to suggest limiting the amount of information presented in advertisements (Ref. 5 to 7), examining the amount of detail that best facilitates comprehension of composite scores is warranted.

III. Research Purpose

Given the lack of research on consumer understanding of composite scores and how to best present this information in DTC advertisements, the main goal of the current research is to evaluate how consumers interpret and respond to DTC prescription drug advertising that includes benefit information based on composite scores. Specifically, this research will explore:

- Whether consumers are aware of how efficacy is measured for specific drugs;
- How well consumers comprehend the concept of composite scores;
- Whether exposure to DTC advertisements with composite scores influence consumers' perceptions of a drug's efficacy and risk; and
- Different methods for presenting composite scores in DTC ads to maximize consumer comprehension and informed decision making.

IV. Design Overview

Study 1. In this phase, individuals in a general population sample of 1,600 adults of varying education levels will answer an Internet survey designed to explore whether consumers recognize composite scores in DTC ads and their understanding of composite scores. The survey will be conducted with a probability-based consumer panel of U.S. adults.

As part of the survey, participants will view a print ad that contains claims based on composite scores and respond to questions about the ad to assess whether they recognized that composite scores were used. Other outcomes will include ad comprehension, perceived efficacy, and perceived risk as they relate to their understanding of composite scores. We will also examine whether and in what ways participants' perceived efficacy and perceived risk change after they are given a definition and examples of composite scores. Questions will also explore consumers' understanding of how the effectiveness of drugs is measured in general.

This exploratory survey will not be used to test specific hypotheses about the outcome measures. However, we will explore the differences in responses to the ad before and after information about composite scores is provided. We will also examine differences in the comprehension of the composite score concept and in the features of the ad by education level and age because literature suggests that less-educated and older consumers may not understand this type of information as well (Ref. 4).

Study 2. Unlike Study 1, Study 2 will be a randomized, controlled study. Study 2 will examine different ways to present the information that arises from a composite score and different ways to explain the concept of a composite score (an educational intervention). Outcome measures will include consumers' awareness and comprehension of the composite score concept, perceived drug efficacy, and risk recall. Participants will be randomly assigned to experimental arms in a 3 × 2 design as shown in table 1.

TABLE 1—STUDY DESIGN FOR STUDY 2

	Information presentation			
Educational intervention	General indication	List of symptoms	Composite definition	Total
Absent	Arm 1 (n=290)	Arm 2 (n=290)	Arm 3 (n=290)	870
Present	Arm 4 (n=290)	Arm 5 (n=290)	Arm 6 (n=290)	870
Total	580	580	580	1,740

This study will manipulate two variables: Three types of information presentations and the presence or absence of an educational intervention. In terms of information presentation, there are many aspects of composite scores that could be communicated and one research project cannot test them all. In this study, we have chosen to examine three different information presentations that may or may not help consumers understand the composite score concept. These different information presentations were chosen based on a review of the literature and a review of past DTC submissions.

The three different information presentations are described as follows:

General Indication. The first information presentation is the indication of the product. In this condition, participants will see the drug indication but will not see any explicit statement that the drug's benefits are based on a composite score. This is a common way that composite scores are currently communicated. An example of this presentation is: ''Drug A treats and helps prevent seasonal nasal allergy symptoms.''

List of Symptoms. The next information presentation will include the drug indication and all of the symptoms that are used to make up the composite score. This condition, like the general indication condition, will not include an explicit statement referencing composite scores. This is also a common way that composite scores are currently communicated. An example of this presentation is: ''Drug A treats and helps prevent seasonal nasal allergy symptoms: Congestion, runny nose, nasal stuffiness, nasal itching, and sneezing.''

Composite Definition. The final information presentation will present the indication, describe that the drug's benefits are based on a composite score, and explicitly define a composite score. To our knowledge, this would be a new way to communicate composite scores. An example of this presentation is: ''Drug A treats and helps prevent seasonal nasal allergy symptoms. Drug A's effectiveness is based on a composite score. A composite score is a single measure of how well a drug works based on a combination of symptoms. Drug A may not be as effective in addressing each factor individually.''

We will also manipulate whether or not participants see a specific educational intervention. This intervention was developed from prior focus groups (OMB control number 0910–0677) where it was found to resonate with participants. In these focus groups, medical examples were confusing, so non-medical examples were explored. This example will feature the decathlon as an educational example of a composite score. For example, ''Drug A's effectiveness is based on a composite score. A composite score is like a decathlon. In that event, athletes compete in 10 events, such as the long jump, the shot put, and the 50-yard dash. An athlete may not win all events, but if he or she performs well enough in some events, he or she may be the winner based on a combination of scores for each event.''

We will test whether the educational intervention, the information presentation, and the interaction of the two affect outcomes such as consumers' awareness and comprehension of the composite score concept, perceived drug efficacy, and risk recall. We will test whether numeracy and literacy moderate any significant relations.

The sample for the second study will include approximately 1,740 participants who have been diagnosed with seasonal allergies. The protocol will take place via the Internet. Participants will be randomly assigned to view one print ad for a fictitious prescription drug that treats seasonal allergies and will answer questions about it. The entire process is expected to take no longer than 20 minutes.

In the **Federal Register** of August 23, 2012 (77 FR 51027), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received four public submissions. One submission discussed bird flu, and another submission discussed graphic warnings on cigarette packages. Both of these comments are outside the scope of the present project and will not be discussed further. In the following section, we outline the observations and suggestions raised in the other two submissions and provide our responses:

(Comment 1) One comment mentioned the respondents who were identified as screeners, wondering who these individuals were and what their roles will be.

(Response) These individuals are members of the Internet panel who are screened for participation. They originate from the same source as participants who complete the whole survey but either do not meet the criteria in the screener or choose not to participate in the study.

(Comment 2) One comment mentioned that ensuring adequate power is an important consideration.

(Response) We agree that power analysis is critical to ensure that participants' time is used wisely and that the research meets high standards of rigor. We have conducted power analyses to do this.

(Comment 3) One comment questioned whether the understanding of composite scores is more applicable to print or video ads and suggested that we ensure we are delivering the sample ad in the medium consumers will be most likely to use.

(Response) Because this is the first study to our knowledge that specifically examines the understanding of composite scores, we have chosen to examine them in the context of magazine ads. Magazine ads for prescription drugs are common. Pending the results of the current research, we may examine the issues in video format.

(Comment 4) One comment mentioned that we have not addressed the issue of non-response.

(Response) We will perform a non-response analysis to determine whether respondents were biased in the direction of any demographic characteristics.

(Comment 5) The comment suggested that because FDA conducted focus groups on the understanding of composite scores there is no need to conduct quantitative research.

(Response) FDA respectfully disagrees. Focus groups are small, qualitative interviews among a group of individuals. Focus groups are composed of individuals who are not representative of any population, and the number of people queried is too small to draw firm conclusions. The value of focus group research is the exploration of topics for potential future study, to determine what language people use to discuss topics, and to strengthen the details of future quantitative research that may be conducted by FDA. What we learned from the focus groups on composite scores is that there is a need for research to determine how widespread misconceptions are and whether there are methods available to remedy them. To gain confidence in our qualitative findings, more quantitative measures are necessary.

(Comment 6) This comment suggested that because a health care professional is involved in the prescribing of prescription drugs, the misunderstanding of composite scores is mitigated.

(Response) We agree that the health care professional is the prescriber and that the consumer or patient has a layer of protection before consuming prescription drugs. However, direct-to-consumer advertising is directed at consumers before they talk to their health care professionals—in fact, driving consumers to their health care professionals is a primary goal of DTC ads. If sponsors choose to communicate with consumers in such a manner, then it makes sense to examine the understandability of their messages.

(Comment 7) This comment stated that because the meaning of composite scores in serious medical conditions may differ from that in allergy situations, FDA should take care in not generalizing beyond what the results suggest in the nasal allergy category.

(Response) We agree. Because we have designed only two studies to examine this issue, we have by necessity chosen one medical condition for each. We will be cautious in applying the findings of our research.

(Comment 8) This comment suggested leveraging the brief summary to improve consumer understanding of composite scores. They suggest including a signal, such as an asterisk, to information in the brief summary about composite scores. They also suggest that the brief summary draft guidance could include language about what the proper

explanation of composite scores could be.

(Response) This comment appears to address the draft guidance ''Brief Summary: Disclosing Risk Information in Consumer-Directed Print Advertisements,'' and is thus beyond the scope of this project. We encourage the commenter to consider submitting comments to the docket for that guidance, Docket No. 2004D–0042. Comments can be made to any guidance at any time.

(Comment 9) This comment requests that FDA publish a strategic plan that clearly shows which studies are independent and which are connected to each other. This comment also suggests that FDA publish in a timely manner the results of studies posted on the Office of Prescription Drug Promotion Web page.

(Response) We agree that timely results should be made available to the public. In the last few years, we have had an increase in the number of research studies and they are all in various states of development. We will publicize them as results become available. We agree the Web page should be updated and are constantly working to make that happen. Please note that this study is the first to explore composite scores and does not build on any prior research from our office.

(Comment 10) This comment suggests that an assessment of drug effectiveness and risk recall is outside the scope of the stated interest in the study and that information on this study is being collected elsewhere.

(Response) Assessment of effectiveness and risk information are within the scope of our stated interests in composite scores. Anything that is included in a DTC ad has the potential to influence the balance of risks and benefits that must be considered when a consumer makes the decision to speak with their health care professional about a prescription drug. Perceptions of effectiveness are central to issues of understanding composite scores because inappropriate presentations of composite scores overstate the efficacy of the drug. FDA is always concerned about the communication of risks in DTC promotion. Therefore, it is important to understand if variations in the presentation of composite scores influence the understanding of risks as well. Nonetheless, we are not collecting information on how composite scores may affect risk and benefit accuracy in other studies.

(Comment 11) This comment requests that the results of this study, which address print ads, not be broadly applied to other forms of advertising such as Web sites, smart phones, and social media.

(Response) We have chosen to investigate the concept of composite scores in a static print medium. The concepts we are exploring in this research apply to any similar medium, including static elements of Web sites.

FDA estimates the burden of this collection of information as follows:

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Phase 1					
Informed Consent	1,800	1	1,800	0.03	54
Pretest	200	1	200	0.30	60
Main study	1,600	1	1,600	0.30	480
Phase 2					
Informed Consent	2,202	1	2,202	0.03	66
Pretest	462	1	462	0.30	139
Main study	1,740	1	1,740	0.30	522
Total					1,321

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

V. References

The following references have been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and are available electronically at *http://www.regulations.gov.* (FDA has verified the Web site addresses in this reference section, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. Lipsky, M. S. and L. K. Sharp, ''From Idea to Market: The Drug Approval Process,'' *Journal of the American Board of Family Practitioners,* vol. 14, pp. 362–367, 2001.

2. Rutan, G. H., R.cH. McDonald, and L. H. Kuller, ''A Historical Perspective of Elevated Systolic vs. Diastolic Blood Pressure From an Epidemiological and Clinical Trial Viewpoint,'' *Journal of Clinical Epidemiology,* vol. 42, pp. 663–673, 1989.

3. The Physician Consortium for Performance Improvement (PCPI) convened by the American Medical Association, ''Measures Development, Methodology, and Oversight Advisory Committee: Recommendations to PCPI Work Groups on Composite Measures,'' (*http://www.ama-assn.org/resources/doc/cqi/composite-measures-framework.pdf*), 2010.

4. Fagerlin, A., and E. Peters, ''Quantitative Information,'' In: B. Fishoff, N.T. Brewer, and J.S. Downs (Eds.), *Communicating Risks and Benefits: An Evidence-Based User's Guide,* Food and Drug Administration, U.S. Department of Health and Human Services, (*http://www.fda.gov/AboutFDA/ReportsManualsForms/Reports/ucm268078.htm*), 2011.

5. Peters, E., D. Vastfijall, P. Slovic, et al., ''Numeracy and Decision Making,'' *Psychological Science,* vol. 17, pp. 407–413, 2006.

6. Gurmankin, A. D., J. Baron, and K. Armstrong, ''The Effects of Numerical Statements of Risk on Trust and Comfort With Hypothetical Physician Risk Communication,'' *Medical Decision Making,* vol. 24, pp. 265–271, 2004.

7. Edwards, A., R. Thomas, R. Williams, et al., ''Presenting Risk Information to People With Diabetes: Evaluating Effects and Preferences for Different Formats by a Web-Based Randomized Controlled Trial,'' *Patient Education Counseling,* vol. 63, pp. 336–349, 2006.

Dated: May 8, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–11363 Filed 5–13–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0057]

Guidance for Industry and Food and Drug Administration Staff on Best Practices for Conducting and Reporting Pharmacoepidemiologic Safety Studies Using Electronic Healthcare Data; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry and FDA staff entitled ''Best Practices for Conducting and Reporting Pharmacoepidemiologic Safety Studies Using Electronic Healthcare Data.'' The guidance is intended to describe best practices pertaining to conducting and documenting pharmacoepidemiologic safety studies that use electronic healthcare data. The guidance includes recommendations for documenting the design, analysis, and results of such studies to optimize FDA's review of protocols and final reports that are submitted to the Agency.

DATES: Submit either electronic or written comments on Agency guidances at any time.

ADDRESSES: Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA 305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT:

Regarding human drug products: Judy Staffa, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 274, Silver Spring, MD 20993–0002.

Regarding human biological products: Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration (HFM–17), 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry and FDA staff entitled ''Best Practices for Conducting and Reporting Pharmacoepidemiologic Safety Studies Using Electronic Healthcare Data.'' The primary goals of this guidance are to provide the following:

- Consistent guidance for industry and FDA to use when designing, conducting, and analyzing pharmacoepidemiologic safety studies;
- A framework for industry to use when submitting pharmacoepidemiologic safety study protocols and final reports to FDA; and
- A framework for FDA reviewers to use when reviewing and interpreting pharmacoepidemiologic safety study protocols and final reports.

This guidance does not address real-time active safety surveillance studies, as this field is still rapidly evolving, and it is not possible at this time to recommend sound best practices. The guidance is not intended to be prescriptive with regard to choice of study design or type of analysis and does not endorse any particular type of data resource or methodology. Finally, the guidance does not provide a framework for determining the appropriate weight of evidence to be given to studies from this data stream in the overall assessment of drug safety, as this appraisal represents a separate aspect of the regulatory decision-making process and is best accomplished in the context of the specific safety issue under investigation.

In the **Federal Register** of February 16, 2011 (76 FR 9027), FDA issued a draft version of this guidance entitled ''Best Practices for Conducting and Reporting Pharmacoepidemiologic Safety Studies Using Electronic Healthcare Data Sets.'' The comment period on the draft guidance ended on April 18, 2011. Most of the comments sought clarification and further illustrations of issues discussed in the guidance. FDA has carefully reviewed all comments received on the draft guidance (more than 400 comments were submitted to the public docket). As a result of the public comments, FDA has clarified the following sections of the guidance: Interpretation of findings; study time frame; identification and handling of confounding and the use of statistical techniques to address confounding; exposure ascertainment; study design; outcome definition and validation; prespecified analysis plan; and the linkage and pooling of data from different data sources. Glossary definitions and references were added to different sections of the guidance to clarify terms and cite additional resources.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on best practices for conducting and reporting pharmacoepidemiologic safety studies using electronic healthcare data. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

III. Paperwork Reduction Act of 1995

This guidance provides best practices for reporting pharmacoepidemiologic safety studies using electronic healthcare data. The reports referenced in the guidance would be submitted under 21 CFR 314.81, 314.98, and 601.70. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) and are approved under OMB control numbers 0910–0001 and 0910–0338.

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/*

Guidances/default.htm, or *http://www.regulations.gov.*

Dated: May 8, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–11361 Filed 5–13–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Device and System for Expression Microdissection (xMD)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR Part 404.7(a)(1)(i), that the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of a start-up exclusive commercial license agreement to practice the inventions embodied in International PCT Application S/N PCT/US03/23317 (HHS Ref. No. E–113–2003/0–PCT–02) filed July 23, 2003, which published as WO 2004/068104 on August 12, 2004, now expired; U.S. Patent No. 7,709,047 (HHS Ref. No. E–113–2003/0–US–03) issued May 4, 2010; U.S. Patent Application S/N 12/753,566 (HHS Ref. No. E–113–2003/0–US–07) filed April 2, 2010; U.S. Patent No. 7,695,752 (HHS Ref. No. E–113–2003/1–US–01) issued April 13, 2010; U.S. Patent Application S/N 12/713,105 (HHS Ref. No. E–113–2003/1–US–02) filed February 25, 2010; Australian Patent No. 2003256803 (HHS Ref. No. E–113–2003/0–AU–04) issued January 21, 2010; Australian Patent Application S/N 2009250964 (HHS Ref. No. E–113–2003/0–AU–06) filed July 23, 2009; and Canadian Patent Application S/N 2513646 (HHS Ref. No. E–113–2003/0–CA–05) filed July 23, 2003, all entitled; ''Target Activated Microtransfer;'' and all continuing applications and foreign counterparts to xMD Diagnostics, LLC, a company having a place of business in Maryland. The patent rights in these inventions have been assigned to the Government of the United States of America.

The prospective exclusive license territory may be ''worldwide'', and the field of use may be limited to the following below.

''Devices, systems, kits and related consumables, and methods using devices, systems, kits and related consumables, for micro-dissection of biological specimens, as covered by the Licensed Patents Rights (the ''Exclusive Field''). xMD Diagnostics, LLC (xMD) shall be the only entity granted rights in the Exclusive Field for commercial or other ''for-profit purposes. Methods, kits, and related consumables that are used independent of the devices or systems by individual researchers employed at non-profit and academic institutions, if such kits were built by the researchers themselves from component parts and used for their own individual research purposes, shall not infringe xMD's rights. Diagnostic services performed using devices, systems, kits and related consumables purchased from xMD (or xMD's authorized distributor(s)) by those persons employed at non-profit and academic institutions that purchased the devices, systems, kits and related consumables used in the diagnostic services, shall not infringe xMD's rights.''

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before May 29, 2013 will be considered.

ADDRESSES: Requests for copies of the patent application, inquiries, comments, and other materials relating to the contemplated exclusive license should be directed to: Kevin W. Chang, Ph.D., Senior Licensing and Patenting Manager, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 435–5018; Facsimile: (301) 402–0220; Email: *changke@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The subject technologies are methods, devices, and kits for target activated transfer of a target from a biological sample such as a tissue section, comprising: contacting the biological sample with a reagent that selectively acts on the target within the biological sample; placing a transfer surface adjacent the biological sample, wherein the reagent produces a change in the transfer surface by heating the target; heating the target to produce a change in the transfer surface and selectively adhere the target to the transfer surface, or to selectively increase permeability of the transfer surface to the target; and selectively removing the target from the biological sample by removing the transfer surface and the adhered target from the biological sample, or by moving the target through the transfer surface.

The prospective start-up exclusive commercial license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR Part 404.7. The prospective start-up exclusive commercial license may be granted unless within fifteen (15) days from the date of this published notice, the NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR Part 404.7.

Applications for a license in the field of use filed in response to this notice will be treated as objections to the grant of the contemplated exclusive license. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: May 8, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013–11357 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory 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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: June 19, 2013.
Open: 8:00 a.m. to 12:00 p.m.
Agenda: To discuss program policies and issues.
Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.
Closed: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, Building 31, Conference Room 10, 31 Center Drive, Bethesda, MD 20892.
Contact Person: Stephen C. Mockrin, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892, (301) 435–0260, *mockrins@nhlbi.nih.gov.*

Any interested person 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.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 8, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11353 Filed 5–13–13; 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: Healthcare Delivery and Methodologies Integrated Review Group; Health Services Organization and Delivery Study Section.
Date: May 29, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.
Contact Person: Kathy Salaita, SCD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7770, Bethesda, MD 20892, 301–451–8504, *salaitak@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Imaging and Engineering Area Review.
Date: June 12, 2013.
Time: 1:30 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Jan Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, Bethesda, MD 20892, 301.435.1049, *lij21@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Clinical Neuroscience and Neurodegeneration Study Section.
Date: June 13, 2013.
Time: 7:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Avenue NW., Washington, DC 20037.
Contact Person: Samuel C Edwards, Ph.D., Chief, Brain Disorders and Clinical Neuroscience, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7846, Bethesda, MD 20892, (301) 435–1246, *edwardss@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group; Tumor Microenvironment Study Section.
Date: June 13–14, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: InterContinental Chicago Hotel, 505 North Michigan Avenue, Chicago, IL 60611.
Contact Person: Angela Y Ng, Ph.D., MBA, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6200, MSC 7804, Bethesda, MD 20892, 301–435–1715, *ngan@mail.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Physiology of Obesity and Diabetes Study Section.
Date: June 13, 2013.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Dupont Circle Hotel, 1500 New Hampshire Avenue NW., Washington, DC 20036.
Contact Person: Reed A Graves, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, MSC 7892, Bethesda, MD 20892, (301) 402–6297, *gravesr@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Molecular and Cellular Endocrinology Study Section.
Date: June 13, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications
Place: Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.
Contact Person: John Bleasdale, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170 MSC 7892, Bethesda, MD 20892, 301–435–4514, *bleasdaleje@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.
Date: June 13, 2013.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Avenue Hotel Chicago, 150 E. Huron Street, Chicago, IL 60611.
Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neural Oxidative Metabolism and Death Study Section.
Date: June 13–14, 2013.
Time: 8:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.
Contact Person: Carol Hamelink, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7850, Bethesda, MD 20892, (301) 213–9887, *hamelinc@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Myocardial Ischemia and Metabolism Study Section.

Date: June 13, 2013.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Fairmont Washington, DC, 2401 M Street NW., Washington, DC 20037.
Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@csr.nih.gov*.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative and Clinical Endocrinology and Reproduction Study Section.
Date: June 13, 2013.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hotel Kabuki, 1625 Post Street, San Francisco, CA 94115.
Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov*.

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Skeletal Muscle and Exercise Physiology Study Section.
Date: June 13–14, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Virginian Suites, 1500 Arlington Boulevard, Arlington, VA 22209.
Contact Person: Richard Ingraham, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7814, Bethesda, MD 20892, 301–496–8551, *ingrahamrh@mail.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cancer Diagnostics and Treatments (CDT) SBIR/STTR.
Date: June 13–14, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).
Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 594–2414, *huzhuang@csr.nih.gov*.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Acute Neural Injury and Epilepsy Study Section.
Date: June 13, 2013.
Time: 8:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Washington Plaza Hotel, 10 Thomas Circle, NW., Washington, DC 20005.
Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov*.

Name of Committee: Immunology Integrated Review Group; Vaccines Against Microbial Diseases Study Section.
Date: June 13–14, 2013.
Time: 8:30 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Jian Wang, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7812, Bethesda, MD 20892, (301) 435–2778, *wangjia@csr.nih.gov*.

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Neurological, Aging and Musculoskeletal Epidemiology Study Section.
Date: June 13–14, 2013.
Time: 8:30 a.m. to 5:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Doubletree Hotel Washington, 1515 Rhode Island Avenue NW., Washington, DC 20005.
Contact Person: Heidi B Friedman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1012A, MSC 7770, Bethesda, MD 20892, 301–435–1721, *hfriedman@csr.nih.gov*.

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Genetic Variation and Evolution Study Section.
Date: June 13–14, 2013.
Time: 8:30 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036.
Contact Person: Ronald Adkins, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892, 301–435–4511, *ronald.adkins@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Genomic, Neural, and Preclinical Analysis for Smoking Cessation.
Date: June 13, 2013.
Time: 10:00 a.m. to 6:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).
Contact Person: Yvonne Bennett, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, *bennetty@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: May 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11354 Filed 5–13–13; 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: Healthcare Delivery and Methodologies Integrated Review Group, Health Disparities and Equity Promotion Study Section.
Date: May 30–31, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Renaissance, Washington, DC Hotel, 999 Ninth Street NW., Washington, DC 20001–4427.
Contact Person: Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301–435–0684, *olufokunbisamd@csr.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group, Dissemination and Implementation Research in Health Study Section.
Date: June 10, 2013.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Sheraton Delfina Santa Monica Hotel, 530 West Pico Boulevard, Santa Monica, CA 90405.
Contact Person: Jacinta Bronte-Tinkew, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3164, MSC 7770, Bethesda, MD 20892, (301) 806–0009, *brontetinkewjm@csr.nih.gov.*

Name of Committee: Oncology 1-Basic Translational Integrated Review Group, Tumor Progression and Metastasis Study Section.
Date: June 10–11, 2013.
Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Rolf Jakobi, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6187, MSC 7806, Bethesda, MD 20892, 301–495–1718, *jakobir@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel Risk, Prevention, and Intervention for Addictions.

Date: June 10–11, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Mayflower Hotel, 127 Connecticut Avenue NW., Washington, DC 20036.

Contact Person: Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, 301–496–0726, *prenticekj@mail.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group, Biology of the Visual System Study Section.

Date: June 10–11, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

*Contact Person:*Michael H Chaitin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group, Molecular and Cellular Hematology Study Section.

Date: June 10–11, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Omni Parker House, 60 School Street, Boston, MA 02108.

Contact Person: Luis Espinoza, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6183, MSC 7804, Bethesda, MD 20892, 301–495–1213, *espinozala@mail.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group, Gastrointestinal Mucosal Pathobiology Study Section.

Date: June 10, 2013.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Peter J Perrin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2180, MSC 7818, Bethesda, MD 20892, (301) 435–0682, *perrinp@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Virology—A Study Section.

Date: June 10–11, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Mayflower Park Hotel, 405 Olive Way, Seattle, WA 98101.

Contact Person: Joanna M Pyper, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435–1151, *pyperj@csr.nih.gov.*

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Virology—B Study Section.

Date: June 10–11, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: John C Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1206, MSC 7808, Bethesda, MD 20892, (301) 435–2398, *pughjohn@csr.nih.gov.*

Name of Committee: Biobehavioral and Behavioral Processes Integrated Review Group, Biobehavioral Regulation, Learning and Ethology Study Section.

Date: June 10–11, 2013.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Warwick Seattle Hotel, 401 Lenora Street, Seattle, WA 98121.

Contact Person: Mark D Lindner, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, 301–435–0913, *lindnermd@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group, Epidemiology of Cancer Study Section.

Date: June 10–11, 2013.

Time: 8:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group, Social Psychology, Personality and Interpersonal Processes Study Section.

Date: June 10, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Monica Basco, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3220, MSC 7808, Bethesda, MD 20892, 301–496–7010, *bascoma@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR13–008 Shared Instrumentation: Cell Culture Bioreactor.

Date: June 10, 2013.

Time: 1:00 p.m. to 2:00 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: Fouad A El-Zaatari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3206, MSC 7808, Bethesda, MD 20892, (301) 435–1149, *elzaataf@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Stress and Social Support Across the Lifespan.

Date: June 10, 2013.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Stacey C FitzSimmons, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, 301–451–9956, *fitzsimmonss@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Program Project: Research Resources Site Visit.

Date: June 10–12, 2013.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, Sacramento Midtown, 4422 Y Street, Sacramento, CA 95831.

Contact Person: Lee Rosen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171, *rosenl@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: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11343 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, June 26, 2013, 06:00 p.m. to June 27, 2013, 03:00 p.m., Holiday Inn Express, 1775 Rockville Pike, Rockville, MD 20852 which was published in the **Federal Register** on March 29, 2013, 78 FR 19275.

This notice is being amended to change the location from Holiday Inn Express, 1775 Rockville Pike, Rockville, MD 20852 to Hilton Washington, DC/Rockville, 1750 Rockville Pike, Rockville, MD 20852. The meeting is closed to the public.

Dated: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11344 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Minority Health and Health Disparities; 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 a meeting of the National Advisory Council on Minority Health and Health Disparities.

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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Minority Health and Health Disparities.

Date: June 11, 2013.

Closed: 8:00 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Minority Health and Health Disparities, 6707 Democracy Blvd., Rm. 849, Bethesda, MD 20892.

Open: 09:30 a.m. to 5:00 p.m.

Agenda: The agenda will include opening remarks, administrative matters, Director's Report, NIH Health Disparities update, and other business of the Council.

Place: National Institutes of Health, National Institute on Minority Health and Health Disparities, 6707 Democracy Blvd., Rm. 849, Bethesda, MD 20892.

Contact Person: Donna Brooks, Executive Officer, National Institutes of Health, National Institute on Minority Health and Heath Disparities, 6707 Democracy Blvd., Suite 800, Bethesda, MD 20892, (301) 435–2135, *brooksd@ncmhd.nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both 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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus.

All visitor vehicles, including taxis, 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.

Dated: May 8.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11348 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye 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 of the Board of Scientific Counselors, National Eye Institute. The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Eye Institute, including consideration of personnel qualifications and performances, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Eye Institute.

Date: June 9–11, 2013.

Time: 5:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Sheldon S. Miller, Ph.D., Scientific Director, National Institutes of Health, National Eye Institute, Bethesda, MD 20892, (301) 451–6763.

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: May 8, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11351 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental and Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of RFA RM 12–021: Evaluation of Multi-'omic Data in Understanding the Human Microbiome's Role in Health and Disease (U54).

Date: June 11–12, 2013.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Luxury Hotel & Suites, 2033 M Street NW., Washington, DC 20036.

Contact Person: Jonathan Horsford, Ph.D., Scientific Review Officer, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Blvd., Room 664, Bethesda, MD 20892, 301–594–4859, *horsforj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: May 8, 2013.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11355 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed 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: National Cancer Institute Special Emphasis Panel; SBIR Bridge Awards.

Date: June 18, 2013.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 9609 Medical Center Drive, Room 7W032, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Savvas C Makrides, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Bethesda, MD 20892–8328, 240–276–6374, *makridessc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Cancer Theranostics I.

Date: July 11–12, 2013.

Time: 6:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Savvas C Makrides, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Bethesda, MD 20892–8328, 240–276–6374, *makridessc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Collaborative Research at the NIH Clinical Center.

Date: July 30, 2013.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–8328, 240–276–6368, *Stoicaa2@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: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11342 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed 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: National Cancer Institute Special Emphasis Panel NCI Program Project Meeting I.

Date: June 13–14, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Caterina Bianco, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W610, Bethesda, MD 20892–8328, 240–276–6459, *biancoc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel NCI Cancer Screening & Biomarker Omnibus.

Date: June 26–27, 2013.

Time: 4:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington DC/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Wlodek Lopaczynski, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W608, Bethesda, MD 20892–8328, 240–276–6458, *lopacw@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: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11347 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Novel Imaging Agents to Expand the Clinical Toolkit for Cancer Diagnosis, Staging, and Treatment.

Date: May 29, 2013.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute, 9609 Medical Center Drive, Room 4W034, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Sonya Roberson, Ph.D., Health Scientist Administrator, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W116, Bethesda, MD 20892–8328, 240–276–6347, *robersos@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting date due to scheduling conflicts.

Name of Committee: National Cancer Institute Special Emphasis Panel, Cancer Theranostics II.

Date: June 3, 2013.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Savvas C Makrides, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Bethesda, MD 20892–8328, 240–276–6374, *makridessc@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Companion Diagnostics—Phase II.

Date: June 5, 2013.

Time: 10:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 9609 Medical Center Drive, Room 7W032, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–8328, 240–276–6368, *Stoicaa2@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Pharmacodynamic Assays TX2 of 2.

Date: June 6, 2013.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute, 9609 Medical Center Drive, Room 7W034, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Thomas M Vollberg, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W102, Bethesda, MD 20892–8328, 240–276–6341, *vollbert@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Biosensors for Early Cancer Detection and Risk Assessment.

Date: June 10, 2013.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 9609 Medical Center Drive, Room 6W032, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Kenneth L. Bielat, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W244, Bethesda, MD 20892–8329, 240–276–6373, *bielatk@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Radioprotector/Mitigator Development to Decrease Normal Tissue Injury During Radiotherapy.

Date: June 13, 2013.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W302, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Viatcheslav A Soldatenkov, MD, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W254, Bethesda, MD 20892–8329, 240–276–6378, *soldatenkovv@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Development of a Molecular Diagnostic Assay to Detect Basal-like Breast Cancer.

Date: June 13, 2013.

Time: 12:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 9609 Medical Center Drive, Room 6W032, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Sonya Roberson, Ph.D., Health Scientist Administrator, Resources and Training Review Branch, Division Of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W116, Bethesda, MD 20892–8328, 240–276–6347, *robersos@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel, Process Analytic Technologies (PAT) for Biologics: Innovative Methods for Monitoring and Analyzing Product Quality.

Date: June 19, 2013.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 9609 Medical Center Drive, Room 2W034, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Thomas A. Winters, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W268, Bethesda, MD 20892–8328, 240–276–6386, *twinters@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: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11345 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; 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 a meeting of the

Advisory Committee to the Director, National Institutes of Health.

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 because the premature disclosure of program documents—PAC and the discussions would likely to significantly frustrate implementation of recommendations.

Name of Committee: Advisory Committee to the Director, National Institutes of Health.

Date: June 13–14, 2013.

Open: June 13, 2013, 9:00 a.m. to 12:00 p.m.

Agenda: NIH Director's Report.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Closed: June 13, 2013, 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Open: June 13, 2013, 2:00 p.m. to 5:00 p.m.

Agenda: Updates and discussions on other committee business.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Open: June 14, 2013, 9:00 a.m. to 1:00 p.m.

Agenda: ACD Biomedical Workforce Working Group report.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6C6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 103, Bethesda, MD 20892, 301–496–4272, *woodgs@od.nih.gov*.

Any interested person 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: *http://acd.od.nih.gov*, where an agenda and any additional information for the meeting will be posted when available.

Dated: May 8, 2013.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11352 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, May 23, 2013, 11:30 a.m. to May 23, 2013, 03:30 p.m., National Cancer Institute—Shady Grove, 9609 Medical Center Drive, Room 7W032, Rockville, MD 20850 which was published in the **Federal Register** on May 03, 2013, 78FR26056.

This notice is being amended due to a change in the meeting date and time from 11:30 a.m. to 3:30 p.m. on May 23, 2013 to 12:00 p.m. to 3:00 p.m. on May 22, 2013. The meeting is closed to the public.

Dated: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11349 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; 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: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, CS Translational.

Date: June 4, 2013.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, Chemosensory Fellowship Application Review.

Date: June 11, 2013.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, HB Fellowship Applications Review.

Date: June 12, 2013.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov.*

Name of Committee: Communication Disorders Review Committee.

Date: June 13–14, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Andrea B. Kelly, Ph.D., Scientific Review Officer, Division of Extramural Activities, Scientific Review Branch, NIDCD, NIH, 6120 Executive Blvd., Ste 400C, MSC 7180, Rockville, MD 20892, (301) 496–8683, *kellya2@nidcd.nih.gov.*

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, NIDCD Clinical Trial and Translational Research Applications.

Date: June 19, 2013.
Time: 11:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Shiguang Yang, DVM, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIDCD, NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, VSL Fellowship Applications Review.
Date: June 20, 2013.
Time: 11:00 a.m. to 2:00 p.m.
Agenda: To review and evaluate grant applications.
Place: National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6120 Executive Blvd.—MSC 7180, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: May 8, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11356 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Systems for Automated Storage, Analysis, and Reporting of Behavioral Exposures.
Date: June 5, 2013.
Time: 1:30 p.m. to 5:30 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Institutes of Health, National Cancer Institute, 9609 Medical Center Drive, Room 5W30, Rockville, MD 20850, (Telephone Conference Call).
Contact Person: Ivan Ding, MD, Health Scientist Administrator, National Cancer Institute, Division of Extramural Activities, Program and Review Extramural Staff Training Office, 9609 Medical Center Dr., Room 7W412, MSC 9750, Bethesda, MD 20892–9750, 240–276–6444, *dingi@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Point of Care Analysis of Circulating Tumor Cells for Cancer Diagnostics, Prognosis and Treatment.
Date: June 7, 2013.
Time: 9:00 a.m. to 10:00 a.m.
Agenda: To review and evaluate contract proposals.
Place: National Institutes of Health, National Cancer Institute, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, (Telephone Conference Call).
Contact Person: Ilda F. S. Melo, Ph.D., Scientific Review Officer, Research Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Bethesda, MD 20892, 240–276–6468 *mckennai@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Development of Devices of Care Analysis of Circulating Tumor Cells.
Date: June 7, 2013.
Time: 10:00 a.m. to 1:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Institutes of Health, National Cancer Institute, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, (Telephone Conference Call).
Contact Person: Ilda F. S. Melo, Ph.D., Scientific Review Officer, Research Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W640, Bethesda, MD 20892, 240–276–6468, *mckennai@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Development of Clinical Automated Multiplex Affinity Capture Technology for Detecting Low Abundance Cancer-Related Proteins/Peptides.
Date: June 20, 2013.
Time: 1:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate contract proposals.
Place: National Institutes of Health, National Cancer Institute, 9609 Medical Center Drive, Room 6W032, Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Wlodek Lopaczynski, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, 9609 Medical Center Drive, Room 7W608, Bethesda, MD 20892, 240–276–6458, *lopacw@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: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11346 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Clinical Aging Review Committee, June 12, 2013, 3:00 p.m. to June 13, 2013, 12:00 p.m., Courtyard Long Beach Downtown, 500 East First Street, Long Beach, CA 90802, which was published in the **Federal Register** on May 3, 2013, 78 FR 26054.

The dates of the meeting have changed from June 12–13, 2013 to starting June 13, 2013 at 3:00 p.m. and ending June 14, 2013 at 12:00 p.m. The meeting is closed to the public.

Dated: May 7, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–11350 Filed 5–13–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0022]

President's National Security Telecommunications Advisory Committee

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee Management; Notice of Partially Closed Federal Advisory Committee Meeting.

SUMMARY: The President's National Security Telecommunications Advisory Committee (NSTAC) will meet on Wednesday, May 22, 2013, in Washington, DC. The meeting will be partially closed to the public.

DATES: The NSTAC will meet in a closed session on Wednesday, May 22, 2013, from 9:40 a.m. to 11:50 a.m. and

in an open session on Wednesday, May 22, 2013, from 12:40 p.m. to 4:00 p.m.

ADDRESSES: The meeting will be held at the Eisenhower Executive Office Building, Washington, DC. Due to limited seating, the public portion of the meeting will be streamed via webcast at *http://www.whitehouse.gov/live.* For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact *nstac@dhs.gov* as soon as possible. We are inviting public comment on the issues the committee will consider, as listed in the ''Supplementary Information'' section below. Associated briefing materials that will be discussed at the meeting will be available at *www.dhs.gov/nstac* for review as of May 6, 2013. Comments must be submitted in writing no later than May 13, 2013 and must be identified by DHS–2013–0022 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: NSTAC@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 703–235–4941, Attn: Helen Jackson.
- *Mail:* Alternate Designated Federal Officer, National Security Telecommunications Advisory Committee, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane, Mail Stop 0615, Arlington, VA 20598–0615.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the NSTAC, go to *http://www.regulations.gov.*

A public comment period will be held during the open portion of the meeting on Wednesday, May 22, 2013, from 2:25 p.m. to 2:55 p.m., and speakers are requested to limit their comments to three minutes. Please note that the public comment period may end before the time indicated, following the last call for comments. Contact Helen Jackson at 703–235–5321 to register as a speaker by close of business on May 15, 2013.

FOR FURTHER INFORMATION CONTACT: Michael Echols, NSTAC Alternate Designated Federal Officer, Department of Homeland Security, telephone (703) 235–5469.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The NSTAC advises the President on matters related to national security and emergency preparedness (NS/EP) telecommunications policy.

Agenda: The committee will meet in open session to receive a briefing on the Federal Government's current research and development priorities as they relate to cybersecurity and NS/EP communications. Additionally, there will be a panel discussion on the nationwide public safety broadband network (NPSBN). Panelists will discuss the current implementation status of the NPSBN, including current initiatives underway with the First Network Authority Board. The NSTAC members will deliberate and vote on their report, *NSTAC Report to the President on the National Security and Emergency Preparedness Implications of the Nationwide Public Safety Broadband Network,* and will be briefed on the committee's progress regarding its report on secure government communications. Lastly, the NSTAC will receive feedback from the Executive Office of the President regarding the progress of the Government's implementation of NSTAC recommendations from the 2012 *NSTAC Report to the President on Cloud Computing.*

The committee will meet in a closed session to hear a classified briefing regarding cybersecurity threats and to discuss future studies based on Government's security priorities and perceived vulnerabilities.

Basis for Closure: In accordance with 5 U.S.C. 552b(c), Government in the *Sunshine Act,* it has been determined that two agenda items require closure as the disclosure of the information would not be in the public interest.

The first of these agenda items, the classified briefing, will provide members with context on nation-state capabilities and strategic threats. Such threats target national communications infrastructure and impact industry's long-term competitiveness and growth, as well as the Government's ability to mitigate threats. Disclosure of these threats would provide criminals who wish to intrude into commercial and Government networks with information on potential vulnerabilities and mitigation techniques, weakening existing cybersecurity defense tactics. This briefing will be classified at the Top Secret level, thereby exempting disclosure of the content by statute. Therefore, this portion of the meeting is required to be closed pursuant to 5 U.S.C. § 552b(c)(1)(A).

The second agenda item, the discussion of potential NSTAC study topics, will address areas of critical cybersecurity vulnerabilities and priorities for Government. Government officials will share data with NSTAC members on initiatives, assessments, and future security requirements across public and private networks. The data to be shared includes specific vulnerabilities within cyberspace that affect the nation's communications and information technology infrastructures and proposed mitigation strategies. Disclosure of this information to the public would provide criminals with an incentive to focus on these vulnerabilities to increase attacks on our cyber and communications networks. Therefore, this portion of the meeting is likely to significantly frustrate implementation of proposed DHS actions and is required to be closed pursuant to 5 U.S.C. 552b(c)(9)(B).

The FACA requires that notices of meetings of advisory committees be announced in the **Federal Register** 15 days prior to the meeting date. However, this notice of the NSTAC meeting is being published in the **Federal Register** on May 10, 2013, 12 days prior to the meeting due to the immediate need for NSTAC's members to receive a cyber-threat briefing. Notwithstanding the difficulties that delayed publication, this NSTAC meeting must occur. The national security threat that Distributed Denial of Service/Destructive Malware represent is increasing in sophistication and severity and the timing of this information is critical. Although the meeting notice was published in the **Federal Register** late, the agenda will be published on the DHS Web site: *www.dhs.gov/nstac* and an email will be sent out to the NSTAC Members.

Dated: May 8, 2013.

Michael A. Echols,

Alternate Designated Federal Officer for the NSTAC.

[FR Doc. 2013–11324 Filed 5–13–13; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities; Andean Trade Preferences Act

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651–0091.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Andean Trade Preferences Act. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This information collection was previously published in the **Federal Register** (78 FR 15031) on March 8, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before June 13, 2013.

ADDRESSES: Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for U.S. Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L.104–13). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Andean Trade Preferences Act.

OMB Number: 1651–0091.

Form Number: CBP Forms 449 and 17.

Abstract: This collection of information is required to implement the duty preference provisions of the Andean Trade Preference Act (ATPA) and the Andean Trade Promotion and Drug Eradication Act (ATPDEA). These programs involve duty-free or reduced-duty treatment of imported goods under certain rules that are provided for in these two Acts, as codified in 19 U.S.C. 3201 through 3206.

The ATPA declaration format is provided for by19 CFR Part 10.201–10.207. The type of information collected includes the processing operations performed on articles, the material produced in a beneficiary country or in the U.S., and a description of those processing operations. CBP Form 17, Andean Trade Preference Act (ATPA) Declaration, may be used when claiming preferential treatment under ATPA. This form is accessible at: *http://forms.cbp.gov/pdf/cbp_form_17.pdf.*

ATPDEA is provided for by 19 CFR 10.251–10.257. Claims under ATPDEA are submitted using CBP Form 449, Andean Trade Promotion and Drug Eradication Act (ATPDEA) Certificate of Origin. This form can be used only when claiming ATPDEA preferential treatment on the goods listed on the back of the form. CBP Form 449 is accessible at: *http://forms.cbp.gov/pdf/CBP_Form_449.pdf.*

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected on CBP Forms 449 or 17.

Type of Review: Extension (without change).

Affected Public: Businesses.

ATPA Certificate of Origin:

Estimated Number of Respondents: 2,133.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Number of Total Annual Responses: 4,266.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 711.

ATPDEA Certificate of Origin:

Estimated Number of Respondents: 233.

Estimated Number of Annual Responses per Respondent: 7.

Estimated Number of Total Annual Responses: 1,631.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 815.

Dated: May 8, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–11302 Filed 5–13–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR957000–L63100000–HD0000–13XL1165AF: HAG13–0187]

Filing of Plats of Survey: Oregon/Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Bureau of Land Management, Oregon State Office, Portland, Oregon, 30 days from the date of this publication.

Willamette Meridian

Oregon

T. 12 S., R. 13 E., accepted March 26, 2013
T. 40 S., R. 44 E., accepted April 22, 2013

ADDRESSES: A copy of the plats may be obtained from the Public Room at the Bureau of Land Management, Oregon State Office, 333 SW. 1st Avenue, Portland, Oregon 97204, upon required payment.

FOR FURTHER INFORMATION CONTACT: Kyle Hensley, (503) 808–6132, Branch of Geographic Sciences, Bureau of Land Management, 333 SW. 1st Avenue, Portland, Oregon 97204. 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: A person or party who wishes to protest against this survey must file a written notice with the Oregon State Director, Bureau of Land Management, stating that they wish to protest. A statement of reasons for a protest may be filed with the notice of protest and must be filed with the Oregon State Director within thirty days after the protest is filed. If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed or otherwise resolved.

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.

Mary J.M. Hartel,

Chief Cadastral Surveyor of Oregon/Washington.

[FR Doc. 2013–11372 Filed 5–13–13; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK942000–L14100000–BJ0000]

Notice of Filing of Plats of Survey; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: Notice of Filing of Plats of Survey; Alaska.

Survey Descriptions: The plat and field notes, representing the dependent resurvey of certain street centerlines and certain Lots within Tracts A and C and the adjusted record meanders of U.S. Survey No. 4392, Alaska, located within the Ambler Townsite, situated within Township 20 North, Range 5 East, Kateel River Meridian, Alaska.

DATES: The plat of survey described above is scheduled to be officially filed in the Alaska State Office, Bureau of Land Management, Anchorage, Alaska, June 13, 2013.

ADDRESSES: Bureau of Land Management, Alaska State Office; 222 W. 7th Ave., Stop 13; Anchorage, AK 99513–7599.

FOR FURTHER INFORMATION CONTACT: Michael H. Schoder, Chief Cadastral Surveyor, Branch of Cadastral Survey, BLM-Alaska State Office; 222 W. 7th Ave., Stop 13; Anchorage, AK 99513–7599; Tel: 907–271–5481; fax: 907–271–4549; email: *mschoder@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, seven 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 survey plat and field notes will be available for inspection in the Public Information Center, Alaska State Office, Bureau of Land Management, 222 West 7th Avenue, Anchorage, Alaska, 99513–7599; telephone (907) 271–5960. Copies may be obtained from this office for a minimum recovery fee.

If a protest against the survey is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed.

A person or party who wishes to protest against this survey must file a written response with the Alaska State Director, Bureau of Land Management, stating that they wish to protest.

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.

A statement of reasons for a protest may be filed with the notice of protest to the State Director; the statement of reasons must be filed with the State Director within thirty days after the protest is filed.

Authority: 43 U.S.C. 3; 53.

Dated: May 6, 2013.

Michael H. Schoder,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2013–11373 Filed 5–13–13; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUT980300 L11200000 PH0000 24 1A]

Call for Nominations for the Utah Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations for upcoming vacancies on the Bureau of Land Management (BLM) Utah Resource Advisory Council (RAC) which has four members with terms expiring on January 12, 2014. The RAC provides advice and recommendations to the BLM on land use planning and management of the National System of Public Lands within Utah. The BLM will accept public nominations for 45 days after the publication of this notice.

DATES: All nominations must be received no later than June 28, 2013.

ADDRESSES: Nominations and completed applications for the Utah RAC should be sent to Sherry Foot, Special Programs Coordinator, BLM Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84101.

FOR FURTHER INFORMATION CONTACT: Sherry Foot at the address listed in the **ADDRESSES** section of this notice; by telephone 801–539–4195; or by email: *sfoot@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 hours.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act (FLPMA) directs the Secretary of the Interior to involve the public in planning and issues related to management of lands administered by the BLM. Section 309 of FLPMA (43 U.S.C. 1739) directs the Secretary to establish 10- to 15-member, citizen-based advisory councils that are consistent with the Federal Advisory Committee Act (FACA). As required by FACA, RAC membership must be balanced and representative of the

various interests concerned with the management of the public lands. The rules governing RACs are found at 43 CFR subpart 1784 and include the following three membership categories:

• Category One—Holders of Federal grazing permits and representatives of organizations associated with energy and mineral development, timber industry, transportation or rights-of-way, developed outdoor recreation, off-highway vehicle use, and commercial recreation;

• Category Two—Representatives of nationally or regionally recognized environmental organizations, archaeological and historic organizations, dispersed recreation activities, and wild horse and burro organizations; and

• Category Three—Representatives of State, county, or local elected office employees of a State agency responsible for management of natural resources, representatives of Indian tribes within or adjacent to the area for which the council is organized, representatives of academia who are employed in natural sciences, and the public-at-large.

Individuals may nominate themselves or others. Nominees must be Utah residents. The BLM will evaluate nominees based on their education, training, experience, and knowledge of the geographical area of the RAC. Nominees should demonstrate a commitment to collaborative resource decision-making. The Obama Administration prohibits individuals who are currently federally registered lobbyists from being appointed or re-appointed to FACA and non-FACA boards, committees, or councils.

The following must accompany all nominations:

—Letters of reference from represented interests or organizations;

—A completed RAC application; and

—Any other information that addresses the nominee's qualifications.

Simultaneous with this notice, BLM Utah will issue a press release providing additional information for submitting nominations and specifics about the categories of member positions available.

Jenna Whitlock,

Associate State Director.

[FR Doc. 2013–11377 Filed 5–13–13; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–PWRO–12696; PPWONRADE2 PMP00E105.YP0000]

Notice of Approval of Record of Decision for Plan To Protect and Restore Native Ecosystems by Managing Non-Native Ungulates, Hawaii Volcanoes National Park, Hawaii

AGENCY: National Park Service, Interior.

ACTION: Notice of Record of Decision.

SUMMARY: Pursuant to § 102(2)(C) of the National Environmental Policy Act of 1969 and the regulations promulgated by the Council on Environmental Quality (40 CFR Part 1505), the Department of the Interior, National Park Service, has prepared the Record of Decision (ROD) for the Final Environmental Impact Statement (Final EIS) for the subject non-native ungulates management plan. The ROD includes a statement of the decision made, a summary of other alternatives considered, discussion of the environmental consequences and measures to minimize harm, the basis for the decision, and a summary of public and agency involvement in the environmental decision-making process. The requisite no-action ''wait period'' was initiated on January 25, 2013, with the Environmental Protection Agency's **Federal Register** notification of the filing and public release of the Final EIS.

Decision: Hawaii Volcanoes National Park has selected and will implement Alternative D (identified as the agency preferred alternative in the Final EIS). Alternative D provides for a comprehensive, park-wide management plan that will ensure maximum flexibility to manage non-native ungulates. The selected actions include a systematic progression of management phases, monitoring, and the considered use of management tools, with a defined population objective of zero non-native ungulates. In addition to fencing, management tools will rely primarily on lethal methods, but non-lethal methods such as relocation may be considered. Qualified volunteers may be used to assist with certain non-native ungulate management activities. In addition to Alternative D, a no-action alternative and three other alternatives were identified and analyzed in the Final EIS (available on-line at *http://parkplanning.nps.gov/havo*). The full range of foreseeable environmental consequences was assessed, and appropriate mitigation measures identified.

Interested parties desiring to review the Record of Decision may obtain a copy by contacting the Superintendent, Hawaii Volcanoes National Park, P.O. Box 52, Hawaii National Park, HI 96718–0052 or via telephone request at (808) 985–6098.

Dated: April 1, 2013.

Patricia L. Neubacher,

Acting Regional Director, Pacific West Region.

[FR Doc. 2013–11447 Filed 5–13–13; 8:45 am]

BILLING CODE 4312–FF–P

DEPARTMENT OF INTERIOR

National Park Service

[NPS–NERO–ACAD–12802; PPNEACADSO, PPMPSPDIZ.YM0000]

Notice of 2013 Meeting Schedule for Acadia National Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: This notice sets forth the dates of meetings of the Acadia National Park Advisory Commission occurring in 2013.

DATES: The schedule for future public meetings of the Acadia National Park Advisory Commission is as follows:

1. June 3, 2013, at 1:00PM (EASTERN).
2. September 9, 2013, at 1:00PM (EASTERN).

ADDRESSES: For the June 3, 2013, meeting the commission members will meet at Headquarters, Acadia National Park, Bar Harbor, Maine 04609. For the September 9, 2013, meeting the commission members will meet at Schoodic Education and Research Center Institute (SERCI), Winter Harbor, Maine 04693.

Agenda

Commission meeting will consist of the following:

1. Committee reports:
   —Land Conservation
   —Park Use
   —Science and Education
   —Historic
2. Old Business
3. Superintendent's Report
4. Chairman's Report
5. Public Comments
6. Adjournment

FOR FURTHER INFORMATION CONTACT: Further information concerning the meeting may be obtained from the Sheridan Steele, Superintendent, Acadia National Park, P.O. Box 177, Bar

Harbor, Maine 04609, telephone (207) 288–3338.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: May 7, 2013.

Len Bobinchock,

Acting Superintendent, Acadia National Park.

[FR Doc. 2013–11443 Filed 5–13–13; 8:45 am]

BILLING CODE 4310–wv–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Safe Drinking Water Act

On May 7, 2013, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of Puerto Rico in the lawsuit entitled *United States* v. Victor *Roberto Fernandez Ramos, et al.,* Civil Action Nos. 10–1017 (FAB).

The proposed consent decree resolves claims against Victor Roberto Fernandez Ramos and Carmen Aurea Fernandez Ramos for violations of the Safe Drinking Water Act (SDWA) and the Surface Water Treatment Rule, promulgated under the SDWA. Under the terms of the consent decree, Victor Roberto Fernandez Ramos and Carmen Aurea Fernandez Ramos will transfer their property interest in a public water system to an association that has assumed operation of the public water system and to pay $8,000 into an escrow account to be used by the association for future operation and maintenance of the public water system.

The publication of this notice opens a period of public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Victor Roberto Fernandez Ramos, et al.,* D. J. Ref. No. 90–5–1–1–09029. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By e-mail	*pubcomment-ees.enrd@usdoj.gov*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Department of Justice Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check in the amount of $9.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Maureen Katz,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–11371 Filed 5–13–13; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Proposed Information Collection; Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for public comments.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA). This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Mine Safety and Health Administration is soliciting comments concerning the proposed information collection for developing and updating a cleanup program for accumulations of coal and float coal dusts, loose coal, and other combustibles in underground coal mines.

DATES: All comments must be postmarked or received by midnight Eastern Standard Time on July 15, 2013.

ADDRESSES: Comments concerning the information collection requirements of this notice must be clearly identified with ''OMB 1219–NEW'' and sent to the Mine Safety and Health Administration (MSHA) by any of the methods listed below.

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for docket number [MSHA–2013–0017].
- *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.

FOR FURTHER INFORMATION CONTACT: Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email); 202–693–9440 (voice); or 202–693–9441 (facsimile).

SUPPLEMENTARY INFORMATION:

I. Background

A program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles is essential to protect miners from explosions. Effective and frequent rock dust application is necessary to protect miners from the potential of a float coal dust explosion or, if one occurs, to reduce its propagation. Rock dust standards were published (35 FR 17097, November 20, 1970) as part of a final rule that implemented requirements contained in the 1969 Federal Coal Mine Health and Safety Act.

Section 75.400–2 requires that mine operators establish and maintain a ''program for regular cleanup and removal of accumulations of coal and float coal dusts, loose coal, and other combustibles.'' In addition, the cleanup program must be available to the Secretary or authorized representative (AR).

On September 23, 2010, MSHA issued an emergency temporary standard (ETS) on the maintenance of incombustible content of rock dust. The ETS, which became a final rule on June 21, 2011, increased the total incombustible

content of combined coal dust, rock dust, and other dust to at least 80 percent in underground areas of bituminous coal mines. To clarify MSHA's standards under the ETS, the Agency issued Program Information Bulletin (PIB) No. P10–18, ''Accumulation of Combustible Materials and Rock Dust'', which included information on a mine operator's responsibility to establish and maintain a program for the regular cleanup and removal of accumulations of coal and float coal dusts and other combustibles.

Based on its investigation of the April 5, 2010 explosion at the Upper Big Branch mine (UBB), MSHA issued a report on December 6, 2011, in which the Agency concluded that accumulations of coal and float coal dusts, and loose coal were contributing factors to the explosion. In response to the UBB explosion, MSHA determined that it is necessary to place more emphasis on improved rock dusting in underground coal mines, including improved operators' cleanup programs. A written cleanup program documents how an operator plans to conduct regular cleanup and removal of accumulations of coal and float coal dust, loose coal and other combustibles to better protect miners from the hazard of coal dust explosions.

The standard for mine operators to establish and maintain a cleanup program predates the PRA, and MSHA discovered that it lacked OMB approval. This collection of information provides the required OMB clearance under the PRA.

II. Desired Focus of Comments

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed information collection related to the Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles. MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Address the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submissions of responses), to minimize the burden of the collection of information on those who are to respond.

OMB clearance requests are available on MSHA's Web site at *http://www.msha.gov* under ''Federal Register Documents'' on the right side of the screen by selecting ''New and Existing Information Collections and Supporting Statements.'' The document will be available on MSHA's Web site for 60 days after the publication date of this notice, and on *http://www.regulations.gov*. Comments submitted in writing or in electronic form will be made available for public inspection on *http://www.regulations.gov*. Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209–3939.

Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

III. Current Actions

The information obtained from mine operators is used by MSHA during inspections to determine compliance with safety and health standards. MSHA has used 2012 data for the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

Summary

Type of Review: New Information Collection.

Agency: Mine Safety and Health Administration.

Title: Cleanup Program for Accumulations of Coal and Float Coal Dusts, Loose Coal, and Other Combustibles.

OMB Number: 1219–NEW.

Affected Public: Business or other for-profit.

Cite/Reference/Form/etc: 30 CFR 75.400–2.

Total Number of Respondents: 375.

Frequency: Various.

Total Number of Responses: 337.

Total Burden Hours: 510 hours.

Total Other Annual Cost Burden: $0.

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: May 8, 2013.

George F. Triebsch,

Certifying Officer.

[FR Doc. 2013–11341 Filed 5–13–13; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL CAPITAL PLANNING COMMISSION

Senior Executive Service; Performance Review Board; Members

AGENCY: National Capital Planning Commission.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

SUMMARY: Section 4314(c) of Title 5, U.S.C. (as amended by the Civil Service Reform Act of 1978) requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards (PRB) to review, evaluate and make a final recommendation on performance appraisals assigned to individual members of the agency's Senior Executive Service. The PRB established for the National Capital Planning Commission also makes recommendations to the agency head regarding SES performance awards, rank awards and bonuses. Section 4314(c)(4) requires that notice of appointment of Performance Review Board members be published in the **Federal Register**.

The following persons have been appointed to serve as members of the Performance Review Board for the National Capital Planning Commission: Deidre Flippen, Mary Johnson, Jeff Thomas and Richard E. Tontodonato from August 01, 2013 to August 01, 2015.

FOR FURTHER INFORMATION CONTACT: Deborah Young, Administrative Officer, National Capital Planning Commission, 401 Ninth Street NW., Suite 500, Washington, DC 20576, (202) 482–7228.

Dated: May 10, 2013.

Barry S. Socks

Chief Operating Officer.

[FR Doc. 2013–11435 Filed 5–13–13; 8:45 am]

BILLING CODE 7520–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Meeting Notice

TIME AND DATE: 10:00 a.m., Thursday, May 16, 2013.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Board Briefing on Appraisals for Higher-Priced Mortgage Loans.
2. NCUA's Rules and Regulations, Technical Amendments.
3. NCUA's Rules and Regulations, Derivatives.

RECESS: 11:00 a.m.

TIME AND DATE: 11:15 a.m., Thursday, May 16, 2013.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of Supervisory Activities (2). Closed pursuant to some or all of the following exemptions: (8), (9)(i)(B) and (9)(ii).
2. Appeal under NCUA's Rules and Regulations. Closed pursuant to Exemptions (6) and (8).

FOR FURTHER INFORMATION CONTACT: Mary Rupp, Secretary of the Board, Telephone: 703–518–6304

Mary Rupp,

Board Secretary.

[FR Doc. 2013–11429 Filed 5–10–13; 11:15 am]

BILLING CODE 7535–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Arts Advisory Panel Meeting

AGENCY: National Endowment for the Arts, National Foundation on the Arts and Humanities.

ACTION: Notice of Meetings

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that sixteen meetings of the Arts Advisory Panel to the National Council on the Arts will be held at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506 as follows (ending times are approximate):

Local Arts Agencies (application review): By teleconference. This meeting will be closed.

Dates: June 5, 2013; 1:00 p.m. to 3:00 p.m. EDT.

Dance (application review): By teleconference. This meeting will be closed.

Dates: June 6, 2013; 2:00 p.m. to 4:00 p.m. EDT.

Presenting and Multidisciplinary Works (application review): In Room 627. This meeting will be closed.

Dates: June 6–7, 2013; 9:00 a.m. to 5:30 p.m. EDT on June 6th and 9:00 a.m. to 2:00 p.m. EDT on June 7th.

Dance (application review): By teleconference. This meeting will be closed.

Dates: June 7, 2013; 2:00 p.m. to 4:00 p.m. EDT.

Dance (application review): By teleconference. This meeting will be closed.

Dates: June 10, 2013; 2:00 p.m. to 4:00 p.m. EDT.

Media Arts (application review): By teleconference. This meeting will be closed.

Dates: June 12, 2013; 2:00 p.m. to 4:00 p.m. EDT.

Music (application review): Room 714. This meeting will be closed.

Dates: June 12, 2013; 10:00 a.m. to 4:00 p.m. EDT.

Media Arts (application review): By teleconference. This meeting will be closed.

Dates: June 13, 2013; 2:00 p.m. to 4:00 p.m. EDT.

Folk and Traditional Arts (application review): Room 714. This meeting will be closed.

Dates: June 13, 2013; 9:00 a.m. to 5:00 p.m. EDT.

Folk and Traditional Arts (application review): Room 714. This meeting will be closed.

Dates: June 14, 2013; 9:00 a.m. to 5:00 p.m. EDT.

Music (application review): Room 714. This meeting will be closed.

Dates: June 17, 2013; 10:00 a.m. to 4:00 p.m. EDT.

Theater and Musical Theater (application review): In Room 716. This meeting will be closed.

Dates: June 19–20, 2013; 9:00 a.m. to 5:30 p.m. EDT on June 19th and 9:00 a.m. to 1:00 p.m. EDT on June 20th.

Presenting and Multidisciplinary Works (application review): By teleconference. This meeting will be closed.

Dates: June 21, 2013; 2:00 p.m. to 4:00 p.m. EDT.

Arts Education (application review): Room 627. This meeting will be closed.

Dates: June 25, 2013; 9:00 a.m. to 5:00 p.m. EDT.

Opera (application review): Room 714. This meeting will be closed.

Dates: June 25, 2013; 10:00 a.m. to 4:00 p.m. EDT.

Artist Communities (application review): By teleconference. This meeting will be closed.

Dates: June 26, 2013; 2:00 p.m. to 4:00 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: Further information with reference to these meetings can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506; *plowitzk@arts.gov* or call 202/682–5691.

SUPPLEMENTARY INFORMATION: The closed portions of meetings are for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of February 15, 2012, these sessions will be closed to the public pursuant to subsection (c)(6) of section 552b of Title 5, United States Code.

Dated: May 9, 2013.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2013–11362 Filed 5–13–13; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2013–0085]

Agency Information Collection Activities; Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the

Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* 10 CFR Part 50, ''Domestic Licensing of Production and Utilization Facilities.''

2. *Current OMB approval number:* 3150–0011.

3. *How often the collection is required:* As necessary in order for NRC to meet its responsibilities to conduct a detailed review of applications for licenses and amendments thereto to construct and operate nuclear power plants, preliminary or final design approvals, design certifications, research and test facilities, reprocessing plants and other utilization and production facilities, licensed pursuant to the Atomic Energy Act of 1954, as amended (the Act) and to monitor their activities. Reports are submitted daily, monthly, quarterly, annually, semi-annually, and on occasion.

4. *Who is required or asked to report:* Licensees and applicants for nuclear power plants and research and test facilities, and approximately 100 materials licensees responding to generic communications.

5. *The number of annual respondents:* 251.

6. *The number of hours needed annually to complete the requirement or request:* 4.88M hours; 1.93M hours reporting (an average of 41.8 hrs/response) + 2.95M hours recordkeeping (an average of 19.5K hrs/recordkeeper).

7. *Abstract:* Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' specifies technical information and data to be provided to the NRC or maintained by applicants and licensees so that the NRC may take determinations necessary to protect the health and safety of the public, in accordance with the Act. The reporting and recordkeeping requirements contained in 10 CFR part 50 are mandatory for the affected licensees and applicants.

Submit, by July 15, 2013, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC' Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/*.

The document will be available on the NRC's home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2013–0085. You may submit your comments by any of the following methods: Electronic comments: Go to *http://www.regulations.gov* and search for Docket No. NRC–2013–0085. Mail comments to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258, or by email to *INFOCOLLECTS.Resource@NRC.GOV*.

Dated at Rockville, Maryland, this May 8, 2013.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer,

Office of Information Services.

[FR Doc. 2013–11339 Filed 5–13–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0093; Docket No.: 50–348, 50–364; License No.: NPF–2, NPF–8; EA–12–145]

In the Matter of Southern Nuclear Operating Company, Farley Nuclear Plant, Units 1 and 2; Confirmatory Order

I

Southern Nuclear Operating Company (SNC or Licensee) is the holder of License Nos. NPF–2 and NPF–8, issued by the U.S. Nuclear Regulatory Commission (NRC) pursuant to Part 50 of Title 10 of the *Code of Federal Regulations* (10 CFR), on June 25, 1977 and March 31, 1981. The licenses authorize the operation of Farley Nuclear Plant (FNP), Units 1 and 2, in accordance with conditions specified therein. The facility is located on the Licensee's site in Columbia, Alabama.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on March 15, 2013.

II

On July 3, 2012, the NRC's Office of Investigations (OI) completed an investigation (OI Case No. 2–2011–018) regarding activities at the Farley Nuclear Plant. Based on the evidence developed during the investigation, the NRC issued a letter to FNP dated January 9, 2013, which documented an apparent violation that occurred during calendar years 2010 and 2011.

Specifically, FNP Technical Specification 5.4.1.a, Procedures, requires in part, written procedures to be established, implemented and maintained covering the applicable procedures recommended in Regulatory Guide (RG) 1.33, Revision 2, Appendix A, February 1978. Section 7.e of Appendix A to RG 1.33 requires procedures for training workers in radiation protection. Farley procedure FNP–0–AP–42, Access Control, requires individuals badged as Unescorted Radiation Workers to undergo annual radiation worker training (RWT) to maintain radiation controlled area (RCA) access authorization. Licensee procedure NMP–TR–208, ''Examination and Examination Security'' requires examinees to remove or store reference material in such a way that it would not compromise the exam, to take the exam in an uninterrupted session, and for proctors to ensure all rules are followed while an examination is being administered. If cheating is observed the proctor is required to stop the exam.

The NRC's letter further stated that, during calendar years 2010 and 2011, FNP security personnel proctoring the annual RWT exams failed to ensure exams were not compromised as required by SNC procedure NMP–TR–208. Specifically, proctors compromised the integrity of the RWT exams by helping other security officers cheat on the exams by either suggesting or giving answers, or taking the exam in place of the security officers.

III

On March 15, 2013, the NRC and SNC met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on

Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement or resolving any differences regarding their dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process. The elements of the agreement consist of the following:

1. NRC and FNP agreed that the issue described above represents a violation of regulatory requirements, with the following clarifications: Based on the results of FNP's investigation into the incidents as described in the NRC's letter of January 9, 2013, FNP confirmed that one security officer inappropriately proctored annual RWT exams and failed to ensure that exams were not compromised, as required by SNC procedure NMP–TR–208 and Technical Specifications. In addition, FNP confirmed that one security officer received inappropriate assistance on RWT exams. Based on a review of the range of elapsed times it took for security officers and other plant employees to complete exams, FNP could not conclude that other security officers received inappropriate assistance. The NRC acknowledges and accepts FNP's explanation with respect to the elapsed times for taking RWT exams, and considers the explanation plausible and credible.

2. During the ADR, FNP described the corrective actions and enhancements completed in response to the issues described in the NRC's January 9, 2013, letter. These actions included but were not limited to the following:

a. In August 2012 and again in February 2013, FNP management briefed all Security Department personnel on pride, professionalism and personal accountability with a specific focus on training processes, exams procedures and expectations, and professional integrity.

b. FNP management re-tested all current Security Department personnel whose most-recent RWT exams were proctored by the individual who admitted to assisting security officers with their exams. All such employees passed their exams.

c. FNP management imposed a requirement that all Security Department training and test taking be performed in a training lab to minimize distractions during the training and evaluation processes.

d. FNP management established, as part of the Security Human Behavior Program, a monitoring program to ensure that supervision will conduct random observations of Security Department personnel during computer-based training requalification exams. The monitoring program requires that the observations be reviewed by the FNP Security Manager each month. This action will continue until December 31, 2014, at which time it will be assessed to determine whether continuation is necessary.

e. SNC conducted a thorough investigation of this matter (including interviews of 41 employees), which led to findings of certain violations of NMP–TR–208, ''Examination and Examination Security,'' and irregularities in the exam processes by FNP Security Department personnel.

f. FNP management issued appropriate levels of discipline for employees involved in violations and improper behavior, ranging from coaching to written discipline to termination.

g. Actions specifically related to FNP included:

i. SNC disqualified all FNP computer-based training proctors and retrained them on the requirements of NMP–TR–208.

ii. SNC performed an additional review of the results of the most recent FNP Safety Culture assessment in order to determine whether—in light of the RWT exam incident—there were areas of concern that had not been identified when the results were initially reviewed. The additional review of the Safety Culture assessment did not reveal indications of problems with training and test-taking practices.

h. SNC has also completed a Fleet-Wide Action consisting of a formal review of the ''Examination and Examination Security'' Procedure (NMP–TR–208) by the Training Department, to ensure adequate guidance is provided for examination oversight. As a result, revisions to the procedure were made to clarify the proctoring requirements.

3. Based on SNC's review of the incident and the NRC's concerns with respect to precluding recurrence of the violation, SNC agrees to the following corrective actions and enhancements:

a. SNC's Licensing Department conducted an assessment of opportunities for improvement for all proctored exams. As a result, SNC initiated a Condition Report for Fleet Security to evaluate the testing environment for the Security Departments at all three sites. The results of this evaluation will be assessed to determine whether corrective actions need to be implemented.

b. As a result of the review conducted in Paragraph III.3.a, SNC also issued a Fleet-wide Condition Report to evaluate the testing environment and compliance with NMP–TR–208 at Corporate and the three operating sites. The results of this evaluation will be assessed to determine whether corrective actions need to be implemented.

c. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, SNC will review other procedures referenced in NMP–TR–208 that relate to proctoring and determine whether revisions are needed to clarify any aspects of the procedures pertaining to proctoring.

d. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, SNC will issue a company-wide communication regarding the revisions and clarifications that have been made to NMP–TR–208 and other procedures referenced in NMP–TR–208 to the extent there were revisions to any procedure identified in Paragraph III.3.c.

e. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, senior management will communicate through various effective means such as, but not limited to, video, on a fleet-wide basis. Messages will clearly articulate that willful misconduct is incompatible with safe nuclear construction and operation. The communication will provide recent public examples, including those documented in EA–12–240 and EA–12–230, and the impacts when there is a loss of integrity and trustworthiness.

f. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, the senior management communication will be followed by a Fleet-wide stand-down with all employees to address integrity and trustworthiness. A similar stand-down will be conducted for operating fleet contractors. For Vogtle 3 and 4, the briefing will be tailored to the unique management structure of the construction project.

g. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, SNC will modify its guidance involving investigations based on allegations to include an initial evaluation of potential nuclear safety implications and to identify any appropriate immediate mitigating measures to be taken while the investigation is ongoing.

h. By August 31, 2014, SNC will conduct an effectiveness review of all corrective actions taken under the Confirmatory Order.

i. By October 30, 2013, SNC will evaluate and implement appropriate actions to reinforce the messages of

Paragraph III.3.e and III.3.f above annually until December 31, 2015.

j. Upon completion of the terms of Paragraph III.3.a through III.3.h of the Confirmatory Order, SNC will provide the NRC with a letter discussing its basis for concluding that the Order has been satisfied.

4. The NRC considers the corrective actions and enhancements discussed in Paragraph III.2 and III.3 above to be appropriately prompt and comprehensive to address the causes which gave rise to the incident discussed in the NRC's letter of January 9, 2013.

5. In consideration of the commitments delineated above, the NRC agrees to refrain from proposing a civil penalty or issuing a Notice of Violation for all matters discussed in the NRC's letter to FNP of January 9, 2013 (EA–12–145). The resulting Confirmatory Order will not be considered an escalated enforcement action by the NRC for any future assessment of FNP.

6. This agreement is binding upon successors and assigns of SNC.

On April 29, 2013, the Licensee consented to issuance of this Order with the commitments, as described in Section V below. The Licensee further agreed that this Order is to be effective upon issuance and that it has waived its right to a hearing.

IV

Since the Licensee has agreed to take actions to address the violation as set forth in Section V, the NRC has concluded that its concerns can be resolved through issuance of this Order.

I find that the Licensee's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that the Licensee's commitments be confirmed by this Order. Based on the above and the Licensee's consent, this Order is effective upon issuance.

V

Accordingly, pursuant to Sections 104b., 161b., 161i., 161o., 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Parts 50 and 52, IT IS HEREBY ORDERED, THAT LICENSE NOS. NPF–2 AND NPF–8 IS MODIFIED AS FOLLOWS:

a. SNC's Licensing Department conducted an assessment of opportunities for improvement for all proctored exams. As a result, SNC initiated a Condition Report for Fleet Security to evaluate the testing environment for the Security Departments at all three sites. SNC will assess the results of this evaluation to determine whether corrective actions need to be implemented.

b. As a result of the review conducted in Paragraph V.a, SNC also issued a Fleet-wide Condition Report to evaluate the testing environment and compliance with NMP–TR–208 at Corporate and the three operating sites. SNC will assess the results of this evaluation to determine whether corrective actions need to be implemented.

c. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, SNC will review other procedures referenced in NMP–TR–208 that relate to proctoring and determine whether revisions are needed to clarify any aspects of the procedures pertaining to proctoring.

d. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, SNC will issue a company-wide communication regarding the revisions and clarifications that have been made to NMP–TR–208 and other procedures referenced in NMP–TR–208 to the extent there were revisions to any procedure identified in Paragraph V.c.

e. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, senior management will communicate through various effective means such as, but not limited to, video, on a fleet-wide basis. Messages will clearly articulate that willful misconduct is incompatible with safe nuclear construction and operation. The communication will provide recent public examples, including those documented in EA–12–240 and EA–12–230, and the impacts when there is a loss of integrity and trustworthiness.

f. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, the senior management communication will be followed by a Fleet-wide stand-down with all employees to address integrity and trustworthiness. A similar stand-down will be conducted for operating fleet contractors. For Vogtle 3 and 4, the briefing will be tailored to the unique management structure of the construction project.

g. By the later of either June 15, 2013, or 90 days after the date of issuance of the Confirmatory Order, SNC will modify its guidance involving investigations based on allegations to include an initial evaluation of potential nuclear safety implications and to identify any appropriate immediate mitigating measures to be taken while the investigation is ongoing.

h. By August 31, 2014, SNC will conduct an effectiveness review of all corrective actions taken under the Confirmatory Order.

i. By October 30, 2013, SNC will evaluate and implement appropriate actions to reinforce the messages of Paragraph V.e and V.f above annually until December 31, 2015.

j. Upon completion of the terms of Paragraph V.a through V.h of the Confirmatory Order, SNC will provide the NRC with a letter discussing its basis for concluding that the Order has been satisfied.

The Regional Administrator, NRC Region II, may relax or rescind, in writing, any of the above conditions upon a showing by SNC of good cause.

VI

Any person adversely affected by this Order, other than SNC, may submit a written answer and/or request a hearing on this Order within 30 days from the date of this Order. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and include a statement of good cause for the extension.

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

All documents filed in the NRC adjudicatory proceedings, including a request for a hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of

the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital certificate). Based on this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for a hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contracting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc/gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll free call to 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an extension request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First-class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party using E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submissions.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

Dated this 6th day of May 2013.

For the Nuclear Regulatory Commission.

Frederick D. Brown,

Deputy Regional Administrator for Construction.

[FR Doc. 2013–11396 Filed 5–13–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0084]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

Background

Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (the Commission or NRC) is publishing this regular biweekly notice. The Act requires the

Commission publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from April 18, 2013 to May 1, 2013. The last biweekly notice was published on April 30, 2013 (78 FR 25310).

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0084. 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.
- *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.

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0084 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–2013–0084.
- *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.* Documents may be viewed in ADAMS by performing a search on the document date and docket number.
- *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–2013–0084 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.

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in Section 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief

Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with the NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by

contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the following three factors in 10 CFR 2.309(c)(1): (i) The information upon which the filing is based was not previously available; (ii) the information upon which the filing is based is materially different from information previously available; and (iii) the filing has been submitted in a timely fashion based on the availability of the subsequent information.

For further details with respect to this license amendment application, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *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 at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

Duke Energy Carolinas, LLC, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina; and Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: January 21, 2013.

Description of amendment request: The amendments would revise the divider barrier seal test coupons' tensile strength in Technical Specification Surveillance Requirement 3.6.14.4 from ''> 39.7 psi'' to ''> 39.7 lbs.'' This change is an administrative change to correct an error where the wrong units were used when Catawba and McGuire converted to Standard Technical Specifications in 1998 using NUREG–1431, Revision 1.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Divider barrier integrity is necessary to minimize bypassing of the ice condenser by the hot steam and air mixture released into the lower compartment during a Design Basis Accident (DBA). This ensures that most of the gases pass through the ice bed, which condenses the steam and limits pressure and temperature during the accident transient. Limiting the pressure and temperature reduces the release of fission product radioactivity from containment to the environment in the event of a DBA.

Conducting periodic physical property tests on divider barrier seal test coupons provides assurance that the seal material has not degraded in the containment environment, including the effects of irradiation with the reactor at power. The proposed change to Technical Specification Surveillance Requirement 3.6.14.4 results in the correct tensile strength units being listed in this surveillance requirement. This is considered an editorial change to the Technical Specifications.

Thus, based on the above, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a change in the operational limits or the design capabilities of the containment or containment systems. The proposed change does not change the function or operation of plant equipment or introduce any new failure mechanisms. The technical evaluation that supports this License Amendment Request included a review of the containment divider barrier seal capability to which this change is bounded. The proposed change does not introduce any new or different types of failure mechanisms; plant equipment will continue to respond as designed and analyzed.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident situation. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The performance of the fuel cladding, the reactor coolant system and the containment system will not be adversely impacted by the proposed change since the ability of the divider barrier to mitigate an analyzed accident has not been adversely impacted by the proposed change.

Thus, it is concluded that the proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this

review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara S. Nichols, Associate General Counsel, Duke Energy Corporation, 526 South Church Street—EC07H, Charlotte, NC 28202.

NRC Branch Chief: Robert J. Pascarelli.

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: April 9, 2013.

Description of amendment request: The proposed amendment would delete certain reporting requirements contained in the Technical Specifications.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not involve the modification of any plant equipment or affect plant operation. The proposed changes will have no impact on any safety related structures, systems, or components. The reporting requirements proposed for deletion are not required because the requirements are adequately addressed by 10 CFR 50.72 and 10 CFR 50.73, or other regulatory requirements, or are available on site for NRC review, and are no longer warranted.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes have no impact on the design, function or operation of any plant structure, system or component. The proposed changes do not affect plant equipment or accident analyses. The reporting requirements proposed for deletion are not required because the requirements are adequately addressed by 10 CFR 50.72 and 10 CFR 50.73, or other regulatory requirements, or are available on site for NRC review, and are no longer warranted.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analyses. There is no change being made to safety analysis assumptions, safety limits or limiting safety system settings that would adversely affect plant safety as a result of the proposed changes. Margins of safety are unaffected by deletion of the reporting requirements.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Esquire, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Meena K. Khanna.

PSEG Nuclear LLC, Docket Nos. 50–272 and 50–311, Salem Nuclear Generating Station, Units 1 and 2, Salem County, New Jersey

Date of amendment request: November 30, 2012.

Description of amendment request: The proposed amendment would revise the Emergency Plan to remove references to the backup plant vent extended range noble gas radiation monitoring (R45) indication, recording, and alarm capability in the emergency response facilities. The R45 indicators have become obsolete and unreliable. The R45 is a backup to the R41 for plant vent intermediate and high range noble gas radiation monitoring indicators. The accident sampling function of the R45 will be maintained.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The plant vent noble gas indicators are not an initiator of or a precursor to any accident or transient. The proposed change to the Emergency Plan to delete the backup (R45) noble gas indicators does not impact any design function of the Salem Radiation Monitoring System. The backup (R45) plant vent radiation monitors do not perform any accident mitigating function. The modification of the R45 noble gas indicators does not alter or modify the function of systems used to mitigate the consequences of any design basis accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes to the Emergency Plan to delete the backup plant vent noble gas indicators (R45) does not introduce any new accident precursors and does not involve any physical plant alterations or changes in the methods governing normal plant operation that could initiate a new or different kind of accident. The R45 noble gas indicators only provide indication of the effluent release through the plant vent release path.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. The proposed amendment does not alter setpoints or limits established or assumed by the accident analyses. The R45 plant vent radiation monitor provides indication only. The elimination of the backup R45 noble gas indicator does not reduce the margin of safety since the remaining R41 noble gas indicator will continue to provide the accident indication capability. The accident sampling capability of the R45 will remain.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, PSEG Nuclear LLC—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: Meena K. Khanna.

R.E. Ginna Nuclear Power Plant, LLC, Docket No. 50–244, R.E. Ginna Nuclear Power Plant, Wayne County, New York

Date of amendment request: February 28, 2013.

Description of amendment request: The proposed amendment would revise Technical Specification Section 3.6.5 by adding a different limitation on the

containment average air temperature. The revised Technical Specification Section 3.6.5 would read as follows:

''Containment average air temperature shall be <125 °F.''

To support this proposed change, the licensee revised the accident analyses that were impacted by the increase in initial containment air temperature or increase in safety injection accumulator temperature, which are located in the Ginna containment, and are expected to be at the same temperature as containment air. The impact of the change in the containment air temperature was addressed by revising the Loss of Coolant Accident (LOCA) and a Main Steam Line break containment response analyses. The change in SI accumulator temperature was reflected in the re-evaluated core response to a large break LOCA (LBLOCA) and a small break LOCA. The combined impact on the post-LOCA long term cooling analyses was also re-assessed.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to increase the containment average air temperature limit to 125 °F, from 120 °F, does not alter the assumed initiators to any analyzed event. The probability of an accident previously evaluated will not be increased by this proposed change. This proposed change will not affect radiological dose consequence analyses. The radiological dose consequence analyses assume a certain containment atmosphere leak rate based on the maximum allowable containment leakage rate, which is not affected by the change in allowable average containment air temperature resulting in a higher calculated peak containment pressure. The 10 CFR Part 50, Appendix J containment leak rate testing program will continue to ensure that containment leakage remains within the leakage rate assumed in the offsite dose consequence analyses. The acceptable leakage corresponds to the peak allowable containment pressure of 60 psig. The radiological dose consequence analyses assume a certain source term, which is not affected by the change in allowable average containment air temperature. All core limitations set forth in 10 CFR 50.46 continue to be met. The consequences of an accident previously evaluated will not be increased by this proposed change.

Therefore, operation of the facility in accordance with the proposed change to the containment average air temperature limit will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change provides for a higher allowable containment average air temperature to that currently in the TS Section 3.6.5. The calculated peak containment temperature and pressure remain below the containment design temperature and pressure of 286 °F and 60 psig. This change does not involve any alteration in the plant configuration (no new or different type of equipment will be installed) or make changes in the methods governing normal plant operation. The change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, operation of the facility in accordance with the proposed change to TS Section 3.6.5 would not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The calculated peak containment pressure and temperature remain below the containment design pressure and temperature of 60 psig and 286 °F, respectively. The penalties applied to the BE [best estimate] LBLOCA analysis result in the limitations set forth in 10 CFR 50.46 continuing to be met. Since the radiological consequence analyses are based on the maximum allowable containment leakage rate, which is not being revised, the change in the calculated peak containment pressure and temperature and changes in core response do not represent a significant change in the margin of safety. The longterm impact of the peak containment temperature following a design basis accident exceeding the EQ profile by 2 °F with respect to the current licensing basis is negligible.

Therefore, operation of the facility in accordance with the proposed change to increase the allowable containment average air temperature from 120 °F to 125 °F does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Carey Fleming, Sr. Counsel—Nuclear Generation, Constellation Group, LLC, 750 East Pratt Street, 17 Floor, Baltimore, MD 21202.

NRC Branch Chief: Sean Meighan, Acting.

Southern Nuclear Operating Company, Inc. (SNC), Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, Houston County, Alabama

Date of amendment request: January 23, 2013.

Description of amendment request: The proposed change would revise Technical Specification (TS) Section 5.5.9, ''Steam Generator (SG) Program,'' 5.6.10, ''Steam Generator Tube Inspection Report,'' and the Steam Generator Tube Integrity specification (LCO 3.4.17). The proposed changes are needed to address implementation issues associated with the inspection periods, and address other administrative changes and clarifications.

The proposed amendment is consistent with TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

In addition, this proposed amendment corrects the indenting for FNP TS Section 5.5.9.a at the top of page 5.5–6. This change is purely administrative, and has no technical impact on the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Steam Generator (SG) Program to modify the frequency of verification of SG tube integrity and SG tube sample selection. A steam generator tube rupture (SGTR) event is one of design basis accidents that are analyzed as part of a plant's licensing basis. The proposed SG tube inspection frequency and sample selection criteria will continue to ensure that the SG tubes are inspected such that the probability a SGTR is not increased. The consequences of a SGTR are bounded by the conservative assumptions in the design accident analysis. The proposed change will not cause the consequences of a SGTR to exceed those assumptions.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed changes to the SG Program will not introduce any adverse changes to the plant design basis or postulated accidents resulting from potential tube degradation. The proposed change does not affect the

design of the SGs or their method of operation. In addition, the proposed change does not impact any other plant system or component.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The SG tubes in pressurized water reactors are an integral part of the reactor coolant pressure boundary and, as such, are relied upon to maintain the primary system's pressure and inventory. As part of the reactor coolant pressure boundary, the SG tubes are unique in that they are also relied upon as a heat transfer surface between the primary and secondary systems such that residual heat can be removed from the primary system. In addition, the SG tubes also isolate the radioactive fission products in the primary coolant from the secondary system. In summary, the safety function of a SG is maintained by ensuring the integrity of its tubes. Steam generator tube integrity is a function of the design, environment, and the physical condition of the tube. The proposed change does not affect tube design or operating environment. The proposed change will continue to require monitoring of the physical condition of the SG tubes such that there will not be a reduction in the margin of safety compared to the current requirements.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Esq., Balch and Bingham, Post Office Box 306, 1710 Sixth Avenue North, Birmingham, Alabama 35201.

NRC Branch Chief: Robert J. Pascarelli.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: January 23, 2013.

Description of amendment request: The proposed change would revise Technical Specification Section 5.5.9, ''Steam Generator (SG) Program,'' 5.6.10, ''Steam Generator Tube Inspection Report,'' and the Steam Generator Tube Integrity specification (LCO 3.4.17). The proposed changes are needed to address implementation issues associated with the inspection periods, and address other administrative changes and clarifications.

The proposed amendment is consistent with TSTF–510, Revision 2, ''Revision to Steam Generator Program Inspection Frequencies and Tube Sample Selection.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Steam Generator (SG) Program to modify the frequency of verification of SG tube integrity and SG tube sample selection. A steam generator tube rupture (SGTR) event is one of design basis accidents that are analyzed as part of a plant's licensing basis. The proposed SG tube inspection frequency and sample selection criteria will continue to ensure that the SG tubes are inspected such that the probability a SGTR is not increased. The consequences of a SGTR are bounded by the conservative assumptions in the design accident analysis. The proposed change will not cause the consequences of a SGTR to exceed those assumptions.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

The proposed changes to the SG Program will not introduce any adverse changes to the plant design basis or postulated accidents resulting from potential tube degradation. The proposed change does not affect the design of the SGs or their method of operation. In addition, the proposed change does not impact any other plant system or component.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The SG tubes in pressurized water reactors are an integral part of the reactor coolant pressure boundary and, as such, are relied upon to maintain the primary system's pressure and inventory. As part of the reactor coolant pressure boundary, the SG tubes are unique in that they are also relied upon as a heat transfer surface between the primary and secondary systems such that residual heat can be removed from the primary system. In addition, the SG tubes also isolate the radioactive fission products in the primary coolant from the secondary system. In summary, the safety function of a SG is maintained by ensuring the integrity of its tubes. Steam generator tube integrity is a function of the design, environment, and the physical condition of the tube. The proposed change does not affect tube design or operating environment. The proposed change will continue to require monitoring of the physical condition of the SG tubes such that there will not be a reduction in the margin of safety compared to the current requirements.

Therefore, it is concluded that the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. Arthur H. Domby, Troutman Sanders, NationsBank Plaza, Suite 5200, 600 Peachtree Street NE., Atlanta, Georgia 30308–2216.

NRC Branch Chief: Robert Pascarelli.

Southern Nuclear Operating Company, Inc., Docket Nos.: 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: March 25, 2013.

Description of amendment request: The proposed change would amend Combined Licenses Nos.: NPF–91 and NPF–92 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4 by departing from VEGP Units 3 and 4 Updated Final Safety Analysis Report (UFSAR) Tier 2* material by revising reference document APP–OCS–GEH–120, ''AP1000 Human Factors Design Engineering Verification Plan,'' from Revision B to Revision 0. APP–OCS–GEH–120 is incorporated by reference in the updated UFSAR as a means to implement the activities associated with the human factors engineering verification and validation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Design verification provides a final check of the adequacy of the Human System Interface (HSI) Resources and Operation and Control Centers System (OCS) design. The changes do not affect the plant itself, and so there is no change to the probability or consequences of an accident previously evaluated. Changing the design verification plan does not affect prevention and mitigation of abnormal events, e.g., accidents, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses as the purpose of the plan is simply to verify implementation of design criteria. The Probabilistic Risk Assessment is not affected. No safety-related structure, system, component (SSC) or function is adversely affected. The change does not involve nor interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the UFSAR are not affected. Because the changes do not involve any safety-related SSC or function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Design verification provides a final check of the adequacy of the HSI Resources and Operation and Control Centers System design. The changes do not affect the plant itself, and so there is no new or different kind of accident from any accident previously evaluated. Therefore, the changes do not affect safety-related equipment, nor does it affect equipment which, if it failed, could initiate an accident or a failure of a fission product barrier. No analysis is adversely affected. No system or design function or equipment qualification is adversely affected by the changes. This activity will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures. In addition, the changes do not result in a new failure mode, malfunction or sequence of events that could affect safety or safety-related equipment.

Therefore, this activity does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes to the design verification plan provide a final check of the adequacy of the HSI Resources and Operation and Control Centers System design. The changes do not affect the assessments or the plant itself. The changes do not affect safety-related equipment or equipment whose failure could initiate an accident, nor does it adversely interface with safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested change.

Therefore, there is no significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Blach & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

Acting NRC Branch Chief: Lawrence Burkhart.

Southern Nuclear Operating Company Docket Nos.: 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: March 25, 2013.

Description of amendment request: The proposed change would amend Combined Licenses Nos.: NPF–91 and NPF–92 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4 by departing from VEGP Units 3 and 4 Updated Final Safety Analysis Report (UFSAR) Tier 2* material by revising reference document APP–OCS–GEH–220, ''AP1000 Human Factors Engineering Task Support Verification Plan,'' from Revision B to Revision 0. APP–OCS–GEH–220 is incorporated by reference in the updated final safety analysis report (UFSAR) as a means to implement the activities associated with the human factors engineering verification and validation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The HFE Task Support Verification Plan is one of several verification and validation (V&V) activities performed on human-system interface (HSI) resources and the Operation and Control Centers System (OCS), where applicable. The Task Support Verification Plan is used to assess and verify displays and activities related to normal and emergency operation. The changes are to the Task Support Verification Plan to clarify the scope and amend the details of the methodology. The Task Support Verification Plan does not affect the plant itself. Changing the Plan does not affect prevention and mitigation of abnormal events, e.g., accidents, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. The Probabilistic Risk Assessment is not affected. No safety-related structure, system, component (SSC) or function is adversely affected. The change does not involve nor interface with any SSC accident initiator or initiating sequence of events, and thus, the probabilities of the accidents evaluated in the UFSAR are not affected. Because the changes do not involve any safety-related SSC or function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The changes to the Task Support Verification Plan change information related to validation and verification on Human System Interface and Operational Control Centers. Therefore, the changes do not affect the safety-related equipment itself, nor do they affect equipment which, if it failed, could initiate an accident or a failure of a fission product barrier. No analysis is adversely affected. No system or design function or equipment qualification will be adversely affected by the changes. This activity will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures. In addition, the changes do not result in a new failure mode, malfunction or sequence of events that could affect safety or safety-related equipment.

Therefore, this activity does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes to the Task Support Verification Plan affect the validation and verification on the Human System Interface and the Operational Control Centers. Therefore, the changes do not affect the plant itself. These changes do not affect the design or operation of safety-related equipment or equipment whose failure could initiate an accident, nor does it adversely interface with safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested change.

Therefore, the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Blach & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

Acting NRC Branch Chief: Lawrence Burkhart.

Southern Nuclear Operating Company Docket Nos.: 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP) Units 3 and 4, Burke County, Georgia

Date of amendment request: April 5, 2013.

Description of amendment request: The proposed change would amend Combined Licenses Nos.: NPF–91 and NPF–92 for Vogtle Electric Generating Plant (VEGP) Units 3 and 4 by departing from VEGP Units 3 and 4 Updated Final Safety Analysis Report (UFSAR) Tier 2* material by revising reference document APP–OCS–GEH–420, ''AP1000 Human Factors Engineering Discrepancy Resolution Process,'' from Revision B to Revision 0. APP–OCS–GEH–420 is incorporated by reference in the UFSAR as a means to implement the activities associated with the human factors engineering verification and validation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The HFE Discrepancy Resolution Process is used to capture and resolve Human Engineering Discrepancies (HEDs) identified during the Human Factors Engineering (HFE) verification and validation (V&V) activities. These discrepancy resolution process activities are used to support the final check of the adequacy of the HFE design of the Human-System Interface (HSI) resources and the Operation and Control Centers Systems (OCS) design. The discrepancy resolution process activities are performed as part of the V&V activities against the final configuration and control documentation, simulator or installed target system. The changes are to the Discrepancy Resolution Process to clarify the scope and amend the details of the methodology. The Discrepancy Resolution Process does not affect the plant itself. Changing the Discrepancy Resolution Process does not affect prevention and mitigation of abnormal events, e.g., accidents, anticipated operational occurrences, earthquakes, floods and turbine missiles, or their safety or design analyses. No safety-related structure, system, component (SSC) or function is adversely affected. The document revision does not involve nor interface with any SSC accident initiator or initiating sequence of events, and thus the probabilities of the accidents evaluated in the Updated Final Safety Analysis Report (UFSAR) are not affected. Because the changes do not involve any safety-related SSC or function used to mitigate an accident, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, there is no significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The changes to the Discrepancy Resolution Process information are related to discrepancy resolution of HEDs during the HFE V&V activities on the HSI and the OCS. Therefore, the changes do not affect the safety-related equipment itself, nor do they affect equipment which, if it failed, could initiate an accident or a failure of a fission product barrier. No analysis is adversely affected. No system or design function or equipment qualification will be adversely affected by the changes. This activity will not allow for a new fission product release path, nor will it result in a new fission product barrier failure mode, nor create a new sequence of events that would result in significant fuel cladding failures. In addition, the changes do not result in a new failure mode, malfunction or sequence of events that could affect safety or safety-related equipment.

Therefore, this activity does not create the possibility of a new or different kind of accident than any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The changes to the Discrepancy Resolution Process affect discrepancy resolution of HEDs during the HFE V&V activities on the HSI and the OCS. Therefore, the changes do not affect the assessments or the plant itself. These changes do not affect the design or operation of safety-related equipment or equipment whose failure could initiate an accident, nor does it adversely interface with safety-related equipment or fission product barriers. No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the requested change.

Therefore, the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Mr. M. Stanford Blanton, Blach & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

Acting NRC Branch Chief: Lawrence Burkhart.

Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the NRC's Public Document Room (PDR), located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through the Agencywide Documents Access and Management System (ADAMS) in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr.resource@nrc.gov.*

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station (VYNPS), Vernon, Vermont

Date of amendment request: April 17, 2012.

Brief description of amendment: The amendment revised the VYNPS Technical Specification (TS) 3.5.A.5 and TS 4.5.A.5 to change the normal position of the recirculation pump discharge bypass valves from ''open'' to ''closed''; and therefore, the valves' safety function to close in support of accident mitigation is eliminated. The amendment also revised the TSs to require the valves to remain closed and their position to be verified once per operating cycle.

Date of Issuance: April 26, 2013.

Effective date: As of the date of issuance, and shall be implemented within 60 days.

Amendment No.: 257.

Facility Operating License No. DPR–28: The amendment revised the License and TSs.

Date of initial notice in ***Federal Register***: October 2, 2012 (77 FR 60150).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated April 26, 2013.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Lake County, Ohio

Date of application for amendment: February 22, 2012, and supplemented by letter dated.

March 8, 2013.

Brief description of amendment: FirstEnergy Nuclear Operating Company, the licensee for the Perry Nuclear Power Plant Unit 1 (PNPP), requested a license amendment to revise PNPP's Technical Specifications (TS) 3.10.1, and the associated TS Bases, to expand its scope to include provisions for temperature excursions greater than 200 degrees Fahrenheit (°F) as a consequence of inservice leak and hydrostatic testing, and as a consequence of scram time testing initiated in conjunction with an inservice leak or hydrostatic test, while considering operational conditions to be in MODE 4. This change is consistent with the U.S. Nuclear Regulatory Commission (NRC)-approved Revision 0 to Technical Specification Task Force (TSTF) Improved Standard TS Change Traveler, TSTF–484, ''Use of TS 3.10.1 for Scram Time Testing Activities.''

Date of issuance: April 18, 2013.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 163.

Facility Operating License No. NPF–58: This amendment revised the Technical Specifications and License.

Date of initial notice in ***Federal Register***: July 24, 2012 (77 FR 43377). The March 8, 2013 supplement contained clarifying information and did not change the NRC staff's initial proposed finding of no significant hazards consideration.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 18, 2013.

No significant hazards consideration comments received: No.

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit 1, Rockingham County, New Hampshire

Date of amendment request: May 14, 2010, as supplemented by letters dated August 24, 2010, September 16, 2011, March 15, 2012, July 2, 2012 and January 31, 2013.

Description of amendment request: The changes revise the Seabrook Station Technical Specifications (TSs) governing the Containment Enclosure Emergency Air Cleanup System (CEEACS). The amendment changes TS Surveillance Requirement (SR) 4.6.5.1.d.4 so that it will demonstrate integrity of the containment enclosure building rather than operability of CEEACS. The amendment relocates SR 4.6.5.1.d.4 with modifications to new SR 4.6.5.2.b. Additionally, the amendment makes some minor wording changes, deletes a definition, and removes a moot footnote.

Date of issuance: April 23, 2013.

Effective date: As of its date of issuance and shall be implemented within 30 days.

Amendment No.: 136.

Facility Operating License No. NPF–86: The amendment revised the Technical Specifications and the License.

Date of initial notice in ***Federal Register***: July 13, 2010 (75 FR 39979). The notice was reissued in its entirety to include a revised description of the amendment request on April 17, 2012 (77 FR 22815). The notice was reissued again in its entirety to include a revised description of the amendment request on July 24, 2012 (77 FR 43378). The supplement dated January 31, 2013, provided additional information that clarified the application, did not expand the scope of the application as noticed, and did not change the NRC staff's proposed no significant hazards consideration determination as published in the **Federal Register** on July 24, 2012.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated April 23, 2013.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: August 31, 2012, as supplemented on December 6, 2012.

Brief description of amendments: The amendments revise Technical Specifications (TSs) 3.6.6, 3.7.5, 3.8.1, 3.8.9, and TS Example 1.3–3 by eliminating second completion times from the TSs in accordance with TS Task Force Traveler (TSTF)-439, ''Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO [Limiting Condition for Operation].'' In addition, the amendment makes an administrative change to TS 3.6.6 by removing an obsolete note associated with Condition A.

Date of issuance: April 24, 2013.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment Nos.: 169 and 151.

Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the licenses and the TSs.

Date of initial notice in ***Federal Register***: December 11, 2012 (77 FR 73690). The supplemental letter dated December 6, 2012, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 24, 2013.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project, Units 1 and 2, Matagorda County, Texas

Date of amendment request: August 1, 2012, as supplemented by letter dated April 15, 2013.

Brief description of amendment: The amendments revised Technical Specification (TS) Table 3.3–10, ''Accident Monitoring Instrumentation,'' with respect to the required actions and

allowed outage times for inoperable instrumentation for Neutron Flux (Extended Range) and Neutron Flux—Startup Rate (Extended Range) (Instrument Nos. 19 and 23). The required actions have been revised to enhance plant reliability by reducing exposure to unnecessary shutdowns and increase operational flexibility by allowing more time to implement required repairs for inoperable instrumentation. The changes are consistent with requirements generically approved as part of NUREG–1431, Standard Technical Specifications, Westinghouse Plants, Revision 4 (TS 3.3.3, ''Post Accident Monitoring (PAM) Instrumentation'').

Date of issuance: April 25, 2013.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: Unit 1—200; Unit 2—198.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** October 2, 2012 (77 FR 60154). The supplemental letter dated April 15, 2013, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated April 25, 2013.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 6th day of May 2013.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–11272 Filed 5–13–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meetings

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission, [NRC–2013–0001].

DATE: Weeks of May 13, 20, 27, June 3, 10, 17, 2013.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of May 13, 2013

There are no meetings scheduled for the week of May 13, 2013.

Week of May 20, 2013—Tentative

Monday, May 20, 2013

9:30 a.m. Briefing on Human Capital and Equal Employment Opportunity (EEO) (Public Meeting) (Contact: Kristin Davis, 301–287–0707).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Week of May 27, 2013—Tentative

Tuesday, May 28, 2013

10:00 a.m. Briefing on Security Issues (Closed—Ex. 1).

Wednesday, May 29, 2013

9:00 a.m. Briefing on Results of the Agency Action Review Meeting (AARM) (Public Meeting) (Contact: Rani Franovich, 301–415–1868).

This meeting will be webcast live at the Web address—*www.nrc.gov.*

Week of June 3, 2013—Tentative

There are no meetings scheduled for the week of June 3, 2013.

Week of June 10, 2013—Tentative

There are no meetings scheduled for the week of June 10, 2013.

Week of June 17, 2013—Tentative

There are no meetings scheduled for the week of June 17, 2013.

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*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

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* * * * *

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Dated: May 9, 2013.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2013–11542 Filed 5–10–13; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0089]

mPower™ Design-Specific Review Standard

AGENCY: Nuclear Regulatory Commission.

ACTION: Design-Specific Review Standard (DSRS) for the mPower™ Design; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on the Design-Specific Review Standard (DSRS) for the mPower™ design (mPower™ DSRS). The purpose of the mPower™ DSRS is to more fully integrate the use of risk insights into the review of a design certification (DC), an early site permit (ESP) or a combined license (COL) that incorporates the mPower™ design.

DATES: Submit comments by August 16, 2013. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comment by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2013–0089. 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.
- *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: Ms. Yanely Malave, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1519 or email at *Yanely.Malave@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0089 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–2013–0089.
- *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 number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced and also in the table included in this notice. The mPower™ DSRS Scope and Safety Review Matrix is available in ADAMS under Accession No. ML13088A252.
- *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–2013–0089 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

A. Background

In 2010, the Commission provided direction to the staff on the preparation for, and review of, small modular reactor (SMR) applications, with a near-term focus on integral pressurized water reactor (iPWR) designs. The Commission directed the staff to more fully integrate the use of risk insights into pre-application activities and the review of applications and, consistent with regulatory requirements and Commission policy statements, to align the review focus and resources to risk-significant structures, systems, and components and other aspects of the design that contribute most to safety in order to enhance the effectiveness and efficiency of the review process. The Commission directed the staff to develop a design-specific, risk-informed review plan for each SMR design to address pre-application and application review activities. An important part of this review plan is the Design-Specific Review Standard. This DSRS for the mPower™ design is the result of the implementation of the Commission's direction.

B. Design-Specific Review Standard (DSRS) for the mPower™ Design

As part of the mPower™ Design-Specific Review Plan, the Office of New Reactors has issued the mPower™ Design-Specific Review Standard Scope and Safety Review Matrix to reflect the integration of risk insights into the review of applications submitted for the mPower™ DC, and ESPs or COLs that incorporate the mPower™ design under 10 CFR Part 52. The mPower™ DSRS reflects current staff review methods and practices based on the integration of risk insights and, where appropriate, lessons learned from NRC reviews of DC and COL applications completed since the last revision of the Standard Review Plan.

The NRC staff is issuing this notice to solicit public comment on the mPower™ DSRS Scope and Safety Review Matrix (Matrix), and the individual mPower™-specific DSRS sections. Specifically, we request comment on the sufficiency of the proposed mPower™ review scope encompassed by the Matrix, and comment on technical content of the individual mPower™ DSRS sections identified in the table below that were revised or developed to incorporate design-specific review guidance based on features of the mPower™ reactor design. We are not, however, soliciting detailed technical comments on NUREG–0800 Standard Review Plan sections that are designated with the applicability ''A) Use SRP Section as-is . . .'' in the Matrix unless their adequacy for review of the mPower™ design is in question.

Section	Design-specific review standard title	ADAMS No.
Matrix	mPower™ DSRS Scope and Safety Review Matrix	*ML13088A252*
2.4.0	Hydrology Review	*ML12355A691*
2.4.1	Hydrologic Description	*ML12221A023*
2.4.2	Floods	*ML12221A024*
2.4.3	Probable Maximum Flood (PMF) on Streams and Rivers	*ML12221A025*
2.4.4	Potential Dam Failures	*ML12221A026*
2.4.5	Probable Maximum Surge and Seiche Flooding	*ML12221A027*
2.4.6	Probable Maximum Tsunami Flooding	*ML12221A028*
2.4.7	Ice Effects	*ML12221A017*
2.4.9	Channel Diversions	*ML12221A018*
2.4.10	Flooding Protection Requirements	*ML12221A019*
2.4.12	Groundwater	*ML12221A020*

Section	Design-specific review standard title	ADAMS No.
2.4.13	Accidental Releases of Radioactive Liquid Effluents in Ground and Surface Waters	ML12221A021
2.4.14	Technical Specifications and Emergency Operation Requirements	ML12221A022
3.2.1	Seismic Classification	ML12272A013
3.2.2	System Quality Group Classification	ML12272A015
3.3.1	Severe Wind Loading	ML12324A156
3.3.2	Extreme Wind Loads (Tornado and Hurricane Loads)	ML12324A166
3.4.1	Internal Flood Protection for Onsite Equipment Failure	ML12312A148
3.4.2	Protection of Structures Against Flood From External Sources	ML12324A190
3.5.1.1	Internally Generated Missiles (Outside Containment)	ML12313A158
3.5.1.2	Internally Generated Missiles (Inside Containment)	ML12313A396
3.5.1.3	Turbine Missiles	ML12272A209
3.5.1.4	Missiles Generated by Extreme Winds	ML12313A399
3.5.1.5	Site Proximity Missiles (Except Aircraft)	ML12318A151
3.5.1.6	Aircraft Hazards	ML12318A198
3.5.2	Structures, Systems, and Components To Be Protected From Externally Generated Missiles	ML12313A457
3.5.3	Barrier Design Procedures	ML12222A003
3.6.2	Determination of Rupture Locations and Dynamic Effects Associated with the Postulated Rupture of Piping.	ML12230A013
3.7.1	Seismic Design Parameters	ML13099A204
3.7.2	Seismic System Analysis	ML13099A205
3.7.3	Seismic Subsystem Analysis	ML13099A209
3.8.2	Steel Containment	ML13099A298
3.8.3	Concrete and Steel Internal Structures of Steel Containments	ML13099A312
3.8.4	Other Seismic Category I Structures	ML13099A316
3.8.5	Foundations	ML13099A319
3.9.1	Special Topics for Mechanical Components	ML12272A018
3.9.4	Control Rod Drive Systems	ML12272A020
3.9.5	Reactor Pressure Vessel Internals	ML12272A077
3.9.6	Functional Design, Qualification, and Inservice Testing Programs for Pumps, Valves, and Dynamic Restraints.	ML12272A217
3.11	Environmental Qualification of Mechanical and Electrical Equipment	ML12277A018
3.13	Threaded Fasteners—ASME Code Class 1, 2, and 3	ML12272A214
BTP 3–4	Postulated Rupture Locations in Fluid System Piping Inside and Outside Containment	ML12272A102
4.2	Fuel System Design	ML12235A168
4.3	Nuclear Design	ML12353A188
4.4	Thermal and Hydraulic Design	ML12319A580
4.5.1	Control Rod Drive Structural Materials	ML12326A740
4.5.2	Reactor Internal and Core Support Structure Materials	ML12272A006
4.6	Functional Design of Control Rod Drive System	ML12353A182
5.2.1.1	Compliance With the Codes and Standards Rule, 10 CFR 50.55a	ML12272A091
5.2.1.2	Applicable Code Cases	ML12272A096
5.2.3	Reactor Coolant Pressure Boundary Materials	ML12272A007
5.2.5	Reactor Coolant Pressure Boundary Leakage Detection	ML12313A468
5.3.1	Reactor Vessel Materials	ML12272A008
5.3.2	Pressure-Temperature Limits, Upper-shelf Energy, and Pressurized Thermal Shock	ML12272A009
5.3.3	Reactor Vessel Integrity	ML12272A010
5.4.2.1	Steam Generator Materials	ML12272A244
5.4.2.2	Steam Generator Program	ML12272A245
5.4.7	Residual Heat Removal (RHR) System	ML12319A582
BTP 5–4	Design Requirements of the Residual Heat Removal System	ML12275A020
6.1.1	Engineered Safety Features Materials	ML12276A107
6.1.2	Protective Coating Systems (Paints)—Organic Materials	ML12272A246
6.2.1	Containment Functional Design	ML12276A117
6.2.1.1	mPower iPWR Containment	ML12227A377
6.2.1.2	Subcompartment Analysis	ML12230A014
6.2.1.3	Mass and Energy Release Analysis for Postulated Loss of Coolant Accidents	ML12230A034
6.2.1.4	Mass and Energy Release Analysis for Postulated Secondary System Pipe Ruptures	ML12230A037
6.2.2	Containment Heat Removal Systems	ML12276A118
6.2.4	Containment Isolation System	ML12276A120
6.2.5	Combustible Gas Control in Containment	ML12276A124
6.2.6	Containment Leakage Testing	ML12276A127
6.2.7	Fracture Prevention of Containment Pressure Boundary	ML12278A103
6.4	Control Room Habitability System	ML12272A225
6.6	Inservice Inspection and Testing of Class 2 and 3 Components	ML12284A064
BTP 6–1	PH for Emergency Coolant Water for Pressurized Water Reactors	ML12222A198
BTP 6–2	Minimum Containment Pressure Model for PWR ECCS Performance Evaluation	ML12227A380
BTP 6–4	Containment Purging During Normal Plant Operations	ML12227A384
7.0 (DSRS)	Instrumentation and Controls—Introduction and Overview of Review Process	ML12314A197
7.1 (DSRS)	Instrumentation and Controls—Fundamental Design Principles	ML12313A479
7.2 (DSRS)	Instrumentation and Controls—System Characteristics	ML12314A201
7.0 APP A (DSRS)	Instrumentation and Controls—Hazard Analysis	ML12318A200
7.0 APP B (DSRS)	Instrumentation and Controls—System Architecture	ML12318A201
7.0 APP C (DSRS)	Instrumentation and Controls—Simplicity	ML12318A204
7.0 APP D (DSRS)	Instrumentation and Controls—References	ML12318A205

Section	Design-specific review standard title	ADAMS No.
8.1	Electric Power/Introduction	ML12269A005
8.2	Offsite Power System	ML12269A006
8.3.1	A C Power Systems (Onsite)	ML12269A010
8.3.2	D C Power Systems (Onsite)	ML12269A011
8.4	Station Blackout	ML12269A015
BTP 8–2	Use of Diesel-Generator Sets for Peaking	ML12269A016
BTP 8–3	Stability of Offsite Power Systems	ML12269A017
BTP 8–6	Adequacy of Station Electric Distribution System Voltages	ML12269A018
9.1.3	Spent Fuel Pool Cooling and Cleanup System	ML12319A063
9.2.1	Station Service Water System	ML12319A068
9.2.2	Reactor Auxiliary Cooling Water Systems	ML12325A088
9.2.4	Potable and Sanitary Water Systems	ML12319A091
9.2.5	Ultimate Heat Sink	ML12319A423
9.2.6	Condensate Storage Facilities	ML12270A276
9.3.2	Process and Post Accident Sampling Systems	ML12170A005
9.3.3	Equipment and Floor Drainage System	ML12319A437
9.4.1	Control Room Area Ventilation System	ML12276A130
9.4.2	Spent Fuel Pool Area Ventilation System	ML12272A229
9.4.3	Reactor Service Building HVAC Systems	ML12276A133
9.4.4	Turbine Area Ventilation System	ML12221A117
9.5.2	Communications Systems	ML12277A361
9.5.3	Lighting Systems	ML12319A516
10.2	Turbine Generator	ML12320A111
10.2.3	Turbine Rotor Integrity	ML12272A247
10.3	Main Steam Supply System	ML12320A134
10.3.6	Steam and Feedwater System Materials	ML12272A004
10.4.1	Main Condensers	ML12320A139
10.4.2	Main Condenser Evacuation System	ML12320A146
10.4.3	Turbine Gland Sealing System	ML12320A157
10.4.4	Turbine Bypass System	ML12320A161
10.4.5	Circulating Water System	ML12320A172
10.4.6	Condensate Cleanup System	ML12272A242
10.4.7	Condensate and Feedwater System	ML12320A183
11.1	Source Terms	ML12222A292
11.2	Liquid Waste Management Systems	ML12257A228
11.3	Gaseous Waste Management Systems	ML12257A227
11.4	Solid Waste Management Systems	ML12257A223
11.5	Process and Effluent Radiological Monitoring Instrumentation and Sampling Systems	ML12258A115
11.6	Guidance on Instrumentation and Control Design Features for Process and Effluent Radiological Monitoring, and Area Radiation and Airborne Radioactivity Monitoring.	ML13023A089
BTP 11–3	Design Guidance for Solid Radioactive Waste Management Systems Installed in Light-Water -Cooled Nuclear Power Reactor Plants.	ML12222A293
BTP 11–5	Postulated Radioactive Releases Due to a Waste Gas System Leak or Failure	ML12222A294
12.1	Assuring that Occupational Radiation Exposures Are As Low As Is Reasonably Achievable	ML12222A295
12.2	Radiation Sources	ML12222A296
12.3—12.4	Radiation Protection Design Features	ML12269A175
12.5	Operational Radiation Protection Program	ML12257A224
14.2	Initial Plant Test Program—Design Certification and New License Applicants	ML12121A037
14.3.2	Structural and Systems Engineering—Inspections, Tests, Analyses, and Acceptance Criteria	ML12272A243
14.3.4	Reactor Systems—Inspections, Tests, Analyses, and Acceptance Criteria	ML12353A174
14.3.5	Instrumentation and Controls—Inspections, Tests, Analyses, and Acceptance Criteria	ML12325A091
14.3.6	Electrical Systems—Inspections, Tests, Analyses, and Acceptance Criteria	ML12320A188
14.3.7	Plant Systems—Inspections, Tests, Analyses, and Acceptance Criteria	ML12320A195
14.3.8	Radiation Protection—Inspections, Tests, Analyses, and Acceptance Criteria	ML12257A225
15.0	Introduction—Transient and Accident Analyses	ML12275A026
15.0.2	Review of Transient and Accident Analysis Methods	ML12207A098
15.0.3	Design Basis Accident Radiological Consequence Analyses for Advanced Light Water Reactors	ML12257A226
15.1.5	Steam System Piping Failures Inside and Outside of Containment	ML12207A108
15.2.1–15.2.5	Loss of External Load; Turbine Trip; Loss of Condenser Vacuum; Closure of Main Steam Isolation Valve (BWR); and Steam Pressure Regulator Failure (Closed).	ML12319A584
15.2.6	Loss of Nonemergency AC Power to the Station Auxiliaries	ML12319A587
15.2.7	Loss of Normal Feedwater Flow	ML12250A248
15.2.8	Feedwater System Pipe Breaks Inside and Outside Containment (PWR)	ML12319A668
15.3.1–15.3.2	Loss of Forced Reactor Coolant Flow Including Trip of Pump Motor and Flow Controller Malfunctions.	ML12319A585
15.3.3–15.3.4	Reactor Coolant Pump Rotor Seizure and Reactor Coolant Pump Shaft Break	ML12319A586
15.4.1	Uncontrolled Control Rod Assembly Withdrawal from a Subcritical or Low Power Startup Condition	ML12240A005
15.4.2	Uncontrolled Control Rod Assembly Withdrawal at Power	ML12242A102
15.4.10	Startup of an Inactive Pump or Pumps at an Incorrect Temperature, and Flow Controller Malfunction causing an Increase in Core Flow Rate.	ML12261A399
15.5.1–15.5.2	Inadvertent Operation of ECCS and Reactor Coolant Inventory and Purification System (RCI) Malfunction that Increases Reactor Coolant Inventory.	ML12319A575
15.6.1	Inadvertent Opening of a Pressurizer Safety Valve, or an Automatic Depressurization Valve	ML12250A318

Section	Design-specific review standard title	ADAMS No.
15.6.5	Loss of Coolant Accidents Resulting From Spectrum of Postulated Piping Breaks Within the Reactor Coolant Pressure Boundary.	*ML12319A576*
15.8	Anticipated Transients Without Scram	*ML12319A577*
15.9.A	Thermal Hydraulic Stability	*ML12261A042*
16.0	Technical Specifications	*ML12270A277*

Dated at Rockville, Maryland, this 6th day of May, 2013.

For the Nuclear Regulatory Commission.

Yanely Malave,

Project Manager Small Modular Reactor Licensing Branch 1, Division of Advanced Reactors and Rulemaking, Office of New Reactors.

[FR Doc. 2013–11394 Filed 5–13–13; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69535; File No. SR–CBOE–2013–043]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change Relating to Exchange Rule 9.21

May 8, 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 25, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been substantially 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 update Exchange Rule 9.21, ''Options Communications.'' The text of the proposed rule change is provided below. (additions are *italicized;* deletions are [bracketed])

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 9.21. Options Communications

(a) Definitions. For purposes of this Rule and any interpretation thereof, ''options communications'' consist of:

(i) [Advertisements. The term ''advertisements'' shall include any material concerning options, other than an independently prepared reprint and institutional sales material, that is published, or used in any electronic or other public media, including any Web site, newspaper, magazine or other periodical, radio, television, telephone or tape recording, video tape display, motion picture, billboards, signs or telephone directories (other than routine listings).

(ii) Sales Literature. The term ''sales literature'' shall include any written or electronic communication concerning options other than an advertisement, independently prepared reprint, institutional sales material and correspondence, that is generally available to customers or the public, including circulars, research reports, performance reports or summaries, worksheets, form letters, telemarketing scripts, seminar texts, reprints (that are not independently prepared reprints) or excerpts of any other advertisement, sales literature or published article and press release concerning a Trading Permit Holder's products or services.

(iii)] Correspondence. The term ''correspondence'' shall include any written [letter,] *(including* electronic*)* [mail message or market letter] *communication* distributed *or made available* [by a Trading Permit Holder] to[: (A) one of more of its existing retail customers; and (B)] *25 or* fewer [than 25 prospective] retail customers within any 30 calendar-day period.

[(iv)] *(ii)* Institutional *Communication* [Sales Material]. The term ''institutional *communication* [sales material]'' shall include any *written (including electronic)* communication concerning options that is distributed or made available only to institutional investors*, but does not include a Trading Permit Holder's internal communications.* The term institutional investor shall mean any qualified investor as defined in Section 3(a)(54) of the Securities Exchange Act of 1934.

(iii) *Retail Communication. The term ''retail communication'' means any written (including electronic) communication that is distributed or made available to more than 25 retail investors within any 30 calendar-day period.*

[(v) Public Appearances. The term ''public appearance'' shall include any participation in a seminar, forum (including an interactive electronic forum), radio, television or print media interview, or other public speaking activity, or the writing of a print media article, concerning options.

(vi) Independently Prepared Reprints. The term ''independently prepared reprints'' shall include any reprint or excerpt of an article issued by a publisher concerning options, provided that: the publisher is not an affiliate of the Trading Permit Holder using the reprint or any underwriter or issuer of a security mentioned in the reprint or excerpt that the Trading Permit Holder is promoting; neither the Trading Permit Holder using the reprint or excerpt nor any underwriter or issuer of a security mentioned in the reprint or excerpt has commissioned the reprint or excerpted article; and the Trading Permit Holder using the reprint or excerpt has not materially altered its contents except as necessary to make the reprint or excerpt consistent with applicable regulatory standards or to correct factual errors.]

(b) Approval by Registered Options Principal.

(i) All *retail communications* [advertisements, sales literature] (except completed worksheets) [and independently prepared reprints] issued by a Trading Permit Holder or TPH organization pertaining to options shall be approved in advance by a Registered Options Principal designated by the Trading Permit Holder or TPH organization's written supervisory procedures.

(ii) Correspondence need not be approved by a Registered Options Principal prior to use[, unless such correspondence is distributed to 25 or more existing retail customers within any 30 calendar-day period and makes any financial or investment recommendation or otherwise promotes a product or service of the Trading Permit Holder]. All correspondence is subject to the supervision and review requirements of Rule 9.8.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(iii) Institutional *communications. Each Trading Permit Holder or TPH organization shall establish written procedures that are appropriate to its business, size, structure, and customers for review by a Registered Options Principal of institutional communications used by*[sales material relating to options need not be approved by a Registered Options Principal prior to use, but is subject to the supervision and review requirements as set forth in the written supervisory procedures of] the Trading Permit Holder or TPH organization.

(iv) No change.

(c) Exchange Approval Required. In addition to the approval required by paragraph (b) of this Rule, [all advertisements, sales literature and independently prepared reprints] *retail communications* of a Trading Permit Holder or TPH organization pertaining to standardized options that is not accompanied or preceded by the applicable current options disclosure document (''ODD'') shall be submitted to the Exchange at least ten calendar days prior to use (or such shorter period as the Exchange may allow in particular instances) for approval and, if changed or expressly disapproved by the Exchange, shall be withheld from circulation until any changes specified by the Exchange have been made or, in the event of disapproval, until the communication has been resubmitted for, and has received, Exchange approval. The requirements of this paragraph shall not be applicable to:

(i) Options communications submitted to another self-regulatory organization having comparable standards pertaining to such communications and

(ii) communications in which the only reference to options is contained in a listing of the services of the TPH organization[.]*;*

(iii) the ODD; and

(iv) the prospectus.

(d) General Rule. No Trading Permit Holder or member organization or associated person shall use any options communication which:

(i)–(iv) No change.

(v) Fails to reflect the risks attendant to options transactions and the complexities of certain options investment strategies. [Any statement referring to the potential opportunities presented by options shall be balanced by a statement of the corresponding risks. The risk statement shall reflect the same degree of specificity as the statement of opportunities, and broad generalities must be avoided.]

(vi–vii) No change.

(viii) *would constitute a prospectus as that term is defined in the Securities Act of 1933, unless it meets the requirements of Section 10 of the Securities Act of 1933.*

Paragraphs (vi) and (vii) shall not apply to institutional *communications* [sales material] as defined in this Rule 9.21. *Any statement in any options communications referring to the potential opportunities or advantages presented by options shall be balanced by a statement of the corresponding risks. The risk statement shall reflect the same degree of specificity as the statement of opportunities, and broad generalities must be avoided.*

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), 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 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 Exchange is proposing to update Rule 9.21, ''Options Communications,'' to conform with changes recently made by the Financial Industry Regulatory Authority, Inc. (''FINRA'') to its corresponding rule.[3] The proposed rule change would make changes to the Exchange Rule 9.21, ''Options Communications.'' The Exchange believes the proposed changes will alert Trading Permit Holders (''TPHs'') to their requirements with respect to Options Communications while further regulating all communications for compliance with Exchange Rules and the Securities Exchange Act of 1934 (the ''Act''). In addition, the Exchange believes that the proposed rule change will help ensure that investors are protected from potentially false or misleading communications with the public distributed by Exchange TPHs.

First, the proposed rule change would amend the language in Exchange Rule 9.21(a). Specifically, the proposed rule change would reduce the number of defined categories of communication from six (in the current rule) to three. The proposed three categories of communications are: retail communications, correspondence, and institutional communications. Current definitions of ''sales literature,'' ''advertisement,'' and ''independently prepared reprint'' would be combined into a single category of ''retail communications.'' Thus, the Exchange is proposing to define ''retail communication'' as ''any written (including electronic) communication that is distributed or made available to more than 25 retail investors within any 30 calendar-day period.'' The Exchange will also update the current definition of ''correspondence'' to ''any written (including electronic) communication distributed or made available by a Trading Permit Holder to 25 or fewer retail customers within any 30 calendar-day period.'' Finally, in the proposed rule filing, ''institutional communication'' would include written (including electronic) communications that are distributed or made available only to institutional investors. The Exchange believes the proposed changes to the definitions in Rule 9.21(a) to create a more concise and descriptive rule which benefits investors by clarifying the terms.

Next, the Exchange is proposing to amend Rule 9.21(b), ''Approval by Registered Options Principal.'' More specifically, the Exchange is proposing to replace the phrase ''advertisements, sales literature, and independently prepared reprints'' in Rule 9.21(b)(i) with the new proposed term, ''retail communications.'' This proposed change will make the Rule more consistent with the other proposed changes.

Under proposed rule 9.21(b)(ii), correspondence would ''need not be approved by a Registered Options Principal prior to use'' but would be subject to the supervision and review requirements of Rule 9.8. The Exchange is proposing to delete the requirement for principal approval of correspondence that is distributed to 25 or more existing retail customers within a 30 calendar-day period that makes any financial or investment recommendation or otherwise promotes

[3] *See* Securities and Exchange Act Release No. 34–68650 (January 14, 2013), 78 FR 4182 (January 18, 2013) (Notice of Immediate Effectiveness of SR–FINRA–2013–001).

the product or service of a TPH. Under the proposed Rule 9.21(b), such communications would be considered retail communications and therefore subject to the principal approval requirement. As such, the proposed change does not substantively change the scope of options communications that would require principal approval.

Next, the Exchange is proposing to modify the required approvals of ''Institutional communications.'' More specifically, the Exchange is proposing to add that a TPH shall ''establish written procedures that are appropriate to its business, size, structure, and customers for review by a Registered Options Principal of institutional communications used by the Trading Permit Holder or TPH organization.'' The Exchange is proposing these changes to conform its rule with the current FINRA rule.

The Exchange is also proposing to amend Rule 9.21(c). More specifically, the Exchange is proposing to, again, replace the phrase ''advertisements, sales literature, and independently prepared reprints'' with the new proposed term ''retail communications.'' The Exchange is also proposing to further exempt options disclosure documents and prospectuses from Exchange review as these documents have other further requirements under the Securities Act of 1933. The Exchange is proposing these changes to conform its rule with the current FINRA rule.

The Exchange is proposing to specify in Rule 9.21(d) that Exchange TPHs may not use any options communications that ''constitute a prospectus'' unless such communications would meet the requirements of the Securities Act of 1933. The Exchange believes this change will put TPHs on notice that all documents that may constitute a prospectus will be required to comply with the Securities Act of 1933 as such. Finally, the Exchange is proposing to move and slightly modify Rule 9.21(d) to state that any statement made referring to ''potential opportunities or advantages presented by options'' must also be accompanied by a statement identifying the potential risks posed. The Exchange believes that moving the language to the end of paragraph (d) will alert the public of potential risks associated with options, as well as the advantages, which will create more awareness of the potential harms that may arise in the participation of such securities. The Exchange is proposing these changes to conform its rule with the current FINRA rule. The Exchange believes the proposed rule changes will provide greater clarity to TPHs and the public regarding the Exchange's rules. In addition, the Exchange believes that the proposed rule change will help ensure that investors are protected from potentially false or misleading communications with the public distributed by Exchange TPHs.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[4] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirements that the rules of an exchange be 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule changes will provide greater clarity to TPHs and the public regarding the Exchange's rules. In addition, the Exchange believes that the proposed rule change will help ensure that investors are protected from potentially false or misleading communications with the public distributed by Exchange TPHs.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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. Specifically, the proposed rule change will bring clarity and consistency to Exchange Rules. The Exchange does not believe the proposed rule change will impose any burden on any intramarket competition as it applies to all TPHs. In addition, the Exchange does not believe the proposed rule filing will bring any unnecessary burden on intermarket competition as it is consistent with the FINRA ''Options Communications'' rule.[7]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2013–043 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–CBOE–2013–043. 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

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] *Id.*

[7] *See* FINRA Rule 2220.

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–CBOE–2013–043 and should be submitted on or before June 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–11369 Filed 5–13–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69528; File No. SR–CBOE–2013–048]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 6.74A

May 7, 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 May 02, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') 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 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 Rule 6.74A. The text of the proposed rule change is provided below.

(Additions are *italicized;* deletions are [bracketed].)

* * * * *

Chicago Board Options Exchange, Incorporated Rules

* * * * *

Rule 6.74A. Automated Improvement Mechanism (''AIM'')

Notwithstanding the provisions of Rule 6.74, a Trading Permit Holder that represents agency orders may electronically execute an order it represents as agent (''Agency Order'') against principal interest or against a solicited order provided it submits the Agency Order for electronic execution into the AIM auction (''Auction'') pursuant to this Rule.

(a) No change

(b) Auction Process. Only one Auction may be ongoing at any given time in a series and Auctions in the same series may not queue or overlap in any manner. The Auction may not be cancelled and shall proceed as follows:

(1) Auction Period and Request for Responses (RFRs).

(A) To initiate the Auction, the Initiating Trading Permit Holder must mark the Agency Order for Auction processing, and specify (i) a single price at which it seeks to cross the Agency Order (with principal interest or a solicited order) (a ''single-price submission''), including whether the Initiating Trading Permit Holder elects to have last priority in allocation, or (ii) that it is willing to automatically match (''*auto-match*'') as principal the price and size of all Auction responses *up to an optional designated limit price*[(''auto-match'')] in which case the Agency Order will be stopped at the NBBO (if 50 standard option contracts or 500 mini-option contracts or greater) or one cent/one minimum increment better than the NBBO (if less than 50 standard option contracts or 500 mini-option contracts). Once the Initiating Trading Permit Holder has submitted an Agency Order for processing pursuant to this subparagraph, such submission may not be modified or cancelled.

(B)–(I) No change

(2)–(3) No change

* * * *Interpretations and Policies:*

.01–.08 No change

* * * * *

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), 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 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 6.74A related to the Automated Improvement Mechanism (''AIM''). AIM allows a Trading Permit Holder (the ''Initiating Trading Permit Holder'') to submit an order it represents as agent (the ''Agency Order'') along with a contra-side second order (a principal order or a solicited order for the same size as the Agency Order) into an auction (an ''Auction'') for electronic execution.[3] During the Auction, other participants can compete with the Initiating Trading Permit Holder's second order to execute against the Agency Order, which guarantees that the Agency Order will receive an execution.[4] Initiating Trading Permit Holders must stop the Agency Order at the better of the national best bid or offer (''NBBO'') or the Agency Order's limit price, if the Agency Order is for 50 standard contracts or 500 mini-option contracts or more, or at the better of one minimum increment better than the NBBO or the Agency Order's limit price, if the Agency Order is for fewer than 50 standard contracts or 500 mini-option contracts.[5] Once an Auction commences, the Initiating Trading Permit Holder cannot cancel it.[6] Upon receipt of an Agency Order (and the Initiating Trading Permit Holder's second order), the Exchange will commence the Auction by issuing a request for responses (''RFR'') detailing

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[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 6.74A.

[4] *Id.*

[5] Rule 6.74A(a)(2) and (3).

[6] Rule 6.74A(b)(1)(A).

the side and size of the Agency Order.[7] The RFR will last for one second.[8] At the conclusion of an Auction, an Agency Order will be allocated at the best price(s) in accordance with the applicable matching algorithm rules for that class, subject to the allocation provisions of Rule 6.74A(b)(3).

Rule 6.74A(b)(1)(A) currently allows an Initiating Trading Permit Holder to enter its contra-side second order in one of two formats: (1) A single price or (2) a non-price specific commitment to auto-match all Auction responses received during the Auction. In this second case, the Initiating Trading Permit Holder would have no control over the match price. The Exchange is proposing to provide Initiating Trading Permit Holders with the additional option to auto-match competing prices from other market participants up to a designated limit price. The Initiating Trading Permit Holder will still not be able to cancel the auto-match instruction after an Auction commences and will have no control over the prices at which it receives an allocation of the Auction other than the outside boundary established by the designated limit price.

The Exchange notes that when an Initiating Trading Permit Holder selects the auto-match feature prior to the start of an Auction (with or without a designated limit price), the available liquidity at improved prices increases, and the competitive final pricing is out of the Initiating Trading Permit Holder's control. The Exchange believes this proposed rule change will incent more Trading Permit Holders to initiate Auctions, because the additional flexibility encourages Trading Permit Holders willing to trade with Agency Orders at a price better than the NBBO, but only up to a certain price, to initiate an Auction. Additionally, this proposal provides the possibility that other TPHs may receive increased order allocations through AIM, which the Exchange believes could increase participation in Auctions. As a result, the Exchange expects the proposal will increase the number of Auctions, which would enhance competition in the Auctions and ultimately provide additional opportunities for price improvement over the NBBO for the Exchange's customers.

In support of this proposed rule change, the Exchange notes that each of the Automated Improvement Mechanism (''C2 AIM'') of C2 Options Exchange, Incorporated (''C2''),[9] Price Improvement Period (''PIP'') of Boston Options Exchange LLC (''BOX''),[10] and the Price Improvement Mechanism (''PIM'') of International Securities Exchange, LLC (''ISE'')[11] permits initiating participants to elect to auto-match up to a designated limit price.[12] The Exchange believes that AIM, and in turn the customers that benefit from AIM, would be disadvantaged if Trading Permit Holders are not provided with the option to auto-match up to a designated limit price because this lack of flexibility reduces the number of Auctions and, as a result, opportunities for price improvement. Because C2, BOX, and ISE currently allow initiating participants the option to auto-match up to the best-priced response received during an auction or up to a designated limit price, the Exchange believes it is important for competitive purposes that it be able to offer the same opportunities for price improvement on CBOE through AIM.

The Exchange will provide the Commission with the following data: (1) The percentage of trades effected through AIM in which the Initiating Trading Permit Holder submitted an Agency Order with an auto-match instruction that included a designated limit price and the percentage that did not include a designated limit price; and (2) the average amount of price improvement provided to Agency Orders when the Initiating Trading Permit Holder submitted an auto-match instruction that included a designated limit price and the average amount that did not include a designated limit price, versus the average amount of price improvement provided to Agency Orders when the Initiating Trading Permit Holder submitted a single price (with no auto-match instruction).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[13] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirements that the rules of an exchange be 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[15] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change is a reasonable modification designed to provide additional flexibility for Trading Permit Holders to obtain executions on behalf of their customers while continuing to provide meaningful, competitive Auctions. The Exchange also believes that the proposed rule change will increase the number of and participation in Auctions, which will ultimately enhance competition in the Auctions and provide customers with additional opportunities for price improvement. The proposed rule change is consistent with the rules of other exchanges related to price improvement auctions and thus serves to remove impediments to and to perfect the mechanism for a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE 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. All Trading Permit Holders that represent Agency Orders may initiate an Auction and have the option to auto-match up to a

[7] Rule 6.74A(b)(1)(B).

[8] Rule 6.74A(b)(1)(C). Several types of events will cause an Auction to conclude. *See* Rule 6.74A(b)(2).

[9] *See* C2 Rule 6.51(b)(1)(A); *see also* Securities Exchange Act Release No. 34–66552 (March 9, 2012), 77 FR 15438 (March 15, 2012) (SR–C2–2011–043) (order approving, among other things, the option to auto-match up to a designated limit price).

[10] *See* BOX Rule 7150(f); *see also* Securities Exchange Act Release No. 34–61805 (March 31, 2010), 75 FR 17454 (April 6, 2010) (SR–BX–2010–022) (notice of filing and immediate effectiveness of rule change to implement the auto-match feature with the option to auto-match up to a designated limit price).

[11] *See* ISE Rule 723(d)(4); *see also* Securities Exchange Act Release No. 34–62644 (August 4, 2010), 75 FR 48395 (August 10, 2010) (SR–ISE–2010–61) (notice of filing and immediate effectiveness of rule change to implement the auto-match feature with the option to auto-match up to a designated limit price).

[12] AIM, C2 AIM, PIP and PIM have certain characteristics in common with each other. All three mechanisms (a) provide for the opportunity for customer price improvement, (b) have certain periods where the initial orders are exposed for potential price improvement, (c) have certain guidelines regarding the types of orders that may be eligible for price improvement, and (d) have certain defined rules related to the allocation of trades within price improvement auctions.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] *Id.*

designated limit price. Initiating Trading Permit Holders will not be required to designate such a limit price, and may still instead enter the contra-side order with a specified single price or auto-match all Auction responses. The Exchange believes that this additional flexibility for Trading Permit Holders to obtain executions on behalf of their customers while continuing to provide meaningful, competitive Auctions will increase the number of Auctions, which will ultimately enhance competition in the Auctions and provide customers with additional opportunities for price improvement. The proposed rule change also provides the possibility that other TPHs may receive increased order allocations through AIM, which the Exchange believes could increase participation in Auctions and further enhance competition.

CBOE believes that the proposed rule change will in fact relieve any burden on, or otherwise promote, competition. The Exchange believes the proposed rule change is procompetitive because it would provide Initiating Trading Permit Holders with the same flexibility as the rules at other exchanges that also permit initiating participants to elect to auto-match up to a designated limit price in those exchanges' price improvement auctions.[16] The Exchange believes that AIM, and in turn the customers that benefit from AIM, would be disadvantaged if Trading Permit Holders are not provided with the option to auto-match up to a designated limit price because this lack of flexibility reduces the number of Auctions and, as a result, opportunities for price improvement. Because C2, BOX, and ISE currently allow initiating participants the option to auto-match up to the best-priced response received during an auction or up to a designated limit price, the Exchange believes it is important for competitive purposes that it be able to offer the same opportunities for price improvement on CBOE through AIM. The Exchange believes adding this same flexibility will promote trading activity on the Exchange to the benefit of the Exchange, its Trading Permit Holders, and market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[16] *See supra* notes 9–11.

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[17] and Rule 19b–4(f)(6)[18] 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–CBOE–2013–048 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–CBOE–2013–048. 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 St. NE., Washington DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–048, and should be submitted on or before June 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–11359 Filed 5–13–13; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 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 the filing of the proposed rule, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69534; File No. SR–OCC–2013–03]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change To Add Provisions to the By-Laws To Facilitate the Use of the Stock Loan/Hedge Program by Canadian Clearing Members

May 8, 2013.

I. Introduction

On March 8, 2013 The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2013–03 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal**

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Register on March 26, 2013.[3] The Commission received no comment letters. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The purpose of the proposed rule change is to add provisions to the By-Laws governing the OCC's Stock Loan/Hedge Program to facilitate the use of the Stock Loan/Hedge Program by Canadian Clearing Members.

OCC's Stock Loan/Hedge Program is provided for in Article XXI of the By-Laws and Chapter XXII of the Rules, and provides a means for OCC clearing members to submit broker-to-broker stock loan transactions[4] to OCC for clearance.[5]

Currently, for OCC clearing members to participate in OCC's Stock Loan/Hedge Program, they must be members of the Depository Trust Company (''DTC'') and maintain accounts to facilitate Delivery Orders (''DOs'') to approved counterparties for stock loan transactions. Canadian Clearing Members (who are otherwise eligible to participate in the Stock Loan/Hedge Program) are not participants of DTC. For purposes of settling transactions in U.S. equity securities, Canadian Clearing Members ordinarily rely on the services of CDS Clearing and Depository Services Inc. (''CDS''),[6] which provides a cross-border service to clear and settle trades with U.S. counterparties.[7]

OCC is amending Interpretation .07 to Section 1 of Article V of the By-Laws to allow participation by Canadian Clearing Members in the Stock Loan/Hedge Program by permitting them to appoint CDS to act as their agent in effecting DOs for stock loan transactions through DTC under arrangements similar to those used for deliveries under options and futures.[8] Upon such an appointment, a sponsored sub-account will be established on behalf of the Canadian Clearing Member in a CDS participant account at DTC, through which the Canadian Clearing Member can obtain access to similar DTC services used by U.S. clearing members who maintain participant accounts at DTC in respect to stock loan transactions. Through their identified sub-accounts within a CDS participant account at DTC, Canadian Clearing Members will be able to effect DOs for stock loan transactions to other DTC participants in the same manner as U.S. clearing members. The cross-border service offered by DTC and CDS will enable Canadian Clearing Members to transfer securities between their accounts held at CDS and the identified sub-accounts carried on their behalf in CDS participant accounts held at DTC to effect DOs for stock loan transactions.

Under the amended Interpretation .07 to Section 1 of Article V of the By-Laws, a Canadian Clearing Member that appoints CDS to act for it in connection with the Stock Loan/Hedge Program will be required to agree with OCC that the clearing member remains responsible to OCC in respect of its stock loan and borrow positions regardless of any non-performance by CDS, that OCC may treat any failure of CDS to complete delivery or payment required to close an open stock loan or borrow position as a failure by such Canadian Clearing Member, thereby triggering OCC's buy-in and sell-out procedures and such other procedures and remedies as are provided under OCC's Rules, including recourse to the collateral deposited by the clearing member. Accordingly, OCC believes that it will have no credit exposure to CDS as the result of a failure by CDS to perform. OCC will seek acknowledgement of CDS and DTC with respect to these arrangements. If, for any reason, CDS ceases to act for one or more Canadian Clearing Members,[9] OCC will have authority to require clearing members to close out open stock loan and borrow positions through buy-in and sell-out procedures, or any other procedures provided in the By-Laws or Rules, if necessary.

In order to accommodate the participation by Canadian Clearing Members in the Stock Loan/Hedge Program, OCC will make certain conforming changes to its Non-U.S. Clearing Member Agreement.[10] OCC also will make certain technical changes to its Non-U.S. Clearing Member Agreement for clarity and consistency with its U.S. Clearing Member Agreement.

Finally, for ease of reference throughout the proposed addition to Interpretation .07 to Section 1 of Article V of the By-Laws, OCC is amending Section 1 of Article I of the By-Laws to define a Canadian Clearing Member approved to participate in the Stock Loan/Hedge Program as a ''Canadian Hedge Clearing Member.''

III. Discussion

Section 19(b)(2)(C) of the Act[11] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act[12] requires, among other things, that the rules of a clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions and foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

By facilitating the inclusion of Canadian Clearing Members in OCC's Stock Loan/Hedge Program, the rule change serves to broaden the scope of OCC clearing members that are able to participate in stock loan transactions and thereby further promotes the prompt and accurate clearance and settlement of stock loan transactions, and also fosters cooperation and coordination with persons engaged in the clearance and settlement of stock loan transactions. The rule change achieves these objectives while also

[3] Securities Exchange Act Release No. 34–69188 (March 20, 2013), 78 FR 18382 (March 26, 2013).

[4] Broker-to-broker transactions are independently-executed stock loan transactions that are negotiated directly between two OCC clearing members.

[5] Where a stock loan transaction is submitted to, and accepted by, OCC for clearance, OCC substitutes itself as the lender to the borrower and the borrower to the lender, thus serving a function for the stock loan market similar to the one it serves within the listed options market. OCC thereby guarantees the future daily mark-to-market payments between the lending clearing member and borrowing clearing member, which are effected through OCC's cash settlement system, and the return of the loaned stock to the lending clearing member and the collateral to the borrowing clearing member, upon close-out of the stock loan transaction. OCC leverages the infrastructure of the DTC to transfer loaned stock and collateral between OCC clearing members.

[6] CDS is Canada's national securities depository, processing over 413 million trades annually. One of CDS's services enables its Canadian participants to clear and settle trades (which would include stock loan and borrow transactions) with U.S. counterparties through affiliations with DTC and the National Securities Clearing Corporation (''NSCC''). Under current OCC Rules 901(a) and (g), Canadian Clearing Members are able to effect settlement of deliver/receive obligations arising from exercised or assigned stock options and matured stock futures by appointing CDS to act as their agent through the arrangements with DTC and NSCC.

[7] OCC is not a party to such cross-border service arrangements.

[8] Unlike settlement of deliver/receive obligations in respect of stock options and stock futures, stock loan and borrow transactions do not involve NSCC.

[9] A Canadian Clearing Member will be obligated, under amended Interpretation .07 to Section 1 of Article V of the By-Laws, to promptly notify OCC in writing if it knew or reasonably expected CDS to cease acting on its behalf, or if CDS had ceased acting on its behalf, with respect to effecting DOs for stock loan and stock borrow transactions.

[10] As part of the application process to become a clearing member of OCC, any non-U.S. applicant must execute a copy of OCC's Non-U.S. Clearing Member Agreement. In the agreement, the applicant makes certain representations with respect to, among other things, the types of transactions it will engage in as a Non-U.S. Clearing Member.

[11] 15 U.S.C. 78s(b)(2)(C).

[12] 15 U.S.C. 78q-1(b)(3)(F).

continuing to protect the clearing system against risk.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[13] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[14] that the proposed rule change (File No. SR–OCC–2013–03) be and hereby is APPROVED.[15]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–11366 Filed 5–13–13; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78q–1.

[14] 15 U.S.C. 78s(b)(2).

[15] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69539; File No. SR–EDGX–2013–16]

Self-Regulatory Organizations; EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amendments to the EDGX Exchange, Inc. Fee Schedule

May 8, 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 May 1, 2013, EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its fees and rebates applicable to Members[3] of the Exchange pursuant to EDGX Rule 15.1(a) and (c). All of the changes described herein are applicable to EDGX Members. The text of the proposed rule change is available on the Exchange's Internet Web site at *www.directedge.com,* at the Exchange's principal office, and at the Public Reference Room of the Commission.

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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Currently, Footnote 1 of the Exchange's fee schedule provides that Members may qualify for the Mega Tier rebate of $0.0035 per share for all liquidity posted on EDGX where Members add or route at least 2 million shares of average daily volume (''ADV'') prior to 9:30 a.m. or after 4:00 p.m. (includes all flags except 6) and add a minimum of 35 million shares of ADV on EDGX in total, including during both market hours and pre- and post-trading hours (hereinafter referred to as the ''$0.0035 Mega Tier Rebate''). Members also may qualify for the Mega Tier but will earn a rebate of $0.0032 per share for all liquidity posted on EDGX if they add or route at least 4 million shares of ADV prior to 9:30 a.m. or after 4:00 p.m. (includes all flags except 6) and add a minimum of .20% of the Total Consolidated Volume (''TCV'') on a daily basis measured monthly, including during both market hours and pre- and post-trading hours (hereinafter referred to as the ''$0.0032 Mega Tier Rebate''). Currently, for meeting the aforementioned criteria (the $0.0035 Mega Tier Rebate or the $0.0032 Mega Tier Rebate), Members will pay a reduced rate for removing liquidity of $0.0029 per share for Flags N, W, 6, BB, PI, and ZR (hereinafter referred to as the $0.0029 Reduced Rate). Where a Member does not meet the criteria for either the $0.0035 Mega Tier Rebate or $0.0032 Mega Tier Rebate, then a removal rate of $0.0030 per share applies.

The Exchange proposes to amend Footnote 1 of its fee schedule to provide that if Members qualify for the $0.0035 Mega Tier Rebate, they can also qualify for a separate reduced rate for removing and/or routing liquidity of $0.0020 per share for Flags N, W, 6, 7, BB, PI, RT, and ZR (hereinafter referred to as the $0.0020 Reduced Rate). The Exchange proposes to append Footnote 1 to Flags 7 and RT (the routing flags) to signify a rate change from the routing rates of $0.0030 per share if the criteria of Footnote 1 is met. Footnote 1 is already appended to the other above-mentioned flags.

The Exchange notes that Members that qualify for the $0.0035 Mega Tier Rebate would no longer qualify for the $0.0029 Reduced Rate and may only qualify for the $0.0020 Reduced Rate. The Exchange also proposes to add the following language to the end of the paragraph regarding the $0.0035 Mega Tier Rebate: Where a Member does not meet the aforementioned criteria, then a rate of $0.0030 per share applies.

In addition, the Exchange proposes to separate out the criteria for the $0.0035 Mega Tier Rebate and the $0.0032 Mega Tier Rebate by separating out the tiers and accompanying reduced rates into their own paragraphs. Lastly, the Exchange proposes to add ''per share'' following the amount of the reduced rate in the paragraph regarding the $0.0032 Mega Tier Rebate, as well as to use the term ''aforementioned'' instead of ''for the Mega Tier.'' Therefore, the final two sentences in the paragraph will now read as follows: ''In addition, for meeting the aforementioned criteria, Members will pay a reduced rate for removing liquidity of $0.0029 per share for Flags N, W, 6, BB, PI, and ZR. Where a Member does not meet the aforementioned criteria, then a removal rate of $0.0030 per share applies.''

The Exchange proposes to implement this amendment to its fee schedule on May 1, 2013.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[4] in general, and furthers the objectives of Section 6(b)(4),[5] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

The Exchange believes that its proposal to provide that if Members

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] As defined in Exchange Rule 1.5(n).

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

qualify for the $0.0035 Mega Tier Rebate, they can also qualify for the $0.0020 Reduced Rate represents an equitable allocation of reasonable dues, fees, and other charges because it incentivizes Members to add liquidity to the EDGX Book [6] as well as remove and/or route liquidity through the Exchange. The increased liquidity benefits all investors by deepening EDGX's liquidity pool, supporting the quality of price discovery, promoting market transparency and improving investor protection. The Exchange also believes that the $ 0.0020 Reduced Rate makes EDGX a more attractive venue to take liquidity from or route liquidity through, which brings a higher quality of order flow to the EDGX Exchange and supports price discovery on EDGX. Finally, the Exchange believes that the discounted removal and/or routing rate of $0.0020 per share will also help it to grow its market share as new takers who are incentivized to achieve the $0.0035 Mega Tier Rebate would send additional volume to the Exchange or remove additional shares from the Exchange in future trading opportunities. Volume-based rebates that also include removal and/or routing fee reductions as a result of meeting such volume-based rebate such as the one proposed herein have been widely adopted in the cash equities markets, and are equitable because they are open to all Members on an equal basis and provide discounts that are reasonably related to the value to an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and introduction of higher volumes of orders into the price and volume discovery processes. In addition, the Exchange also believes that these proposed amendments are non-discriminatory because they apply uniformly to all Members.

In particular, the $0.0035 Mega Tier rebate is reasonable in that it is competitive with Nasdaq's Routable Order Program (''ROP''),[7] a similar program with similar criteria focused on recognizing the propensity of Members representing retail customers to make use of exchange-provided routing strategies and pre- and post-market trading sessions, as compared with proprietary traders.[8] Similar to Nasdaq's program, the $0.0035 Mega Tier is also aimed at encouraging greater participation on EDGX by Members that represent retail customers.[9] To qualify for the ROP and receive a rebate of $0.0037 per share and a reduced removal fee of $0.0029 per share for SCAN or LIST orders that access liquidity on Nasdaq, an MPID must: (i) Add 35 million shares or more per day on average using the SCAN or LIST routing strategies; and (ii) of the liquidity provided using SCAN or LIST strategies, at least 2 million shares per day on average must be provided before the Nasdaq opening cross and/or after the Nasdaq closing cross. In addition, similar to Nasdaq's ROP's reduced removal fees, the proposed reduction in removal fees and routing rates for the Exchange's listed flags is reasonable because it reflects significant fee reductions, thereby reducing the costs to Members that represent retail customers and take advantage of the tier, and potentially also reducing costs to the retail customers themselves. The change is consistent with an equitable allocation of fees because EDGX believes that it is reasonable to use fee reductions on removal and routing fees as a means to encourage greater retail participation on EDGX. In particular, Flags RT and 7 are proposed to be offered lower routing rates because they are yielded from routing strategies ROUT [10] and pre and post-session routing, respectively, which are used by retail investors and are similar to Nasdaq's SCAN routing strategy.[11] The other removal flags selected (Flags N, W, 6, BB, PI, and ZR) represent all possible removal flags that are yielded from removing liquidity from EDGX.

Because retail orders are more likely to reflect long-term investment intentions than the orders of proprietary traders, they promote price discovery and dampen volatility. Accordingly, their presence on the EDGX Book has the potential to benefit all market participants. For this reason, EDGX believes that it is equitable to provide significant financial incentives to encourage greater retail participation in the market in general and on EDGX in particular. EDGX further believes that the proposed program is not discriminatory because it is offered to all Members, whether or not they represent retail customers, that provide significant levels of liquidity, and is therefore complementary to existing incentives that already aim to encourage greater retail participation, such as EDGX's Retail Order Tier [12] and flags ZA/ZR in Footnote 4 of its fee schedule.

The Exchange also believes that the criteria for the $0.0035 Mega Tier Rebate also represents an equitable allocation of reasonable dues, fees, and other charges since higher rebates and proposed reduced fees for removal of liquidity and/or routing are directly correlated with more stringent criteria.

For example, in order for a Member to qualify for the $0.0035 Mega Tier Rebate, the Member would have to add or route at least 2 million shares of ADV during pre- and post-trading hours and add a minimum of 35 million shares of ADV on EDGX in total, including during both market hours and pre- and post-trading hours in order to obtain the $0.0020 Reduced Rate for routing and/or removal of liquidity fees. The criteria for this tier is the most stringent of all other tiers on the Exchange's fee schedule as fewer Members generally trade during pre- and post-trading hours because of the limited time parameters associated with these trading sessions, which generally results in less liquidity. In addition, the Exchange assigns a higher value to this resting liquidity because liquidity received prior to the regular trading session typically remains resident on the EDGX Book throughout the remainder of the entire trading day. Furthermore, liquidity received during pre- and post-trading hours is an important contributor to price discovery and acts as an important indication of price for the market as a whole

[6] As described in Exchange Rule 1.5(d).

[7] *See* Nasdaq Equity Trader Alert 2013–8, *http://www.nasdaqtrader.com/TraderNews.aspx?id=ETA2013–8. See also,* The Nasdaq Stock Market LLC, Price List—Trading Connectivity, *http://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2.*

[8] *See* Securities Exchange Act Release No. 68905 (February 12, 2013), 78 FR 11716 (February 19, 2013) (SR–NASDAQ–2013–023).

[9] The Commission has expressed concern that a significant percentage of the orders of individual investors are executed in over-the-counter markets, that is, at off exchange markets. Securities Exchange Act Release No. 61358 (January 14, 2010), 75 FR 3594 (January 21, 2010) (Concept Release on Equity Market Structure, ''Concept Release''). In the Concept Release, the Commission recognized the strong policy preference under the Act in favor of price transparency and displayed markets. *See also* Mary L. Schapiro, Strengthening Our Equity Market Structure (Speech at the Economic Club of New York, Sept. 7, 2010) (available on the Commission Web site) (comments of Commission Chairman on what she viewed as a troubling trend of reduced participation in the equity markets by individual investors, and that nearly 30 percent of volume in U.S.-listed equities is executed in venues that do not display their liquidity or make it generally available to the public).

[10] As defined in Exchange Rule 11.9(b)(2).

[11] *See* NASDAQ Rule 4758(a)(1)(A)(iv). *See also* Securities Exchange Act Release No. 68905 (February 12, 2013), 78 FR 11716, 11717 (February 19, 2013) (SR–NASDAQ–2013–023) (describing SCAN as a basic Nasdaq routing strategy that is widely used by firms that represent retail customers. SCAN checks the Nasdaq Market Center System for available shares, while remaining shares are simultaneously routed to destinations on the applicable routing table. If shares remain un-executed after routing, they are posted on the Nasdaq book).

[12] Footnote 4 of the Exchange's fee schedule provides that Members will be provided a rebate of $0.0034 per share if they add an average daily volume of Retail Orders (Flag ZA) that is 0.10% or more of the TCV on a daily basis, measured monthly.

considering the relative illiquidity of the pre- and post-trading hour sessions. The Exchange believes that offering a higher rebate and reduced fees for removal of liquidity and/or routing incentivizes Members to provide liquidity during these trading sessions.

In order to qualify for the next best tier after the Mega Tier (at $0.0033), the Market Depth Tier, a Member would receive a rebate of $0.0033 per share for displayed liquidity added on EDGX if they post greater than or equal to 0.50% of the TCV in ADV on EDGX in total, where at least 2 million shares of which are Non-Displayed Orders that yield Flag HA. Assuming a TCV of 6 billion shares for March 2013, this would amount to 30 million shares, at least 2 million shares of which are Non-Displayed Orders. The criteria for this tier is less stringent then the volume thresholds for the $0.0035 Mega Tier Rebate because Members must add a minimum of 35 million shares of ADV in addition to adding or routing at least 2 million shares of ADV during pre- and post-trading hours to earn a rebate of $0.0035 per share and be eligible for lower removal and/or routing fees ($0.0020 Reduced Rate). As discussed, the criteria for the Mega Tier is the most stringent as fewer Members generally trade during pre- and post-trading hours because of the limited time parameters associated with these trading sessions, which generally results in less liquidity.

The Exchange believes that it is reasonable to lower removal and/or routing fees using liquidity provision patterns. First, the lower removal and/or routing rates are similar to the Exchange's Step-up Take Tier in Footnote 2 of its fee schedule [13] and other similar tiers on NYSE Arca [14] and BATS BZX,[15] in that it offers a discounted removal rate that is designed to incent fee sensitive liquidity takers to the Exchange provided they are able to meet certain volume requirements. The Exchange believes that the proposed reduction of certain of the Exchange's routing fees (Flags RT and 7) provided the criteria for the $0.0035 Mega Tier Rebate is met is equitably allocated, fair and reasonable, and non-discriminatory in that the lower fees are equally applicable to all Members that meet the applicable criteria and are designed to provide a reduced fee for orders routed to certain market centers.

The Exchange also notes that it operates in a highly-competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a competitive pricing structure designed to incent market participants to direct their order flow to the Exchange. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all Members. The Exchange believes the fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to Members.

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. The Exchange does not believe these changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange's competitors. Additionally, Members may opt to disfavor EDGX's pricing if they believe that alternatives offer them better value. Accordingly, EDGX does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

The Exchange believes its proposal will increase intermarket competition and possibly encourage the Exchange's competitors to make competitive responses. The Exchange believes the proposal will increase intermarket competition because it is comparable in financial incentives and criteria to Nasdaq's ROP, as described above, in that both require the addition of 35 million shares or more per day on average of liquidity, at least 2 million shares per day on average must be provided during pre and post-trading hours. The Exchange believes that its proposal will have no burden on intramarket competition because the rate applies uniformly to all Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(2) [17] thereunder. 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
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–EDGX–2013–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–EDGX–2013–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's

[13] *See* Securities Exchange Act Release No. 68166 (November 6, 2012), 77 FR 67695 (November 13, 2012) (SR–EDGX–2012–46).

[14] The Exchange's discounted removal rate from $0.0030 per share to $0.0020 per share for Members that achieve the $0.0035 Mega Tier is also reasonable because it is similar in concept to discounts offered by NYSE Arca, where the default removal rate is $0.0030 per share and customers that qualify for the Tape C Step Up Tier earn discounts of $0.0029 per share. *See* NYSE Arca Equities, Inc. Schedule of Fees and Charges for Exchange Services, *https://usequities.nyx.com/sites/usequities.nyx.com/files/nyse_arca_marketplace_fees_5_1_13.pdf.*

[15] Lower routing fees for routing through an exchange to reach another destination are common on BATS BZX Exchange in particular, which offers ''one under'' pricing. BATS BZX Exchange provides a discounted fee for Destination Specific Orders routed to certain of the largest market centers measured by volume (NYSE, NYSE Arca and NASDAQ), which, in each instance has been $ 0.0001 less per share for orders routed to such market centers by the BATS BZX Exchange than such market centers currently charge for removing liquidity. *See* BATS BZX Exchange Fee Schedule, *http://cdn.batstrading.com/resources/regulation/rule_book/BATS-Exchanges_Fee_Schedules.pdf.*

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(2).

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–EDGX–2013–16 and should be submitted on or before June 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–11368 Filed 5–13–13; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69536; File No. SR–NASDAQ–2013–072]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Amend Fees Assessed Under Rule 7015(h)

May 8, 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 24, 2013 The NASDAQ Stock Market LLC (''NASDAQ'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. On May 3, 2013, the Exchange submitted Amendment No. 1 to the proposed rule change. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ is proposing to amend the fees assessed under Rule 7015(h). On May 3, 2013, NASDAQ filed Amendment No. 1 to add additional clarifications to statutory basis discussion. NASDAQ implemented the amended fees effective on May 1, 2013.

The text of the proposed rule change is below. Proposed new language is italicized; proposed deletions are in brackets.

* * * * *

7015. Access Services

The following charges are assessed by Nasdaq for connectivity to systems operated by NASDAQ, including the Nasdaq Market Center, the FINRA/NASDAQ Trade Reporting Facility, and FINRA's OTCBB Service. The following fees are not applicable to the NASDAQ Options Market LLC. For related options fees for Access Services refer to Chapter XV, Section 3 of the Options Rules.

(a)–(g) No change.

(h) VTE Terminal Fees

- Each ID is subject to a minimum commission fee of $*250*[125] per month unless it executes a minimum of 100,000 shares.
- Each ID receiving market data is subject to pass-through fees for use of these services. Pricing for these services is determined by the exchanges and/or market center.
- Each ID that is given web access is subject to a $*250*[125] monthly fee.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ 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

NASDAQ is proposing to increase the fees assessed members under Rule 7015(h) for use of VTE terminals. A VTE terminal is a basic front-end user interface used by NASDAQ members to connect to, and enter orders in, The Nasdaq Market Center. Members using VTE terminals pay the exchanges and market centers separately for data feeds and services provided by NASDAQ, other exchanges or market centers through VTE. Such fees are filed with the SEC and separately assessed by the exchanges and market centers at the same rate irrespective of the method of accessing the data feeds. These data feeds provide information that is necessary for users to enter orders through VTE. The two fees assessed under Rule 7015(h) relate to optional web access and commissions.

Rule 7015(h) currently assesses monthly a minimum commission fee of $125 per ID for users executing orders totaling less than 100,000 shares per month, and a web access fee of $125 per ID. NASDAQ last increased fees assessed under Rule 7015(h) in 2011 when it raised the fee for access to the terminal via the web from $100 monthly to $125 monthly, and raised the minimum commission fee for users executing orders totaling less than 100,000 shares per month from $100 monthly to $125 monthly.[3] In light of increasing costs, NASDAQ is proposing to increase the fee for access to the terminal via the web from $125 monthly to $250 monthly, and increase the minimum commission fee for users executing orders totaling less than 100,000 shares per month from $125 monthly to $250 monthly.

NASDAQ notes that web connectivity is one option available to NASDAQ users for accessing the VTE terminal. Another option is access through extranet connectivity, where a user contracts directly with a third-party extranet provider and pays fees to that provider. With respect to minimum commission fees, members that execute total orders above the 100,000 share threshold will continue to not be assessed a commission fee.

Based on NASDAQ's operation of the VTE since it was acquired from INET, NASDAQ believes that the pricing changes are warranted in order to

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[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 65014 (August 2, 2011), 76 FR 48189 (August 8, 2011) (SR–NASDAQ–2011–101).

appropriately balance the demand for the product with increasing platform, overhead and technology infrastructure costs.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [4] in general, and with Section 6(b)(4) [5] of the Act, in particular. The Exchange believes it is consistent with Section 6(b)(4) of the Act because it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls. All similarly situated members are subject to the same fee structure, and access to this NASDAQ service is offered on fair and non-discriminatory terms. NASDAQ has not increased the fees assessed under Rule 7015(h) since 2011 despite incurring a substantial decrease in subscribership, resulting in higher per-subscription costs as fixed costs are spread among fewer users. Moreover, during this time NASDAQ has also experienced increased costs associated with ongoing support of the VTE platform, which include platform, overhead and technology infrastructure costs. In order to continue to offer this service, NASDAQ must increase the subscriber fees as proposed to cover the overall general increase in cost to support the service, and to cover the increased cost resulting from a smaller subscriber base. The proposed fees realign the balance of the costs discussed above to the fees received for the service so that it is similar to the ratio at the time of the last fee increase. NASDAQ notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. Use of VTE terminals is entirely optional and members can avail themselves of numerous other means of accessing The Nasdaq Market Center. Members are not obligated to subscribe to VTE terminals and may cancel an existing subscription at any time, with the obligation to pay only for full the monthly fee for the month canceled. As such, the Exchange believes that the proposed fees are reasonable.

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. The proposed fees merely allow NASDAQ to recapture the increasing platform, overhead and technology infrastructure costs it incurs in support of the service, which are magnified on a per subscription basis given a declining subscriber base. The fees are applied uniformly among subscribing member firms, which are not compelled to subscribe to the service and may access the information provided through other means. For these reasons, any burden arising from the fees is necessary in the interest of promoting the equitable allocation of a reasonable fee.

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

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act,[6] and paragraph (f) [7] of Rule 19b–4, 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–2013–072 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–2013–072. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of NASDAQ. 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–2013–072, and should be submitted on or before June 4, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–11367 Filed 5–13–13; 8:45 am]

BILLING CODE 8011–01–P

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

[8] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[License No. 09/09–0461]

Alpine Investors IV SBIC, LP; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Alpine Investors IV SBIC, LP, 3 Embarcadero Center, Suite 2330, San Francisco, CA, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under Section 312 of the Act and Section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') Rules and

Regulations (13 CFR 107.730). Alpine Investors IV SBIC, LP, proposes to provide subordinate debt and equity security financing to GrowthFire, LLC 4235 Foxberry Court, Minneapolis, MN 55340. The financing is contemplated for the purchase of 100 percent of the stock of Great Bay Software, Inc., to fund transaction fees, and for working capital purposes.

The financing is brought within the purview of § 107.730(a) of the Regulations because an Associate of Alpine Investors IV SBIC, LP, as defined in Sec. 105.50 of the regulations, has an ownership interest in GrowthFire, LLC of 10 percent.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment and Innovation, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

Harry Haskins,

Acting Associate Administrator for Investment and Innovation.

[FR Doc. 2013–11431 Filed 5–13–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Council on Underserved Communities, Re-Establishment

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of Federal advisory committee meeting conference call.

SUMMARY: Pursuant to the Federal Advisory Committee Act and its implementing regulations, SBA is issuing this notice to announce the date, time, and agenda for the first meeting of the SBA Council on Underserved Communities. The meeting will be open to the public.

DATES: This conference call will be held on Tuesday, May 21, 2013 from 2:30 p.m. to 3:30 p.m. Eastern Daylight Savings Time.

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. For further questions about the Council on Underserved Communities may be directed to Dan Jones, telephone (202) 205–7583, fax (202) 481–6536, email *dan.jones@sba.gov* or mail, U.S. Small Business Administration, 409 3rd Street SW., 7th Floor, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Pursuant to its authority in section 8(b)(13) of the Small Business Act (15 U.S.C. 637(b)), SBA is re-establishing the Council on Underserved Communities. This discretionary committee is being re-established in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.).

The Council provides advice, ideas and opinions on SBA programs and services and issues of interest to small businesses in underserved communities. Its members provide an essential connection between SBA and small businesses in inner city and rural communities. The Council's scope of activities includes reviewing SBA current programs and policies, while working towards creating new and insightful place-based initiatives to spur economic growth, job creation, competiveness, and sustainability.

Council members bring a number of important points of views to the Council: an understanding of the barriers to success for small business owners in underserved communities; experience working in and operating businesses in urban and rural underserved communities; challenges regarding access to capital; knowledge and experience in training and counseling entrepreneurs in underserved communities; and associations representing owners of small business in underserved communities.

The Council has a total of twenty (20) members, 19 members-at-large and one Chair. Members consist of current or former small business owners, community leaders, officials from small business trade associations, and academic institutions. Members represent the interests of underserved communities across the country, both rural and urban.

Dated: May 7, 2013.

Dan Jones,

SBA Committee Management Officer.

[FR Doc. 2013–11433 Filed 5–13–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8321]

Culturally Significant Objects Imported for Exhibition Determinations: ''Medieval Treasures from Hildesheim''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''Medieval Treasures from Hildesheim,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about September 17, 2013, until on or about January 5, 2014, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: May 8, 2013.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–11487 Filed 5–13–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8323]

Culturally Significant Object Imported for Exhibition Determinations: ''1763: A Revolutionary Peace''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the object to be included in the exhibition ''1763: A Revolutionary Peace,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also

determine that the exhibition or display of the exhibit object at the Old State House Museum, Boston, Massachusetts, from on or about June 7, 2013, until on or about October 7, 2013, and at possible additional exhibitions or venues yet to be determined, is in the national interest. I have ordered that Public Notice of these Determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a description of the exhibit object, contact Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6469). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: May 7, 2013.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–11488 Filed 5–13–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[DELEGATION OF AUTHORITY NO. 354]

Delegation of Authority to the Comptroller of Certain Authorities Regarding Debt Collection and Waiver of Claims

Section 1. General Delegation

By virtue of the authority vested in the Secretary of State by the laws and authorities of the United States, including 22 U.S.C. 2651a; the Debt Collection Improvement Act of 1996, Public Law 104–134 (1996); the Office of Management and Budget's Determination with Respect to Transfer of Functions Pursuant to Public Law 104–316 (December 17, 1996); the Travel and Transportation Reform Act of 1998, Public Law 105–264 (1998); 5 U.S.C. §§ 4108, 5379, 5514, 5522, 5524a, 5705, 5922, and 8707; 22 U.S.C. §§ 2671, 2716, 4047 and 4071; and 31 U.S.C. chapter 37, and delegated to me by Delegation of Authority No. 198, dated September 16, 1992, I hereby delegate, to the extent authorized by law, the duties, functions and responsibilities for the administrative collection, compromise, suspension, termination of Department collection, advance decision, settlement, and waiver of claims of or against debtors of the Department of State, pursuant to the above-mentioned authorities, to the Comptroller of the Department of State.

Section 2. General Provisions

(a) Notwithstanding any provision of this Delegation of Authority, the Secretary of State, the Deputy Secretary, the Deputy Secretary for Management and Resources, or the Under Secretary for Management may at any time exercise any function delegated by this delegation of authority. Functions delegated herein may be redelegated, to the extent authorized by law.

(b) Any reference in this delegation of authority to any act, executive order, determination, delegation of authority, regulation, or procedure shall be deemed to be a reference to such act, executive order, determination, delegation of authority, regulation, or procedure as amended from time to time.

(c) Delegation of Authority 266–1, dated October 22, 2003, is hereby revoked.

(d) This Delegation of Authority shall be published in the **Federal Register**.

Dated: April 23, 2013.

Patrick F. Kennedy,

Under Secretary of State.

[FR Doc. 2013–11485 Filed 5–13–13; 8:45 am]

BILLING CODE 4710–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation; Safety Approval Performance Criteria

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notification of criteria used to evaluate the Black Sky Training, Inc. (BST) safety approval application.

SUMMARY: The FAA issued BST a safety approval, subject to the provisions of Title 51 U.S.C Subtitle V, ch. 509, and the orders, rules and regulations issued under it. Pursuant to Title 14 Code of Federal Regulations (14 CFR) § 414.35, this Notice publishes the criteria that were used to evaluate the safety approval application.

Background: BST applied for, and received, a safety approval for its ability to provide as a service, scenario based physiology training, which includes hypobaric chamber training. BST may offer its scenario based physiology altitude training as a service to a prospective launch and reentry operator to meet the applicable crew and participant training requirements of 14 CFR 460.5 and 14 CFR 460.51.

Criteria Used To Evaluate Safety Approval Application: The performance criteria for this safety approval include 14 CFR 61.31(g) for additional training required for operating pressurized aircraft capable of operating at high altitudes. These criteria are FAA regulations, which are acceptable technical criteria for reviewing a safety approval application per 14 CFR 414.19(a)(1). The FAA's evaluation included assessment of BST's scenario based physiology training lesson plan and objectives, which include classroom and hypobaric chamber training for crew and space flight participants to experience and demonstrate knowledge of the following through testing:

- Understand fundamental principles of the atmosphere and how it relates to the human body.
- Understand the fundamentals of respiratory physiology and how it relates to hypoxia.
- Show competence in the identification of the many different symptoms and physical signs of hypoxia.
- Show advanced competence in the phenomena of neurological impairment (time of useful consciousness) due to hypoxia.
- Understand the effects of prolonged oxygen use.
- Understand the difference between decompression illness and hypoxia.
- Demonstrate using different scenarios the difference between slow decompression and rapid decompression.
- Identify personal symptoms of hypoxia and demonstrate donning of oxygen mask and ability to perform within a hypobaric chamber.

FOR FURTHER INFORMATION CONTACT: For questions about the performance criteria, you may contact Randal Maday, Licensing and Evaluation Division (AST–200), FAA Office of Commercial Space Transportation (AST), 800 Independence Avenue SW., Room 331, Washington, DC 20591, telephone (202) 267–8652; Email *randal.maday@faa.gov.*

Issued in Washington, DC, on May 7, 2013.

George C. Nield,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 2013–11438 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2007–29320]

Operating Limitations at John F. Kennedy International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Extension to Order.

SUMMARY: This action amends the Order Limiting Operations at John F. Kennedy International Airport (JFK) that published on January 18, 2008, and was amended on February 14, 2008, October 7, 2009, and April 4, 2011. The Order remains effective until the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014.

DATES: This amendment is effective on May 14, 2013.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this Order contact: Patricia Bynum, Surface Operations Office, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 385–7073; facsimile: (202) 385–7433; email: *patricia.bynum@faa.gov.*

For legal questions concerning this Order contact: Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7143; facsimile: (202) 267–7971; email: *rob.hawks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You may obtain an electronic copy using the Internet by:

(1) Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You also may obtain a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Background

From 1968, the FAA had limited the number of arrivals and departures at JFK during the peak afternoon demand period (corresponding to transatlantic arrival and departure banks) through the implementation of the High Density Rule (HDR).[1] By statute enacted in April 2000, the HDR's applicability to JFK operations terminated as of January 1, 2007.[2] Using AIR–21 exemptions and the HDR phase-out, U.S. air carriers serving JFK significantly increased their domestic scheduled operations throughout the day. This increase in operations resulted in significant congestion and delays that negatively impacted the National Airspace System (NAS). In January 2008, the FAA placed temporary limits on scheduled operations at JFK to mitigate persistent congestion and delays at the airport.[3] With a temporary schedule limit order in place, the FAA proposed a long-term rule that would limit the number of scheduled and unscheduled operations at JFK.[4] On October 10, 2008, the FAA published the Congestion Management Rule for John F. Kennedy International Airport and Newark Liberty International Airport, which would have become effective on December 9, 2008.[5] That rule was stayed by the U.S. Court of Appeals for the District of Columbia Circuit and subsequently rescinded by the FAA.[6] The FAA further extended the January 18, 2008, Order placing temporary limits on scheduled operations at JFK on October 7, 2009,[7] and on April 4, 2011.[8]

Under the Order, as amended, the FAA (1) maintains the current hourly limits on 81 scheduled operations at JFK during the peak period; (2) imposes an 80 percent minimum usage requirement for Operating Authorizations (OAs) with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) establishes procedures to allocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order. The reasons for issuing the Order have not changed appreciably since it was implemented. Without the operational limitations imposed by this Order, the FAA expects severe congestion-related delays would occur at JFK and at other airports throughout the NAS.

The FAA is engaged in an effort to implement a long-term rule at LaGuardia Airport (LGA), JFK, and Newark Liberty International Airport (EWR). The FAA is developing a notice of proposed rulemaking for Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (RIN 2120–AJ89), which currently is under review. At this time, the FAA is unable to predict the date on which that rule would become effective. Accordingly, the FAA has concluded it is necessary to extend the expiration date of this Order until the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014. This expiration date coincides with the expiration dates for the Orders limiting scheduled operations at EWR and LGA, as also amended by notices in today's **Federal Register**. No amendments other than the expiration date have been made to this Order.

The FAA finds that notice and comment procedures under 5 U.S.C. section 553(b) are impracticable and contrary to the public interest. The FAA further finds that good cause exists to make this Order effective in less than 30 days.

The Amended Order

The Order, as amended, is recited below in its entirety.

1. This Order assigns operating authority to conduct an arrival or a departure at JFK during the affected hours to the U.S. air carrier or foreign air carrier identified in the appendix to this Order. The FAA will not assign operating authority under this Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority and FAA operating authority under 14 CFR part 121, 129, or 135. This Order applies to the following:

a. All U.S. air carriers and foreign air carriers conducting scheduled operations at JFK as of the date of this Order, any U.S. air carrier or foreign air carrier that operates under the same designator code as such a carrier, and

[1] 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a ''slot,'' for each takeoff or landing under instrument flight rules at the high density traffic airports.

[2] Aviation Investment and Reform Act for the 21st Century (AIR–21), Public Law 106–181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

[3] 73 FR 3510 (Jan. 18, 2008), as amended by 73 FR 8737 (Feb. 14, 2008).

[4] 73 FR 29626 (May 21, 2008); Docket FAA–2008–0517.

[5] 73 FR 60544, amended by 73 FR 66516 (Nov. 10, 2008).

[6] 74 FR 52134 (Oct. 9, 2009).

[7] 74 FR 51650.

[8] 76 FR 18620.

any air carrier or foreign-flag carrier that has or enters into a codeshare agreement with such a carrier.

b. All U.S. air carriers or foreign air carriers initiating scheduled or regularly conducted commercial service to JFK while this Order is in effect.

c. The Chief Counsel of the FAA, in consultation with the Vice President, System Operations Services, is the final decisionmaker for determinations under this Order.

2. This Order governs scheduled arrivals and departures at JFK from 6 a.m. through 10:59 p.m., Eastern Time, Sunday through Saturday.

3. This Order takes effect on March 30, 2008, and will expire when the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014.

4. Under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40101, 40103 and 40113, we hereby order that:

a. No U.S. air carrier or foreign air carrier initiating or conducting scheduled or regularly conducted commercial service at JFK may conduct such operations without an Operating Authorization assigned by the FAA.

b. Except as provided in the appendix to this Order, scheduled U.S. air carrier and foreign air carrier arrivals and departures will not exceed 81 per hour from 6 a.m. through 10:59 p.m., Eastern Time.

c. The Administrator may change the limits if he determines that capacity exists to accommodate additional operations without a significant increase in delays.

5. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

6. A carrier holding an Operating Authorization may request the Administrator's approval to move any arrival or departure scheduled from 6 a.m. through 10:59 p.m. to another half hour within that period. Except as provided in paragraph seven, the carrier must receive the written approval of the Administrator, or his delegate, prior to conducting any scheduled arrival or departure that is not listed in the appendix to this Order. All requests to move an allocated Operating Authorization must be submitted to the FAA Slot Administration Office, facsimile (202) 267–7277 or email *7-AWA-Slotadmin@faa.gov,* and must come from a designated representative of the carrier. If the FAA cannot approve a carrier's request to move a scheduled arrival or departure, the carrier may then apply for a trade in accordance with paragraph seven.

7. For the duration of this Order, a carrier may enter into a lease or trade of an Operating Authorization to another carrier for any consideration. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, facsimile (202) 267–7277 or email *7-AWASlotadmin@faa.gov,* and must come from a designated representative of each carrier. The FAA must confirm and approve these transactions in writing prior to the effective date of the transaction. The FAA will approve transfers between carriers under the same marketing control up to five business days after the actual operation, but only to accommodate operational disruptions that occur on the same day of the scheduled operation. The FAA's approval of a trade or lease does not constitute a commitment by the FAA to grant the associated historical rights to any operator in the event that slot controls continue at JFK after this order expires.

8. A carrier may not buy, sell, trade, or transfer an Operating Authorization, except as described in paragraph seven.

9. Historical rights to Operating Authorizations and withdrawal of those rights due to insufficient usage will be determined on a seasonal basis and in accordance with the schedule approved by the FAA prior to the commencement of the applicable season.

a. For each day of the week that the FAA has approved an operating schedule, any Operating Authorization not used at least 80% of the time over the time-frame authorized by the FAA under this paragraph will be withdrawn by the FAA for the next applicable season except:

i. The FAA will treat as used any Operating Authorization held by a carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

ii. The Administrator of the FAA may waive the 80% usage requirement in the event of a highly unusual and unpredictable condition which is beyond the control of the carrier and which affects carrier operations for a period of five consecutive days or more.

b. Each carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier along with a listing of the Operating Authorizations and:

i. The dates within each applicable season it intends to commence and complete operations.

A. For each winter scheduling season, the report must be received by the FAA no later than August 15 during the preceding summer.

B. For each summer scheduling season, the report must be received by the FAA no later than January 15 during the preceding winter.

ii. The completed operations for each day of the applicable scheduling season:

A. No later than September 1 for the summer scheduling season.

B. No later than January 15 for the winter scheduling season.

iii. The completed operations for each day of the scheduling season within 30 days after the last day of the applicable scheduling season.

10. In the event that a carrier surrenders to the FAA any Operating Authorization assigned to it under this Order or if there are unallocated Operating Authorizations, the FAA will determine whether the Operating Authorizations should be reallocated. The FAA may temporarily allocate an Operating Authorization at its discretion. Such temporary allocations will not be entitled to historical status for the next applicable scheduling season under paragraph 9.

11. If the FAA determines that an involuntary reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the carrier from which it was taken, provided that the carrier continues to operate scheduled service at JFK.

12. The FAA will enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). A carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, will be liable for a civil penalty of up to $25,000 for every day that it violates the limits set forth in this Order. A carrier that is a small business as defined in the Small Business Act will be liable for a civil penalty of up to $10,000 for every day that it violates the limits set forth in this Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of this Order.

13. The FAA may modify or withdraw any provision in this Order on its own

or on application by any carrier for good cause shown.

Issued in Washington, DC on May 9, 2013.

Marc L. Warren,

Acting Chief Counsel.

[FR Doc. 2013–11467 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2006–25755]

Operating Limitations at New York LaGuardia Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Extension to Order.

SUMMARY: This action amends the Order Limiting Operations at New York LaGuardia Airport (LGA) that published on December 27, 2006, and was amended on November 8, 2007, August 19, 2008, October 7, 2009, April 4, 2011, and May 23, 2012. The Order remains effective until the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014.

DATES: This amendment is effective on May 14, 2013.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this Order contact: Patricia Bynum, Surface Operations Office, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 385–7073; facsimile: (202) 385–7433; email: *patricia.bynum@faa.gov.*

For legal questions concerning this Order contact: Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7143; facsimile: (202) 267–7971; email: *rob.hawks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You may obtain an electronic copy using the Internet by:

(1) Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You also may obtain a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Background

Due to LGA's limited runway capacity, the airport cannot accommodate the number of flights that airlines and others would like to operate without causing significant congestion. The FAA has long limited the number of arrivals and departures at LGA during peak demand periods through the implementation of the High Density Rule (HDR).[1] By statute enacted in April 2000, the HDR's applicability to LGA operations terminated as of January 1, 2007.[2]

In anticipation of the HDR's expiration, the FAA proposed a long-term rule that would limit the number of scheduled and unscheduled operations at LGA.[3] The FAA issued an Order on December 27, 2006, adopting temporary limits pending the completion of the rulemaking.[4] This Order was amended on November 8, 2007, and August 19, 2008.[5] On October 10, 2008, the FAA published the Congestion Management Rule for LaGuardia Airport, which would have become effective on December 9, 2008.[6] That rule was stayed by the U.S. Court of Appeals for the District of Columbia Circuit and subsequently rescinded by the FAA.[7] The FAA further extended the December 27, 2006, Order placing temporary limits on operations at LGA, as amended, on October 7, 2009,[8] and on April 4, 2011.[9]

Under the Order, as amended, the FAA (1) Maintains the current hourly limits on scheduled (71) and unscheduled (three) operations at LGA during the peak period; (2) imposes an 80 percent minimum usage requirement for Operating Authorizations (OAs) with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) provides for a lottery to reallocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order. The reasons for issuing the Order have not changed appreciably since it was implemented. Without the operational limitations imposed by this Order, the FAA expects severe congestion-related delays would occur at LGA and at other airports throughout the National Airspace System (NAS).

The FAA is engaged in an effort to implement a long-term rule at LGA, John F. Kennedy International Airport (JFK), and Newark Liberty International Airport (EWR). The FAA is developing a notice of proposed rulemaking for Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (RIN 2120–AJ89), which currently is under review. At this time, the FAA unable to predict the date on which that rule would become effective. Accordingly, the FAA has concluded it is necessary to extend the expiration date of this Order until the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014. This expiration date coincides with the expiration dates for the Orders limiting scheduled operations at JFK and EWR, as also amended by notices in today's **Federal Register**. No amendments other than the expiration date have been made to this Order.

The FAA finds that notice and comment procedures under 5 U.S.C. section 553(b) are impracticable and contrary to the public interest. The FAA further finds that good cause exists to make this Order effective in less than 30 days.

The Amended Order

In consideration of the foregoing, the Order, as amended, is recited below in its entirety:

A. Scheduled Operations

With respect to scheduled operations at LaGuardia:

1. The final Order governs scheduled arrivals and departures at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from

[1] 33 FR 17896 (Dec. 3, 1968). The FAA codified the rules for operating at high density traffic airports in 14 CFR part 93, subpart K. The HDR required carriers to hold a reservation, which came to be known as a ''slot,'' for each takeoff or landing under instrument flight rules at the high density traffic airports.

[2] Aviation Investment and Reform Act for the 21st Century (AIR–21), Public Law 106–181 (Apr. 5, 2000), 49 U.S.C. 41715(a)(2).

[3] 71 FR 51360 (August 29, 2006); Docket FAA–2006–25709. The FAA subsequently published a Supplemental Notice of Proposed Rulemaking. 73 FR 20846 (Apr. 17, 2008).

[4] 71 FR 77854.

[5] 72 FR 63224; 73 FR 48428.

[6] 73 FR 60574, amended by 73 FR 66517 (Nov. 10, 2008).

[7] 74 FR 52132 (Oct. 9, 2009).

[8] 74 FR 51653.

[9] 76 FR 18616, amended by 77 FR 30585 (May 23, 2012).

12 noon through 9:59 p.m., Eastern Time, Sunday. Seventy-one (71) Operating Authorizations are available per hour and will be assigned by the FAA on a 30-minute basis. The FAA will permit additional, existing operations above this threshold; however, the FAA will retire Operating Authorizations that are surrendered to the FAA, withdrawn for non-use, or unassigned during each affected hour until the number of Operating Authorizations in that hour reaches seventy-one (71).

2. The final Order takes effect on January 1, 2007, and will expire when the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014.

3. The FAA will assign operating authority to conduct an arrival or a departure at LaGuardia during the affected hours to the air carrier that holds equivalent slot or slot exemption authority under the High Density Rule of FAA slot exemption rules as of January 1, 2007; to the primary marketing air carrier in the case of AIR–21 small hub/nonhub airport slot exemptions; or to the air carrier operating the flights as of January 1, 2007, in the case of a slot held by a non carrier. The FAA will not assign operating authority under the final Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority under 14 CFR part 121, 129 or 135. The Chief Counsel of the FAA will be the final decision maker regarding the initial assignment of Operating Authorizations.

4. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

5. An air carrier may lease or trade an Operating Authorization to another carrier for any consideration, not to exceed the duration of the Order. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, facsimile (202) 267–7277 or email *7-AWASlotadmin@faa.gov,* and must come from a designated representative of each carrier. The FAA must confirm and approve these transactions in writing prior to the effective date of the transaction. However, the FAA will approve transfers between carriers under the same marketing control up to 5 business days after the actual operation. This post-transfer approval is limited to accommodate operational disruptions that occur on the same day of the scheduled operation.

6. Each air carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier along with a listing of the Operating Authorizations actually operated for each day of the two-month reporting period within 14 days after the last day of the two-month reporting period beginning January 1 and every two months thereafter. Any Operating Authorization not used at least 80 percent of the time over a two-month period will be withdrawn by the FAA except:

A. The FAA will treat as used any Operating Authorization held by an air carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

B. The FAA will treat as used any Operating Authorization obtained by an air carrier through a lottery under paragraph 7 for the first 120 days after allocation in the lottery.

C. The Administrator of the FAA may waive the 80 percent usage requirement in the event of a highly unusual and unpredictable condition which is beyond the control of the air carrier and which affects carrier operations for a period of five consecutive days or more.

7. In the event that Operating Authorizations are withdrawn for nonuse, surrendered to the FAA or are unassigned, the FAA will determine whether any of the available Operating Authorizations should be reallocated. If so, the FAA will conduct a lottery using the provisions specified under 14 CFR 93.225. The FAA may retime an Operating Authorization prior to reallocation in order to address operational needs. When the final Order expires, any Operating Authorizations reassigned under this paragraph, except those assigned to new entrants or limited incumbents, will revert to the FAA for reallocation according to the reallocation mechanism prescribed in the final rule that succeeds the final Order.

8. If the FAA determines that a reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the air carrier from which it was taken, provided that the air carrier continues to operate scheduled service at LaGuardia.

9. The FAA will enforce the final Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). An air carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, would be liable for a civil penalty of up to $25,000 for every day that it violates the limits set forth in the final Order. An air carrier that is a small business as defined in the Small Business Act would be liable for a civil penalty of up to $10,000 for every day that it violates the limits set forth in the final Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of the final Order.

B. Unscheduled Operations [10]

With respect to unscheduled flight operations at LaGuardia, the FAA adopts the following:

1. The final order applies to all operators of unscheduled flights, except helicopter operations, at LaGuardia from 6 a.m. through 9:59 p.m., Eastern Time, Monday through Friday and from 12 noon through 9:59 p.m., Eastern Time, Sunday.

2. The final Order takes effect on January 1, 2007, and will expire when the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014.

3. No person can operate an aircraft other than a helicopter to or from LaGuardia unless the operator has received, for that unscheduled operation, a reservation that is assigned by the David J. Hurley Air Traffic Control System Command Center's Airport Reservation Office (ARO). Additional information on procedures for obtaining a reservation will be available via the Internet at *http://www.fly.faa.gov/ecvrs.*

4. Three (3) reservations are available per hour for unscheduled operations at

[10] Unscheduled operations are operations other than those regularly conducted by an air carrier between LaGuardia and another service point. Unscheduled operations include general aviation, public aircraft, military, charter, ferry, and positioning flights. Helicopter operations are excluded from the reservation requirement. Reservations for unscheduled flights operating under visual flight rules (VFR) are granted when the aircraft receives clearance from air traffic control to land or depart LaGuardia. Reservations for unscheduled VFR flights are not included in the limits for unscheduled operators.

LaGuardia. The ARO will assign reservations on a 30-minute basis.

5. The ARO receives and processes all reservation requests. Reservations are assigned on a ''first-come, first-served'' basis, determined as of the time that the ARO receives the request. A cancellation of any reservation that will not be used as assigned would be required.

6. Filing a request for a reservation does not constitute the filing of an instrument flight rules (IFR) flight plan, as separately required by regulation. After the reservation is obtained, an IFR flight plan can be filed. The IFR flight plan must include the reservation number in the ''remarks'' section.

7. Air Traffic Control will accommodate declared emergencies without regard to reservations. Nonemergency flights in direct support of national security, law enforcement, military aircraft operations, or public use aircraft operations will be accommodated above the reservation limits with the prior approval of the Vice President, System Operations Services, Air Traffic Organization. Procedures for obtaining the appropriate reservation for such flights are available via the Internet at *http://www.fly.faa.gov/ecvrs.*

8. Notwithstanding the limits in paragraph 4, if the Air Traffic Organization determines that air traffic control, weather, and capacity conditions are favorable and significant delay is not likely, the FAA can accommodate additional reservations over a specific period. Unused operating authorizations can also be temporarily made available for unscheduled operations. Reservations for additional operations are obtained through the ARO.

9. Reservations cannot be bought, sold, or leased.

Issued in Washington, DC, on May 9, 2013.

Marc L. Warren,

Acting Chief Counsel.

[FR Doc. 2013–11490 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2008–0221]

Operating Limitations at Newark Liberty International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Extension to Order.

SUMMARY: This action amends the Order Limiting Operations at Newark Liberty International Airport (EWR) that published on May 21, 2008, and was amended on October 7, 2009, and April 4, 2011. The Order remains effective until the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014.

DATES: This amendment is effective on May 14, 2013.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this Order contact: Patricia Bynum, Surface Operations Office, Air Traffic Organization, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 385–7073; facsimile: (202) 385–7433; email: *patricia.bynum@faa.gov.*

For legal questions concerning this Order contact: Robert Hawks, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7143; facsimile: (202) 267–7971; email: *rob.hawks@faa.gov.*

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You may obtain an electronic copy using the Internet by:

(1) Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

(2) Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or

(3) Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You also may obtain a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Background

EWR has become one of the most delay-prone airports in the country. In 2007, demand during peak hours approached or exceeded the average runway capacity, resulting in significant volume-related delays. In May 2008, the FAA placed temporary limits on scheduled operations at EWR to mitigate persistent congestion and delays at the airport.[1] This Order also mitigated FAA's concern about a spillover effect resulting from limiting operations at John F. Kennedy International Airport (JFK). With a temporary schedule limit order in place, the FAA proposed a long-term rule that would limit the number of scheduled and unscheduled operations at EWR.[2] On October 10, 2008, the FAA published the Congestion Management Rule for John F. Kennedy International Airport and Newark Liberty International Airport, which would have become effective on December 9, 2008.[3] That rule was stayed by the U.S. Court of Appeals for the District of Columbia Circuit and subsequently rescinded by the FAA.[4] The FAA further extended the May 21, 2008, Order placing temporary limits on scheduled operations at EWR on October 7, 2009,[5] and on April 4, 2011.[6]

Under the Order, as amended, the FAA (1) maintains the current hourly limits on 81 scheduled operations at EWR during the peak period; (2) imposes an 80 percent minimum usage requirement for Operating Authorizations (OAs) with defined exceptions; (3) provides a mechanism for withdrawal of OAs for FAA operational reasons; (4) establishes procedures to allocate withdrawn, surrendered, or unallocated OAs; and (5) allows for trades and leases of OAs for consideration for the duration of the Order. The reasons for issuing the Order have not changed appreciably since it was implemented. Without the operational limitations imposed by this Order, the FAA expects severe congestion-related delays would occur at EWR and at other airports throughout the National Airspace System (NAS).

The FAA is engaged in an effort to implement a long-term rule at LaGuardia Airport (LGA), JFK, and EWR. The FAA is developing a notice of proposed rulemaking for Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport (RIN 2120–AJ89), which currently is under review. At this time, the FAA is unable to predict the date on which that rule would become effective. Accordingly, the FAA has concluded it is necessary to extend the expiration date of this Order until the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24,

[1] 73 FR 29550 (May 21, 2008).

[2] 73 FR 29626 (May 21, 2008); Docket FAA–2008–0517.

[3] 73 FR 60544, amended by 73 FR 66516 (Nov. 10, 2008).

[4] 74 FR 52134 (Oct. 9, 2009).

[5] 74 FR 51648.

[6] 76 FR 18618.

2014. This expiration date coincides with the expiration dates for the Orders limiting scheduled operations at JFK and LGA, as also amended by notices in today's **Federal Register**. No amendments other than the expiration date have been made to this Order.

The FAA finds that notice and comment procedures under 5 U.S.C. section 553(b) are impracticable and contrary to the public interest. The FAA further finds that good cause exists to make this Order effective in less than 30 days.

The Amended Order

The Order, as amended, is recited below in its entirety.

1. This Order assigns operating authority to conduct an arrival or a departure at EWR during the affected hours to the U.S. air carrier or foreign air carrier identified in the appendix to this Order. The FAA will not assign operating authority under this Order to any person or entity other than a certificated U.S. or foreign air carrier with appropriate economic authority and FAA operating authority under 14 CFR part 121, 129, or 135. This Order applies to the following:

a. All U.S. air carriers and foreign air carriers conducting scheduled operations at EWR as of the date of this Order, any U.S. air carrier or foreign air carrier that operates under the same designator code as such a carrier, and any air carrier or foreign-flag carrier that has or enters into a codeshare agreement with such a carrier.

b. All U.S. air carriers or foreign air carriers initiating scheduled or regularly conducted commercial service to EWR while this Order is in effect.

c. The Chief Counsel of the FAA, in consultation with the Vice President, System Operations Services, is the final decisionmaker for determinations under this Order.

2. This Order governs scheduled arrivals and departures at EWR from 6 a.m. through 10:59 p.m., Eastern Time, Sunday through Saturday.

3. This Order takes effect at 6 a.m., Eastern Time, on June 20, 2008, and will expire when the final Rule on Slot Management and Transparency for LaGuardia Airport, John F. Kennedy International Airport, and Newark Liberty International Airport becomes effective but not later than October 24, 2014.

4. Under the authority provided to the Secretary of Transportation and the FAA Administrator by 49 U.S.C. 40101, 40103 and 40113, we hereby order that:

a. No U.S. air carrier or foreign air carrier initiating or conducting scheduled or regularly conducted commercial service at EWR may conduct such operations without an Operating Authorization assigned by the FAA.

b. Except as provided in the appendix to this Order, scheduled U.S. air carrier and foreign air carrier arrivals and departures will not exceed 81 per hour from 6 a.m. through 10:59 p.m., Eastern Time.

c. The Administrator may change the limits if he determines that capacity exists to accommodate additional operations without a significant increase in delays.

5. For administrative tracking purposes only, the FAA will assign an identification number to each Operating Authorization.

6. A carrier holding an Operating Authorization may request the Administrator's approval to move any arrival or departure scheduled from 6 a.m. through 10:59 p.m. to another half hour within that period. Except as provided in paragraph seven, the carrier must receive the written approval of the Administrator, or his delegate, prior to conducting any scheduled arrival or departure that is not listed in the appendix to this Order. All requests to move an allocated Operating Authorization must be submitted to the FAA Slot Administration Office, facsimile (202) 267–7277 or email *7–AWA–Slotadmin@faa.gov,* and must come from a designated representative of the carrier. If the FAA cannot approve a carrier's request to move a scheduled arrival or departure, the carrier may then apply for a trade in accordance with paragraph seven.

7. For the duration of this Order, a carrier may enter into a lease or trade of an Operating Authorization to another carrier for any consideration. Notice of a trade or lease under this paragraph must be submitted in writing to the FAA Slot Administration Office, facsimile (202) 267–7277 or email *7–AWA–Slotadmin@faa.gov,* and must come from a designated representative of each carrier. The FAA must confirm and approve these transactions in writing prior to the effective date of the transaction. The FAA will approve transfers between carriers under the same marketing control up to five business days after the actual operation, but only to accommodate operational disruptions that occur on the same day of the scheduled operation. The FAA's approval of a trade or lease does not constitute a commitment by the FAA to grant the associated historical rights to any operator in the event that slot controls continue at EWR after this order expires.

8. A carrier may not buy, sell, trade, or transfer an Operating Authorization, except as described in paragraph seven.

9. Historical rights to Operating Authorizations and withdrawal of those rights due to insufficient usage will be determined on a seasonal basis and in accordance with the schedule approved by the FAA prior to the commencement of the applicable season.

a. For each day of the week that the FAA has approved an operating schedule, any Operating Authorization not used at least 80% of the time over the period authorized by the FAA under this paragraph will be withdrawn by the FAA for the next applicable season except:

i. The FAA will treat as used any Operating Authorization held by a carrier on Thanksgiving Day, the Friday following Thanksgiving Day, and the period from December 24 through the first Saturday in January.

ii. The Administrator of the FAA may waive the 80% usage requirement in the event of a highly unusual and unpredictable condition which is beyond the control of the carrier and which affects carrier operations for a period of five consecutive days or more.

b. Each carrier holding an Operating Authorization must forward in writing to the FAA Slot Administration Office a list of all Operating Authorizations held by the carrier and for each Operating Authorization, along with a listing of the Operating Authorizations and:

i. The dates within each applicable season on which it intends to commence and to cease scheduled operations.

A. For each winter scheduling season, the report must be received by the FAA no later than August 15 during the preceding summer.

B. For each summer scheduling season, the report must be received by the FAA no later than January 15 during the preceding winter.

ii. The completed operations for each day of the applicable scheduling season:

A. No later than September 1 for the summer scheduling season.

B. No later than January 15 for the winter scheduling season.

iii. A final report of the completed operations for each day of the scheduling season within 30 days after the last day of the applicable scheduling season.

10. In the event that a carrier surrenders to the FAA any Operating Authorization assigned to it under this Order or if there are unallocated Operating Authorizations, the FAA will determine whether the Operating Authorizations should be reallocated. The FAA may temporarily allocate an

Operating Authorization at its discretion. Such temporary allocations will not be entitled to historical status for the next applicable scheduling season under paragraph 9.

11. If the FAA determines that an involuntary reduction in the number of allocated Operating Authorizations is required to meet operational needs, such as reduced airport capacity, the FAA will conduct a weighted lottery to withdraw Operating Authorizations to meet a reduced hourly or half-hourly limit for scheduled operations. The FAA will provide at least 45 days' notice unless otherwise required by operational needs. Any Operating Authorization that is withdrawn or temporarily suspended will, if reallocated, be reallocated to the carrier from which it was taken, provided that the carrier continues to operate scheduled service at EWR.

12. The FAA will enforce this Order through an enforcement action seeking a civil penalty under 49 U.S.C. 46301(a). A carrier that is not a small business as defined in the Small Business Act, 15 U.S.C. 632, will be liable for a civil penalty of up to $25,000 for every day that it violates the limits set forth in this Order. A carrier that is a small business as defined in the Small Business Act will be liable for a civil penalty of up to $10,000 for every day that it violates the limits set forth in this Order. The FAA also could file a civil action in U.S. District Court, under 49 U.S.C. 46106, 46107, seeking to enjoin any air carrier from violating the terms of this Order.

13. The FAA may modify or withdraw any provision in this Order on its own or on application by any carrier for good cause shown.

Issued in Washington, DC, on May 9, 2013.

Marc L. Warren,

Acting Chief Counsel.

[FR Doc. 2013–11489 Filed 5–13–13; 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, U.S. Army Corps of Engineers (USACE), and U.S. Fish and Wildlife Service (USFWS).

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, USACE and USFWS that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed State Route 41 Madera Passing Lanes project 0.3 miles north of Road 208 to 2.2 miles north of Road 208 in Madera County, in the 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 October 11, 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, 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 Caltrans has 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 State Route 41 Madera Passing Lanes project in Madera County, California. The purpose of the project would reduce delay and avoid traffic backup on State Route 41 by improving traffic operations, reducing traffic congestion, and improving safety on State Route 41. This would be accomplished by adding passing lanes to State Route 41 within the project limits, constructing 8-foot-wide outside shoulders, a 4-foot-wide soft median barrier, and rumble strips on the outside shoulders and the median.

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 *March 5, 2013.* The EA/FONSI and other documents are available by contacting Caltrans at the address provided above. The Caltrans EA/FONSI can be viewed and downloaded from the project Web site at: *http://www.dot.ca.gov/dist6/environmental/envdocs/d6/.*

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: May 7, 2013.

Steve Pyburn,

North Team Leader, State Programs, Federal Highway Administration Sacramento, California.

[FR Doc. 2013–11379 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0006]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated January 8, 2013, the Pickens Railway Company (PICK) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR Part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses. FRA assigned the petition Docket Number FRA–2013–0006.

PICK seeks the subject relief for its 80-ton GE Switcher/Locomotive (PICK #10), which was manufactured in 1955. Prior to PICK's acquisition of PICK #10, the engine was used only in private industry where FRA-certified glazing was not required. PICK #10 is currently equipped only with safety glass. PICK now intends to operate PICK #10 on its shortline railway in Anderson, SC, for maintenance-of-way purposes, and plans to put the engine in service in the near future upon the approval of the subject relief.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue, SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 28, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as is practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 8, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–11437 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0031]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by an undated document, which was received by the Federal Railroad Administration (FRA) on March 26, 2013, the North Shore Railroad Company (NSHR) has petitioned FRA for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215, Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA–2013–0031.

Specifically, NSHR seeks exemption from the requirements for stenciling of restricted cars described in 49 CFR 215.203(a) that are set forth in 49 CFR 215.303 for its caboose, Car Number NSHR 61312 (NSHR 61312).

NSHR states that stenciling the caboose to meet the requirements of Part 215 would detract from the historical and educational impression that this car is intended to preserve. NSHR further states that NSHR 61312 was built in 1952 and has Type 1 FRA glazing at all window locations with a sound car body, including ABDX service and ABDX emergency airbrakes. NSHR 61312 also has 5½ x 10 roller bearings with 33-inch wheels.

NSHR plans to operate NSHR 61312 in excursion, VIP, and shipper service on approximately 170 miles of track that is owned by the Susquehanna Economic Development Authority-Council of Governments' (SEDA–COG) Joint Rail Authority. Rail lines of the SEDA–COG Joint Rail Authority over which NSHR 61312 will operate include the Nittany & Bald Eagle Railroad (72 miles), the Lycoming Valley Railroad (34 miles), the North Shore Railroad (38 miles), and the Shamokin Valley Railroad (25 miles). NSHR will also operate NSHR 61312 in excursion, VIP, and shipper service on approximately 15 miles of track on the Union County Industrial Railroad. The West Shore Railroad Corporation owns approximately 5 miles on the Milton Branch and the Lewisburg & Buffalo Creek Railroad owns approximately 10 miles on the Winfield Branch.

NSHR 61312 will be operated at a maximum timetable track speed authorized by all of the railroads listed above, not to exceed 50 mph.

As information, NSHR also requests a Special Approval to continue NSHR 61312 in service in accordance with 49 CFR 205.203(c).

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since

the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 28, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 8, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–11432 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0040]

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated April 11, 2013, Canadian Pacific Railway (CP) has petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, Brake System Safety Standards for Freight and Other NonPassenger Trains and Equipment; End-of-Train Devices. FRA assigned the petition Docket Number FRA–2013–0040.

Specifically, CP requests relief from 49 CFR 232.205(c)(1)(ii)(B), *Class I brake tests—initial terminal inspection,* and 49 CFR 232.207(b)(1), *Class IA brake tests—1,000-mile inspection* for trains operating in distributive power (DP) mode. CP requests that FRA allow 90 cubic feet per minute (CFM) instead of 60 CFM airflow method leakage tests on trains operating in DP mode. CP states that it has been operating trains without incident under these conditions in Canada since 2010. CP's testing has demonstrated that: (1) The operation of DP trains with flow up to 90 CFM is safe, and (2) DP operation enhances safer train handling in cold weather. A summary of CP's testing and experience with higher-flow DP trains in Canada is illustrated in an American Society of Mechanical Engineers' (ASME) paper authored by CP and Wabtec Corporation, presented at the ASME/American Society of Civil Engineers/Institute of Electrical and Electronic Engineers 2012 Joint Rail Conference, and placed in the subject docket. CP has also included in its petition the proposed operating rule outlining when and how DP trains will be authorized to use the requested maximum 90 CFM air test criteria.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 28, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as is practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 8, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–11436 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2006–26300]

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that by a document dated February 22, 2013, the Mid-Continent Railway Historical Society, Inc. (MCRY) has petitioned the Federal Railroad Administration (FRA) for an extension of a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards—Locomotives, Passenger Cars and Cabooses, and 49 CFR part 231, Railroad Safety Appliance Standards. FRA assigned the petition Docket Number FRA–2006–26300.

Specifically, MCRY has petitioned FRA to grant an extension of relief from the requirements of 49 CFR 223.9(a) and 49 CFR 231.30(c)(ii). In addition, MCRY requests the continuation of a maximum operating speed of 15 mph for operations on MCRY's property. MCRY seeks an extension of the requested

relief for Diesel Locomotive MCRY 1256 (MCRY 1256).

On November 3, 2008, FRA granted MCRY a waiver of compliance from the safety glazing provisions of 49 CFR 223.9(a) and from the requirements of 49 CFR 231.30(c)(ii) for MCRY 1256. FRA also approved a maximum operating speed of 15 mph for the operation of MCRY 1256 on MCRY's property. MCRY states that since FRA granted the waiver, it has complied with all of the conditions of the waiver and that there have been no accidents or incidents involving MCRY 1256.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 28, 2013 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as is practicable.

Anyone is able to search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). See *http://www.regulations.gov/#!privacyNotice* for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Issued in Washington, DC, on May 8, 2013.

Robert C. Lauby,

Deputy Associate Administrator for Regulatory and Legislative Operations.

[FR Doc. 2013–11434 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Meeting of the Transit Rail Advisory Committee for Safety (TRACS)

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Transit Rail Advisory Committee for Safety (TRACS). TRACS is a Federal Advisory Committee established by the U.S. Secretary of Transportation (the Secretary) in accordance with the Federal Advisory Committee Act to provide information, advice, and recommendations to the Secretary and the Federal Transit Administrator on matters relating to the safety of public transportation systems.

DATES: The TRACS meeting will be held on May 29, 2013, from 8:30 a.m. to 5 p.m. (EST), and May 30, 2013, from 8:30 a.m. to 5 p.m. (EST). Contact Bridget Zamperini (see contact information below) by 5 p.m. (EST) on May 22, if you wish to be added to the visitor list to gain access to the Transport Workers Union of America's Quill Room.

ADDRESSES: The meeting will be held at the Transport Workers Union of America (TWU), Quill Room, 501 3rd Street NW., Washington, DC 20001. Attendees who are on the visitor list can access the building by presenting a valid photo ID. Although this meeting is open to the public, the meeting facility is a secure building. Attendees who have not pre-registered with FTA must be cleared by TWU personnel on site.

SUPPLEMENTARY INFORMATION: This notice is provided in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2). As noted above, TRACS is a Federal Advisory Committee established to provide information, advice, and recommendations to the Secretary and the Administrator of the Federal Transit Administration (FTA) on matters relating to the safety of public transportation systems. TRACS is composed of 24 members representing a broad base of expertise necessary to discharge its responsibilities. The first meeting of TRACS was held September 9–10, 2010, the second meeting of TRACS was held April 27–28, 2011, the third meeting was held February 23–24, 2012 and the fourth meeting of TRACS was held September 20–21, 2012. The tentative agenda for the fifth meeting of TRACS is set forth below:

Agenda

(1) Welcome Remarks/Introductions

(2) Facility Use/Safety Briefing

(3) MAP–21 Presentation (Update)

(4) Recap of TRACS Activities

(5) Future TRACS Activities/Deliverables

(6) Public Comments

(7) Wrap Up

As previously noted, this meeting will be open to the public; however, the Transport Workers Union of America Quill Room is a secured facility and persons wishing to attend must contact Bridget Zamperini, Office of Safety and Oversight, Federal Transit Administration, (202) 366–0306; or at *TRACS@dot.gov* by 5 p.m. (EST) on May 22, 2013, to have your name added to the security list. Members of the public, who wish to make an oral statement at the meeting or seeking special accommodations, are also directed to make a request to Bridget Zamperini, Office of Safety and Oversight, Federal Transit Administration (202) 366–0306; at *TRACS@dot.gov* on or before the close of business May 22, 2013. Provisions will be made to include oral statements on the agenda, if needed. Members of the public may submit written comments or suggestions concerning the activities of TRACS at any time before or after the meeting at *TRACS@dot.gov*, or to the U.S. Department of Transportation, Federal Transit Administration, Office of Safety and Security, Room E45–310, 1200 New Jersey Avenue SE., Washington, DC 20590. Attention: Bridget on the TRACS page at *http://www.fta.dot.gov/about/13099.html.* Written comments submitted to TRACS will also be posted at the above web address.

Issued on: May 9, 2013.

Peter Rogoff,

Administrator.

[FR Doc. 2013–11516 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. Marad-2013–0052]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before July 15, 2013.

FOR FURTHER INFORMATION CONTACT: Dennis Brennan, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–1029 or email: *dennis.brennan@dot.gov.* Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Procedures for Determining Vessel Services Categories for Purposes of the Cargo Preference Act.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0540.

Form Numbers: None.

Expiration Date of Approval: Three years from date of approval.

Summary of Collection of Information: The purpose is to provide information to be used in the designation of service categories of individual vessels for purposes of compliance with the Cargo Preference Act under a Memorandum of Understanding entered into by the U.S. Department of Agriculture, U.S. Agency for International Development, and the Maritime Administration.

Need and Use of the Information: MARAD will use the data submitted by vessel operators to create a list of Vessel Self-Designations and determine whether MARAD agrees or disagrees with a vessel owner's designation of a vessel.

Description of Respondents: Owners or operators of U.S.-registered vessels and foreign-registered vessels.

Annual Responses: 100.

Annual Burden: 800.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *http://regulations.gov.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. *EDT (or EST*), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *http://regulations.gov.*

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://regulations.gov.*

Authority: 49 CFR 1.93.

By Order of the Maritime Administrator.

Dated: May 6, 2013.

Julie Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–11415 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0051]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intention to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before July 15, 2013.

FOR FURTHER INFORMATION CONTACT: Albert Bratton, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: (202) 366–5769; or email: *albert.bratton@dot.gov.* Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Determination of Fair and Reasonable Rates for the Carriage of Bulk and Package Preference Cargoes on U.S.-Flag Commercial Vessels.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133–0514.

Form Numbers: MA–1025, MA–1026, and MA–172.

Expiration Date of Approval: Three years from date of approval by the Office of Management and Budget.

Summary of Collection of Information: This data collection requests that U.S.-flag operators submit vessel-operating costs and capital costs data to MARAD officials on an annual basis.

Need and Use of the Information: This information is needed by MARAD to establish fair and reasonable guideline rates for carriage of specific cargoes on U.S. vessels.

Description of Respondents: U.S. citizens who own and operate U.S.-flag vessels.

Annual Responses: 17.

Annual Burden: 420.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. Comments also may be submitted by electronic means via the Internet at *www.regulations.gov.* Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. *EDT (or EST*), Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at *www.regulations.gov* Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's

complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *www.regulations.gov.*

Authority: 49 CFR 1.93.

By Order of the Maritime Administrator.

Dated: May 6, 2013.

Julie Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–11427 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2011–0082; Notice 2]

Volkswagen Group of America, Incorporated, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of Petition.

SUMMARY: Volkswagen Group of America, Inc. (Volkswagen),[1] has determined that certain model year (MY) 2011 Volkswagen Jetta passenger cars equipped with a TDI engine and Goodyear Eagle Vector 205/55 R16 94V XL tires, do not fully comply with paragraph S4.2.1.2 of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.* Volkswagen has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports* (dated June 7, 2011).

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR Part 556, Volkswagen has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety. Notice of receipt of the petition was published, with a 30-day public comment period, on February 9, 2012 in the **Federal Register** (77 FR 6856). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/*. Then follow the online search instructions to locate docket number ''NHTSA–2011–0082.''

Contact Information: For further information on this decision contact Ms. Amina Fisher, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5307, facsimile (202) 366–5930.

Vehicles Involved: Affected are approximately 463 model year 2011 Volkswagen Jetta passenger cars equipped with a TDI engine and Goodyear Eagle Vector 205/55 R16 94V XL tires, and manufactured between March 18, 2011 and March 23, 2011.

Summary of Volkswagen's Analysis and Arguments: Volkswagen explains that the noncompliance is that the recommended cold tire inflation pressure stated on the tire and loading information label is less than that calculated as prescribed by paragraph S4.2.1.2 of FMVSS No. 110 for the Goodyear Eagle Vector 205/55 R16 94V XL tires installed on the subject vehicles. The tire and loading information label shows a recommended tire pressure of 33 psi, however, it should read 34 psi.

Volkswagen argues that this noncompliance is inconsequential to motor vehicle safety because the noncompliant vehicle placards do not create an unsafe condition and all other labeling requirements have been met.

In summation, Volkswagen believes that the described noncompliance of its tire and loading information labels to meet the requirements of FMVSS No. 110 is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

Requirement Background: Section S4.2.1.2 of FMVSS No. 110 requires:

> S4.2.1.2 The vehicle normal load on the tire shall not be greater than 94 percent of the load rating at the vehicle manufacturer's recommended cold inflation pressure for that tire.

NHTSA's Analysis of Volkswagen's Reasoning: NHTSA agrees with Volkswagen that the designation of the recommended tire inflation pressure on the tire placard affixed to the subject vehicles is inconsequential to motor vehicle safety. The intent of FMVSS No. 110 is to ensure that vehicles are equipped with tires loaded to an appropriate pressure level to handle maximum vehicle loads and prevent overloading. Even while inflated to 33 psi the installed 205/55R16 tires are rated to withstand both the vehicle's fully loaded weight and the maximum GVWR for the affected vehicles.

The subject vehicles have a fully loaded vehicle weight of 4,078.1 pounds with the right rear tire bearing the most weight at 1,062.6 pounds (considered ''worst case'' loading for one tire). If calculated at 34 psi (which the labels should have specified), the 205/55R16 tire is rated to support 1,257 pounds. At 33 psi (which the labels mistakenly specify) the tire is rated to support 1,235 pounds, exceeding the ''worst case'' loading scenario by 172.4 pounds. The subject vehicles have a maximum GVWR of 4299 pounds. The 205/55R16 tire inflated at 33 psi has a capacity rating that exceeds this GVWR value by 88.5 pounds.

NHTSA Decision: In consideration of the foregoing, NHTSA has determined that Volkswagen has met its burden of persuasion that the FMVSS No. 110 noncompliance for the vehicles identified in Volkswagen's Noncompliance Information Report is inconsequential to motor vehicle safety. Accordingly, Volkswagen's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the 463 vehicles that Volkswagen no longer controlled at the time it determined that a noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Issued on: May 7, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–11412 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–59–P

[1] Volkswagen Group of America, Inc. is a motor vehicle manufacturer and importer incorporated under the laws of the state of New Jersey.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0171; Notice 2]

Nissan North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Grant of Petition.

SUMMARY: Nissan North America, Inc. (Nissan), has determined that certain model year 2008 through 2010 Nissan Titan trucks do not fully comply with the requirements of paragraph S19.2.2(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection.* Nissan has filed an appropriate report pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports,* dated August 18, 2010.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provision at 49 CFR Part 556, Nissan has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of Nissan's petition was published, with a 30 day public comment period, on December 21, 2010, in the **Federal Register** (75 FR 80109). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/*. Then follow the online search instructions to locate docket number ''NHTSA–2008–0210.''

Contact Information: For further information on this decision, contact Mr. Lawrence Valvo, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5359, facsimile (202) 366–7002.

Vehicles Involved: Affected are approximately 102,254 model year 2008 through 2010 Nissan Titan trucks that were manufactured from April 10, 2007, through August 6, 2010.

Summary of Nissan's Petition: Nissan states that the noncompliance is that the label identifying the amber air bag status telltale lamp for the front outboard passenger seating position is identified with the words ''PASSENGER AIR BAG'' instead of ''PASSENGER AIR BAG OFF.''

Nissan believes the noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The passenger air bag system on the subject vehicles operates as designed and automatically deactivates the passenger air bag when it is appropriate in accordance with the requirements in S19.2 of FMV55 No. 208. That is, the system requires no input from the operator to perform its intended function. Further, the front passenger airbag status telltale operates correctly and illuminates when the passenger air bag is deactivated as required by the standard.

2. The meaning of the air bag status telltale alone (without the identifying words) is unequivocal to the vehicle occupants. The telltale remains off when the passenger air bag is in the normal mode. When the passenger air bag is deactivated, the telltale is illuminated, showing an icon representing an air bag with an X drawn over it. This clearly represents a deactivated air bag. Nissan notes that in certain other markets, the telltale alone is deemed sufficient with no identifying words required next to the telltale. The identifying words ''passenger side air bag'' (without the word ''OFF'') do not confuse the otherwise clear and readily apparent meaning of the telltale.

3. Information provided in several locations in the vehicle owner's manual further reduces any possibility of operator confusion. If the meaning of telltale is unclear, the operator can refer to multiple explanations in the owner's manual.

4. Telltale Function is also described in Quick Reference Guide.

5. There have been no customer complaints, injuries, or accidents related to the word ''OFF'' missing from the label. Nissan has searched its databases and has found no cases of misunderstanding the telltale.

6. Nissan conducted an informal survey at Nissan's National Headquarters Building in Franklin, Tennessee. The building houses mostly business personnel (sales marketing, finance) and not design engineers that would have special understanding of the air bag systems. As employees were approaching the building to begin their workday, they were asked to participate in a survey regarding the Titan and that the survey would take about 30 seconds of their time. The participants represented a good cross-section of the general population by age, gender and race. The subject Titan pickup truck was equipped with the required yellow passenger side air bag status telltale that contained the ''no air bag'' symbol, but did not display the word ''OFF''. The passenger air bag telltale was illuminated. Survey participants were asked to describe the meaning of the telltale. Sixty people participated in the survey. Of the sixty people, 58 responded correctly that the telltale indicated the passenger side airbag was in suppressed mode. The survey shows that people understand the meaning of the passenger air bag telltale even with the word ''OFF'' missing. We note also that adding the word ''OFF'' did not help the two respondents to understand the meaning of the telltale. They would have needed to consult the Owner's Manual. Nissan acknowledges that this was an ad hoc survey that may not meet rigid statistical standards, nevertheless, we believe it is predictive of the results that would be obtained from a larger, controlled survey.

7. A decision to grant this petition would be consistent with arguably similar prior requests related to labeling issues. For example, NHTSA has previously granted petitions related to certain tire and tire placard labeling errors.

Nissan also states that it has taken steps to correct the non-compliance in future production.

Supported by the above stated reasons, Nissan believes that the described FMVSS No. 208 noncompliance is inconsequential to motor vehicle safety, and that its petition, to exempt it from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120, should be granted.

Discussion: Section S19.2.2 of FMVSS No. 208 specifically states:

> S19.2.2 The vehicle shall be equipped with at least one telltale which emits light whenever the passenger air bag system is deactivated and does not emit light whenever the passenger air bag system is activated, except that the telltale(s) need not illuminate when the passenger seat is unoccupied. Each telltale: * * *
>
> (b) Shall have the identifying words ''PASSENGER AIR BAG OFF'' or ''PASS AIR BAG OFF'' on the telltale or within 25 mm (1.0 in) of the telltale; and * * *

NHTSA Decision: NHTSA has reviewed and accepts Nissan's analyses that the noncompliance is inconsequential to motor vehicle safety. Nissan has provided sufficient documentation that the front passenger airbag suppression status telltale lamp does comply with all other safety performance requirements of the standard, except the labeling. If a vehicle owner needs an explanation of what the symbol means, they can reference the symbol in the Owners Manual or the Quick Reference Guide. In addition, NHTSA has reviewed all incoming complaints on the subject

vehicles and found no complaints matching the subject noncompliance.

In consideration of the foregoing, NHTSA has determined that Nissan has met its burden of persuasion that the subject FMVSS No. 208 telltale noncompliance is inconsequential to motor vehicle safety. Accordingly, Nissan's petition is hereby granted, and Nissan is exempted from the obligation of providing notification of, and a remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to approximately 102,254 vehicles that Nissan no longer controlled at the time that it determined that a noncompliance existed in the subject vehicles. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Nissan notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at CFR 1.95 and 501.8)

Issued on: May 7, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–11428 Filed 5–13–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35661]

Grand Trunk Western Railroad Company—Acquisition of Operating Easement—CSX Transportation, Inc.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: The Board is granting an exemption under 49 U.S.C. 10502 from the prior approval requirements at 49 U.S.C. 11323–25 for Grand Trunk Western Railroad Company (GTW), an indirect, wholly owned subsidiary of Canadian National Railway Company, to acquire from CSX Transportation, Inc. (CSXT) an exclusive, perpetual, non-assignable railroad operating easement over:

1. The location of the railroad at-grade crossing, at or near Leewood, between CSXT at milepost 00F Z 371.26 and Illinois Central Railroad Company (IC) at milepost 387.85, including the underlying right-of-way extending 50 feet on either side of the centerline of the CSXT tracks to IC's existing right-of-way and 75 feet on either side of the centerline of the IC tracks, together with appurtenances (other than the CSXT tracks outside the crossing) and related interlocking (Leewood Crossing); and

2. The location of the railroad at-grade crossing, at or near Aulon, between CSXT at milepost 0NI 224.05 and IC at milepost 390.0, including the underlying right-of-way extending approximately 50 feet on either side of the centerline of the CSXT track to IC's existing right-of-way and 50 feet on either side of the centerline of the IC tracks, together with appurtenances (other than the CSXT tracks outside the crossing) and related interlocking (Aulon Crossing).

This acquisition is related to the Board's February 8, 2013 decision in this docket granting GTW's petition for exemption under 49 U.S.C. 10502 from the prior approval requirements at 49 U.S.C. 11323–25 to acquire from CSXT an operating easement over approximately 2.1 miles of CSXT's Memphis Terminal Subdivision between Leewood, Tenn., and Aulon, Tenn. After the Board served that decision, CSXT and GTW realized that they had unintentionally failed to seek authority permitting the operating easement to span the Aulon and Leewood Crossings. By a decision served on May 9, 2013, the Board is granting GTW's petition for supplemental authority and allowing it to expand its operating easement over these crossings.

DATES: This exemption will be effective on June 8, 2013. Petitions to stay must be filed by May 20, 2013. Petitions to reopen must be filed by May 29, 2013.

ADDRESSES: Send an original and 10 copies of all filings referring to Docket No. FD 35661 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, send one copy of pleadings to David A. Hirsch, Harkins Cunningham LLP, 1700 K Street NW., Suite 400, Washington, DC 20006–3804.

FOR FURTHER INFORMATION CONTACT: Scott M. Zimmerman, (202) 245–0386. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision served May 9, 2013, which is available on our Web site at *www.stb.dot.gov.*

Decided: May 7, 2013.

By the Board, Chairman Elliott, Vice Chairman Begeman, and Commissioner Mulvey.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013–11408 Filed 5–13–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury 's Office of Foreign Assets Control (''OFAC'') is publishing the names of eight individuals whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the eight individuals identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on May 7, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. 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 on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their

organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On May 7, 2013, the Director of OFAC designated the following eight individuals whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individuals

1. FLORES PACHECO, Cenobio (a.k.a. CASTRO VILLA, Luis Fernando; a.k.a. ''CHECO''; a.k.a. ''CHEKO''); DOB 13 Nov 1974; citizen Mexico (individual) [SDNTK].

2. LOPEZ AISPURO, Armando; DOB 27 Oct 1969; POB Culiacan, Sinaloa, Mexico; citizen Mexico (individual) [SDNTK].

3. NIEBLAS NAVA, Guillermo (a.k.a. NIEBLA GONZALEZ, Adelmo; a.k.a. ''EL M''; a.k.a. ''EL MEMO''); DOB 21 Dec 1958; citizen Mexico (individual) [SDNTK].

4. PAEZ SOTO, Ramon Ignacio (a.k.a. ''EL MORENO''; a.k.a. ''PAEZ Nachillo''; a.k.a. ''PAEZ, Nacho''); DOB 31 Jul 1973; POB Culiacan, Sinaloa, Mexico; citizen Mexico (individual) [SDNTK].

5. RASCON RAMIREZ, Jose Javier (a.k.a. ''EL KHADAFI''); DOB 24 Jul 1966; citizen Mexico (individual) [SDNTK].

6. SABORI CISNEROS, Raul (a.k.a. ''EL NEGRO''); DOB 07 Jul 1963; POB Baja California Norte, Mexico; citizen Mexico (individual) [SDNTK].

7. SALAZAR RAMIREZ, Jesus Alfredo (a.k.a. ''INDIO''; a.k.a. ''MUNE''); DOB 24 Mar 1974; POB Chihuahua, Mexico; citizen Mexico (individual) [SDNTK].

8. SOSA CANISALES, Felipe de Jesus (a.k.a. ''EL GIGIO''; a.k.a. ''GIO''); DOB 16 Jul 1968; citizen Mexico (individual) [SDNTK].

Dated: May 7, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–11404 Filed 5–13–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

[Case ID ZI–1991; ZI–3018]

Unblocking of Specially Designated Nationals and Blocked Persons Pursuant to Executive Order 13288, as Amended by Executive Order 13391

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC''') is publishing the names of eight individuals and one entity whose property and interests in property have been unblocked pursuant to Executive Order 13288 of March 6, 2003, ''Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe'' as amended by Executive Order 13391 of November 22, 2005, ''Blocking Property of Additional Persons Undermining Democratic Processes or Institutions in Zimbabwe.''

DATES: The unblocking and removal from the list of Specially Designated Nationals and Blocked Persons (''SDN List'') of the eight individuals and one entity identified in this notice whose property and interests in blocked pursuant to Executive 13288 of March 6, 2003, as amended by Executive Order 13391 of November 22, 2005, is effective on May 2, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Background

On March 6, 2003, the President, invoking the authority of, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–06) (''IEEPA'') issued Executive Order 13288 (68 FR 11457, March 10, 2003). In Executive Order 13288, the President declared a national emergency to deal with the threat posed by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region. The Annex to Executive Order 13288 included 77 individuals, including five of the eight individuals identified in this notice, which resulted in the blocking of all property and interests in property of these individuals that was or thereafter came within the United States or the possession or control of U.S. persons. Executive Order 13288 also authorized the Secretary of the Treasury, in consultation with the Secretary of State, to designate additional persons determined to meet the criteria set forth in Executive Order 13288.

On November 22, 2005, in order to take additional steps with respect to the continued actions and policies of certain persons who undermine Zimbabwe's democratic processes and with respect to the national emergency described and declared in Executive Order 13288, the President, invoking the authority of, *inter alia,* IEEPA, issued Executive Order 13391 (70 FR 71201, November 25, 2005). Executive Order 13391 amends Executive Order 13288 and provides that the Annex to Executive Order 13288 is replaced and superseded in its entirety by the Annex to Executive Order 13391, containing the names of 128 individuals and 33 entities, including the eight individuals and one entity identified in this notice. Executive Order 13288, as amended by Executive Order 13391, authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to block the property and interests in property of additional categories of persons beyond the category set forth in Executive Order 13288 prior to its amendment.

Executive Order 13288, as amended by Executive Order 13991, also

authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to determine that circumstances no longer warrant the inclusion of a person in the Annex to Executive Order 13288, as replaced and superseded by the Annex to Executive Order 13991, and to unblock any property and interests in property that had been blocked as a result of the person's inclusion in the Annex.

On May 2, 2013, the Director of OFAC, in consultation with the State Department, determined that circumstances no longer warrant the inclusion of the individuals and entity listed below in the Annex to Executive Order 13288, as replaced and superseded by the Annex to Executive Order 13391, and that the property and interests in property of the individuals and entity listed below are therefore no longer blocked pursuant to section 1(a) of Executive Order 13288, as amended by Executive Order 13391, and accordingly removed them from the SDN List.

Individuals

1. CHIGUDU, Tinaye Elisha Nzirasha; DOB 13 Aug 1942; Passport AD000013 (Zimbabwe); Manicaland Provincial Governor (individual) [ZIMBABWE].
2. CHINDORI–CHININGA, Edward; DOB 14 Mar 1955; Passport AN388694 (Zimbabwe); Member of Parliament for Guruve South (individual) [ZIMBABWE].
3. KARIMANZIRA, David; DOB 25 May 1947; Harare Provincial Governor & Politburo Secretary for Finance (individual) [ZIMBABWE].
4. MANDIZHA, Barbara; DOB 24 Oct 1959; Deputy Police Commissioner (individual) [ZIMBABWE].
5. MUDENGE, Isack Stan Gorerazvo, 31 St. Brelades Road, Borrowdale, Harare, Zimbabwe; DOB 17 Dec 1948; Passport AD000964 (Zimbabwe); Minister of Higher and Tertiary Education (individual) [ZIMBABWE].
6. MUJURU, Solomon Tapfumaneyi Ruzambo (a.k.a. ''NANGO, Rex''); DOB 01 May 1949; Passport ZD001348 (Zimbabwe); Politburo Senior Committee Member (individual) [ZIMBABWE].
7. PATEL, Khantibhal; DOB 28 Oct 1928; Politburo Deputy Secretary for Finance (individual) [ZIMBABWE].
8. TAWENGWA, Solomon; DOB 15 Jun 1940; Former Executive Mayor of Harare; Deceased (individual) [ZIMBABWE].

Entity

1. CALGARY FARM, Mazowe, Zimbabwe [ZIMBABWE].

Dated: May 2, 2013.

Adam J. Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–11397 Filed 5–13–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Unblocking of 1 Individual Designated Pursuant to Executive Order 13572; Correction

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice; correction.

SUMMARY: On April 25, 2013, the Treasury Department's Office of Foreign Assets Control (''OFAC'') published a notice in the **Federal Register** announcing the removal of one individual whose property and interests in property were blocked pursuant to Executive Order 13572 of April 29, 2011, ''Blocking Property of Certain Persons with Respect to Human Rights Abuses in Syria'' from the list of Specially Designated Nationals and Blocked Persons (''SDN List''). In the notice, however, OFAC incorrectly described the individual's property and interest in property as currently blocked. This notice corrects this error and clarifies that the individual's property and interest in property were no longer blocked as of the effective date set forth in the earlier notice.

DATES: The removal of this individual from the SDN List was effective as of Thursday, April 18, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW. (Treasury Annex), Washington, DC 20220, Tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Correction

In the notice published in the **Federal Register** on April 25, 2013 at 78 FR 24468, OFAC incorrectly described the property and interests in property of an individual removed from the SDN List as ''blocked.'' The property and interests in property of this individual were no longer blocked as of April 18, 2013 (the effective date set forth in the April 25, 2013, **Federal Register** notice). Accordingly, OFAC is correcting the notice as follows: on page 24468, in the second column under the heading ''Individual,'' in the second sentence of the second paragraph, replace the word ''blocked'' with the word ''unblocked'' so that the sentence reads, ''All property and interests in property of the individual that are in or hereafter come within the United States or the possession or control of United States persons are now unblocked.'' The corrected notice is republished below.

Background

On April 29, 2011, the President issued Executive Order 13572, ''Blocking Property of Certain Persons with Respect to Human Rights Abuses in Syria,'' (the ''Order'') pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–06). In the Order, the President expanded the scope of the national emergency declared in Executive Order 13338 of May 11, 2004. The Order authorizes the Secretary of the Treasury, in consultation with the Secretary of State, to designate additional persons or entities determined to meet certain criteria set forth in Executive Order 13572. The Department of the Treasury's Office of Foreign Assets Control has determined that this individual should be removed from the SDN List.

The following designation is removed from the SDN List:

Individual

AL–KUZBARI, Nabil Rafik (a.k.a. AL–KOUZBARI, Nabil; a.k.a. AL–KUZBARI, Nabil; a.k.a. AL–KUZBARI, Nabil Rafiq; a.k.a. KUSBARI, Nabil; a.k.a. KUZBARI, Ahmad; a.k.a. KUZBARI, Ahmad Nabil; a.k.a. KUZBARI, Nabil R.); DOB 20 Sep 1936; POB Damascus, Syria; citizen Syria; alt. citizen Austria; Passport P3002721 (Austria) (individual) [SYRIA].

The removal of this individual from the SDN List is effective as of Thursday, April 18, 2013. All property and interests in property of the individual that are in or hereafter come within the United States or the possession or control of United States persons are now unblocked.

Dated: May 7, 2013.

Adam Szubin,

Director, Office of Foreign Assets Control.

[FR Doc. 2013–11405 Filed 5–13–13; 8:45 am]

BILLING CODE 4810–AL–P

INSTITUTE OF PEACE

Announcement of the Fall 2013 Annual Grant Competition for Immediate Release

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its Annual Grant Competition, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution. The Annual Grant Competition is open to any project that falls within the Institute's broad mandate of international conflict resolution.

Deadline: October 1, 2013; Online application available: *http://www.usip.org/grants-fellowships/annual-grantcompetition.*

DATES: Submission of Application: October 1, 2013; Notification Date: Early April 2014.

ADDRESSES: United States Institute of Peace, 2301 Constitution Avenue NW., Washington, DC 20037, (202) 429–3842 (phone), (202) 833–1018 (fax), (202) 457–1719 (TTY), Email: *grants@usip.org.*

FOR FURTHER INFORMATION CONTACT: The Grant Program • Annual Grant Competition, Phone (202) 429–3842, Email: *grants@usip.org.*

Dated: May 8, 2013.

Michael Graham,

Senior Vice President for Management.

[FR Doc. 2013–11199 Filed 5–13–13; 8:45 am]

BILLING CODE 6820–AR–M

INSTITUTE OF PEACE

Announcement of the Priority Grant Competition For Immediate Release

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its ongoing Priority Grant Competition. The Priority Grant Competition focuses on countries and themes as they relate to USIP's mandate. The Priority Grant Competition is restricted to projects that fit the topics identified for each priority area.

This year the Priority Grant Competition's themes and topics are:

- Afghanistan
- Iraq
- Pakistan
- Horn of Africa
- Arab World Political Transformation

The specific focus for each priority area may be found at our Web site at: *http://www.usip.org/grants-fellowships/priority-grant-competition*

Deadline: The Priority Grant Competition applications are accepted throughout the year and awards are announced throughout the year. Please visit our Web site at: *http://www.usip.org/grants-fellowships/priority-grant-competition* for specific information on the competition as well as instructions about how to apply.

ADDRESSES: If you are unable to access our Web site, you may submit an inquiry to: United States Institute of Peace, Grant Program • Priority Grant Competition, 2301 Constitution Avenue NW, Washington, DC 20037, (202) 429–3842 (phone), (202) 833–1018 (fax), (202) 457–1719 (TTY), Email: *grants@usip.org.*

FOR FURTHER INFORMATION CONTACT: The Grant Program, Phone (202) 429–3842, Email: *grants@usip.org.*

Dated: May 8, 2013.

Michael Graham,

Senior Vice President for Management.

[FR Doc. 2013–11200 Filed 5–13–13; 8:45 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

Gulf War Veterans' Illnesses Task Force

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice with request for comments.

SUMMARY: The Secretary, Department of Veterans Affairs (VA) established the Gulf War Veterans' Illnesses Task Force (GWVI–TF) in August 2009 to conduct a comprehensive review of VA's approach to and programs addressing 1990–1991 Gulf War Veterans' illnesses. The third Gulf War Veterans' Illnesses Task Force Draft Written Report is now complete. VA is inviting public comments on this draft report.

DATES: Written comments must be received on or before June 13, 2013.

ADDRESSES: Although VA prefers electronic submission of public comments through *http://www.regulations.gov;* written comments may be submitted through mail or hand delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420 or by fax to (202) 273–9026. Please view and/or download the Gulf War Veterans' Illnesses Task Force Draft Report for Public Comment at *http://www.va.gov/opa/publications/Draft_2012_GWVI–TF_Report.pdf.* Please write: ''Gulf War Veterans' Illnesses Task Force Draft Written Report or GWVI–TF Report'' in the subject line of your letter or email. Copies of all comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment.

Comments may also be viewed online during the comment period, through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.* You can also submit ideas on improving VA services to Gulf War Veterans at *http://vagulfwartaskforce.uservoice.com/.*

FOR FURTHER INFORMATION CONTACT: John Kent, GWVI–TF Secretary, OSVA, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 461–4814.

Approved: May 8, 2013.

Jose D. Riojas,

Interim Chief of Staff, Department of Veterans Affairs.

[FR Doc. 2013–11384 Filed 5–13–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meetings; Amendment

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App., that the date and/or location changes have been made for the following panel meetings of the of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board as previously announced in the **Federal Register** on April 16, 2013. The panels will meet from 8 a.m. to 5 p.m.

Gastroenterology will meet on May 30, 2013, at the U.S. Access Board and not on May 30–31, 2013;

Pulmonary Medicine will meet on May 30, 2013, at the Sheraton Crystal City Hotel and not on May 30–31, 2013;

Neurobiology-E will meet on June 4, 2013, at the Sheraton Crystal City Hotel, and not via a teleconference meeting at the VA Central Office;

Endocrinology-B will meet on June 5, 2013, at the Sheraton Crystal City Hotel and not on June 4, 2013; and

Neurobiology-F will conduct a teleconference meeting on June 12, 2013, at VA Central Office which was not previously reported.

The addresses of the meeting sites are:

Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA

U.S. Access Board, 1331 F Street NW., Suite 1000, Washington, DC

VA Central Office, 131 M Street NE., Washington, DC

The purpose of the Board is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration. Proposals submitted for review by the Board involve a wide range of medical specialties within the general areas of biomedical, behavioral and clinical science research.

The panel meetings will be open to the public for approximately one-half hour at the start of each meeting to discuss the general status of the program. The remaining portion of each panel meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals.

The closed portion of each meeting involves discussion, examination, reference to staff and consultant critiques of research proposals. During this portion of each meeting, discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended, closing portions of these panel meetings is in accordance with title 5 U.S.C., 552b(c) (6) and (9)(B).

Those who plan to attend the general session or would like to obtain a copy of the minutes from the panel meetings and rosters of the members of the panels should contact Alex Chiu, Ph.D., Manager, Merit Review Program (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5672 or email at *alex.chiu@va.gov.*

By Direction of the Secretary.

Dated: May 8, 2013.

Vivian Drake,

Committee Management Officer.

[FR Doc. 2013–11328 Filed 5–13–13; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 78 Tuesday,

No. 93 May 14, 2013

Part II

Office Of Personnel Management

SES Positions That Were Career Reserved During CY 2012; Notice

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During CY 2012

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: As required by section 3132(b) (4) of title 5, United States Code, this gives notice of all positions in the Senior Executive Service (SES) that were ''career reserved'' i.e., SES positions that could only be encumbered by career Federal employees during calendar year 2012.

FOR FURTHER INFORMATION CONTACT: Demetrice Douglas, Senior Executive Resources Services, Senior Executive Service and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved at any time during calendar year 2012, regardless of whether those positions were still career reserved as of December 31, 2012. Section 3132(b)(4) of title 5, United States Code, requires that the head of each agency publish such lists by March 1 of the following year. OPM is publishing this consolidated list for all agencies.

Agency	Organization	Title
ADMINISTRATIVE CONFERENCE OF THE UNITED STATES.	Administrative Conference of the United States.	Executive Director.
		General Counsel.
ADVISORY COUNCIL ON HISTORIC PRESERVATION.	Office of the Executive Director	Executive Director.
DEPARTMENT OF AGRICULTURE	Office of Communications	Deputy Director, Creative Development.
	Office of the Chief Information Officer	Associate Chief Information Officer.
		Deputy Chief Information Officer.
	Office of the Chief Financial Officer	Associate Chief Financial Officer for Financial Policy and Planning.
		Deputy Chief Financial Officer.
		Associate Chief Financial Officer for Financial Systems Planning and Management.
	National Finance Center	Director, Financial Services Division.
		Director, Information Resources Management Division.
		Deputy Director, National Finance Center.
	Office of the General Counsel	Assistant General Counsel.
		Associate General Counsel, General Law and Research Division.
	Office of the Chief Economist	Director, Office of Risk Assessment and Cost-Benefit Analysis.
		Chairperson.
		Director, Global Change Program Office.
		Director, Office of Energy Policy and New Uses.
	Office of Human Resources Management	Provost, United States Department of Agriculture Virtual University.
	Office of Advocacy and Outreach	Director, Office of Advocacy and Outreach.
	Office of Operations	Director, Office of Operations.
	Procurement and Property Management	Director, Procurement and Property Management.
	Rural Business Service	Deputy Administrator, Business Programs.
	Rural Housing Service	Deputy Administrator, Centralized Servicing Center.
		Director, Human Resources.
		Administrator, Operations and Management.
		Chief Financial Officer.
		Budget Officer.
		Deputy Administrator, Multi-Family Housing.
		Deputy Administrator, Operations and Management.
	Agricultural Marketing Service	Deputy Administrator, Fruit and Vegetable Programs.
		Deputy Administrator, Dairy Programs.
		Deputy Administrator, Livestock and Seed Programs.
		Deputy Administrator, Information Technology Services.
		Associate Administrator.
		Deputy Administrator, Compliance and Analysis.
		Deputy Administrator, Poultry Programs.
		Deputy Administrator, Transportation and Marketing Programs.
		Deputy Administrator, Cotton and Tobacco Programs.
		Deputy Administrator, National Organic Programs.

Agency	Organization	Title
		Deputy Administrator, Science and Technology Programs.
	Animal and Plant Health Inspection Service ...	Director, Information Technology Division.
		International Services Area Director (Trade).
		Director, Center for Veterinary Biologics.
		Associate Deputy Administrator, Emerging and International Programs.
		Deputy Administrator, Legislative and Public Affairs.
		Deputy Administrator, International Services.
		Deputy Administrator, Biotechnology Regulatory Programs.
		Associate Deputy Administrator, Veterinary Services, Emergency Programs.
		Director, Western Region Wildlife Services.
		Director, Eastern Region Wildlife Services.
		Deputy Administrator, Marketing and Regulatory Programs—Business Services.
		Associate Deputy Administrator, Marketing and Regulatory Programs—Business Services.
		Deputy Administrator, Wildlife Services.
		Deputy Administrator, Animal Care.
		Associate Deputy Administrator, Wildlife Services.
		Director, Center for Plant Health Science and Technology.
		Assistant Deputy Administrator, Emergency and Domestic Programs.
		Senior Animal and Plant Health Inspection Service International Organization Coordinator.
		Chief Financial Officer.
		Chief Advisor, Government, Academia and Industry Partnership.
		Associate Deputy Administrator, Animal Care.
		Human Resources Officer.
		Director, National Wildlife Research Center.
		Director, Investigative and Enforcement Services.
	Veterinary Services	Director, Eastern Region Veterinary Services.
		Director, Western Region Veterinary Services.
		Associate Deputy Administrator, National Animal Health Policy Programs.
		Director, Center for Epidemiology and Animal Health.
	Plant Protection and Quarantine Service	Director, Western Region Plant Protection and Quarantine.
		Director, Plant Health Programs, Plant Protection and Quarantine.
		Director, Eastern Region Plant Protection and Quarantine.
	Food Safety and Inspection Service	Deputy Assistant Administrator, Office of Field Operations.
		Executive Associate, Regulatory Operations, Office of Field Operations.
		Deputy Assistant Administrator, Office of Program Evaluation Enforcement and Review.
		Assistant Administrator, Office of Policy and Program Development.
		Deputy Administrator.
		Deputy Assistant Administrator, Office of Policy and Program Development.
		Executive Associate, Regulatory Operations, Office of Field Operations.
		Deputy Assistant Administrator, Office of International Affairs.
		Executive Associate, Regulatory Operations, Office of Field Operations.
		Executive Associate, Laboratory Services, Office of Public Health Science.
		Assistant Administrator, Office of International Affairs.
		Assistant Administrator.

Agency	Organization	Title
		Deputy Assistant Administrator, Office of Public Health Science.
		Assistant Administrator, Office of Program Evaluation Enforcement and Review.
		United States Manager for Codex.
		Deputy Assistant Administrator, Office of Management.
		Assistant Administrator, Office of Catfish Inspection Programs.
		Chief Information Officer.
		Chief Financial Officer.
		Assistant Administrator, Office of Field Operations.
		Deputy Administrator.
		Deputy Assistant Administrator, Office of Data Integration and Food Program.
		Assistant Administrator, Office of Data Integration and Food Protection.
		Assistant Administrator, Office of Management.
		Assistant Administrator, Office of Public Affairs, Education and Outreach.
		Executive Associate, Public Health.
		Executive Associate, Regulatory Operations, Office of Field Operations.
	Food and Nutrition Service	Program Manager (Deputy Administrator for Management).
		Director, Office of Research, Nutrition and Analysis.
		Program Manager (Associate Administrator for Regional Operations and Support).
		Associate Administrator, Management and Finance.
		Financial Manager.
	Foreign Agricultural Service	Associate Administrator (Chief Operating Officer).
		Deputy Administrator, Office of Scientific and Technical Affairs.
		Deputy Administrator, Office of Global Analysis.
	Farm Service Agency	Assistant Deputy Administrator, Farm Programs.
		Deputy Director, Office of Budget and Finance.
		Deputy Administrator, Farm Loan Programs.
		Director, Office of Budget and Finance.
		Director, Conservation Environment Programs Division.
	Risk Management Agency	Deputy Administrator, Insurance Services Division.
		Deputy Administrator, Research and Development.
	Office of the Under Secretary for Research, Education and Economics.	Director, Office of the USDA Chief Scientist.
	Agricultural Research Service	Associate Administrator, Research Operations and Management.
		Assistant Administrator, Technology Transfer.
		Director, National Animal Disease Center.
		Director, Office of Pest Management Policy.
		Deputy Administrator, Administrative and Financial Management.
		Associate Deputy Administrator, Administrative and Financial Management.
		Chief Financial Officer.
		Deputy Administrator, Food Nutrition, Safety and Quality.
		Director, Office of International Research Programs.
		Deputy Administrator, Animal Production and Protection.
	National Program Staff Office	Deputy Administrator.
		Associate Administrator, National Programs.
		Deputy Administrator, Natural Resources and Sustainable Agriculture Systems.

Agency	Organization	Title
	Beltsville Area Office	Director, Plant Sciences Institute.
		Director, Beltsville Human Nutrition Research Center.
		Director, Animal and Natural Resources Institute.
		Director, United States National Arboretum.
		Associate Director, Beltsville Area.
		Chief Information Officer.
		Director, Beltsville Area Office.
	North Atlantic Area Office	Director, Eastern Regional Research Center.
		Director, North Atlantic Area.
		Associate Director, North Atlantic Area.
	South Atlantic Area Office	Director, South Atlantic Area.
		Associate Director, South Atlantic Area.
	Midwest Area Office	Director, National Center for Agriculture Utilization.
		Associate Director, Midwest Area.
		Director, Midwest Area.
	Mid-South Area Office	Director, Southern Regional Research Center.
		Director, Mid-South Area.
		Associate Director, Mid-South Area.
	Southern Plains Area Office	Director, Southern Plains Area.
		Associate Director, Southern Plains Area.
	Northern Plains Area Office	Associate Director, Northern Plains Area Office.
		Director, United States Meat Animal Research Center.
		Director, Northern Plains Area.
	Pacific West Area Office	Director, Western Human Nutrition Research Center.
		Director, Pacific West Area Office.
		Director, Western Regional Research Center.
		Associate Director, Pacific West Area Office.
	National Institute of Food and Agriculture	Assistant Director, Institute of Food Safety and Nutrition (2).
		Senior Advisor to the Director.
		Assistant Director, Institute of Bioenergy, Climate and Environment.
		Assistant Director, Office of Grants and Financial Management.
		Assistant Director, Office of Information Technology.
	Economic Research Service	Administrator, Economic Research Service.
		Associate Administrator, Economic Research Service.
		Director, Food and Rural Economics Division.
		Budget Coordinator and Strategic Planner.
		Director, Information Services Division.
		Director, Resource Economics Division.
		Director, Market and Trade Economics Division.
	National Agricultural Statistics Service	Associate Administrator.
		Director, Western Field Operations.
		Associate Deputy Administrator (Western United States).
		Director, Eastern Field Operations.
		Director, Statistics Division.
		Director, Census and Survey Division.
		Administrator, National Agricultural Statistics Service.
		Deputy Chief, Programs.
		Director, Research and Development Division.
		Director, National Operations Center.
		Special Assistant.
		Chairperson of the United States Agricultural Statistics Board.
		Director, Information Technology Division.
	Natural Resources Conservation Service	Director, Soil Survey Division.
		Director, Conservation Engineering Division.
		Director, Ecological Sciences Division.
		Associate Deputy Chief, Management.
		Director, Easement Programs Division.
		Deputy Chief, Strategic Planning and Accountability.

Agency	Organization	Title
		Director, Resource Inventory Division.
		Director, Conservation Planning and Technical Assistance Division.
		Director, Resource Economics, Analysis and Policy Division.
		Regional Conservationist (Northeast).
		Special Assistant to the Chief.
		Director, Financial Assistance Programs Division.
		Deputy Chief, Programs.
		Director, Resource Assessment Division.
		Chief Financial Officer.
		Special Assistant to Chief (2).
	Forest Service	Deputy Chief, Business Operations.
		Chief Financial Officer.
		Director, Fire and Aviation Staff.
		Associate Deputy Chief, Business Operations.
		Director, Acquisition Management.
		Director, Law Enforcement and Investigations.
		Associate Deputy Chief, Research and Development (2).
	Research	Director, Environmental Sciences.
		Director, Resource Use Sciences.
		Director, Vegetation Management and Protection Research Staff.
		Director, Science Policy, Planning and Information Staff.
	National Forest System	Director, Water, Fish, Wasteland, Air and Rare Plants.
		Director, Ecosystem Management Coordination.
		Director, Lands Management Staff.
		Director, Engineering.
		Director, Forest Management Staff.
		Director, Rangeland Management.
		Director, Minerals and Geology Management Staff.
	State and Private Forestry	Senior Advisor to the Deputy Chief, State and Private Forestry.
		Director, Forest Health Protection.
		Director, Cooperative Forestry.
	Field Units	Director, Pacific Northwest Research Station.
		Director, Rocky Mountain Forest and Range Experiment Station (Fort Collins).
		Director, Forest Products Laboratory (Madison).
		Director, Southern Research Station (Asheville).
		Director, Pacific Southwest Forest and Range Experiment Station (Vallejo).
		Northeast Area Director, State and Private Forestry.
		Station Director, North Eastern Forest Experiment Station (Newtown Square).
	International Forest System	Director, International Institute of Tropical Forest (Rio Piedras).
DEPARTMENT OF AGRICULTURE—OFFICE OF THE INSPECTOR GENERAL.	Department of Agriculture—Office of the Inspector General.	Counsel to the Inspector General.
		Deputy Inspector General.
	Assistant Inspector General for Management	Assistant Inspector General for Management.
	Assistant Inspector General for Audit	Deputy Assistant Inspector General for Audit (3).
		Assistant Inspector General for Audit.
	Assistant Inspector General for Investigations	Assistant Inspector General for Investigations.
		Deputy Assistant Inspector General for Investigations.
AMERICAN BATTLE MONUMENTS COMMISSION.	Executive Director	Deputy Secretary.
	Director, European Region	Director, European Region.
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (UNITED STATES ACCESS BOARD).	Architectural and Transportation Barriers Compliance Board (United States Access Board).	Director, Office of Technical and Information Services.
		Executive Director.
BROADCASTING BOARD OF GOVERNORS	International Broadcasting Bureau	Deputy, Engineering Resource Control.
		Deputy, Network Operations.
		Associate Director, Management.

Agency	Organization	Title
		Director, Engineering and Technical Operations.
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD.	Office of the Chief Operating Officer	Chief Operating Officer.
DEPARTMENT OF COMMERCE	Department of Commerce	Director, Governmental Affairs.
		General Counsel.
		Deputy Chief Financial Officer/Deputy Chief Administrative Officer.
		Deputy Assistant Inspector General, Auditing.
	Office of the Chief Information Officer	Director, Cyber Security and Chief Information Security Officer.
		Special Assistant, Program Management.
		Deputy Chief Information Officer and Chief Technology Officer.
	Office of the General Counsel	Director, Office of Executive Support.
		Chief, Ethics Division.
		Assistant General Counsel, Finance and Litigation.
	Office of the Chief Financial Officer and Assistant Secretary for Administration.	Deputy, Acquisition Program Management.
		Deputy Chief Information Officer, Management and Business Operations.
		Deputy Director, Office of Budget.
		Director, Administrative Services.
		Deputy, Procurement Performance Excellence.
		Deputy Assistant Secretary, Resource Management.
		Director, Office of Budget.
		Executive Director, Commerce Connect.
		Director, Human Resources Operations Center.
		Deputy Director, Administrative Services and Building Management.
		Director, Office of Acquisition Management.
		Director for Y2k Outreach.
	Office of the Deputy Assistant Secretary for Administration.	Deputy Director, Acquisition Management.
		Director, Office of Security.
		Deputy Director, Sustainability and Facilities Asset Management.
		Deputy, Procurement Management, Policy and Performance Excellence.
	Office of Human Resources Management	Deputy Director, Human Resources Management.
		Director, Human Resources Management.
	Office of the Deputy Chief Financial Officer for Financial Management.	Director, Financial Management and Deputy Chief Financial Officer.
		Director, OS Financial Management.
		Director, Financial Reporting and Internal Controls.
	Office of Budget	Director, Office of Budget.
	Office of Acquisition Management	Director, Federal Assistant and Management Support.
	Office of Security	Director, Office of Security.
		Deputy Director, Office of Security.
	Office of Administrative Services	Director, Technology Management.
		Deputy Assistant Secretary/Director, Security.
	Office of the Inspector General	Deputy Assistant Inspector General, Economic and Statistical Program Assessment.
	Office of Inspector General	Assistant Inspector General, Systems Evaluation.
		Assistant Inspector General, Administration.
	Office of Counsel to the Inspector General	Counsel to the Inspector General.
	Office of Inspections and Program Evaluation	Assistant Inspector General, Inspections and Program Evaluation.
	Office of Audits	Assistant Inspector General, Auditing.
	Office of Investigations	Assistant Inspector General, Investigations.
	Economics and Statistics Administration	Chief Financial Officer/Director, Administration.
	Bureau of the Census	Chief Technology Officer.
		Senior Advisor, Project Management.
		Associate Director, Administration and Chief Financial Officer.
		Chief, Budget Division.

Agency	Organization	Title
		Associate Director, Strategic Planning and Innovation.
		Associate Director, Information Technology and Chief Information Officer.
		Chief, Center for Economic Studies and Chief Economist.
		Assistant Director, American Community Survey and Decennial Census.
		Chief, Field Division.
		Chief, Human Resources Division.
		Senior Advisor, Service Delivery.
		Chief, Decennial Research and Planning Office.
		Associate Director, 2020 Census.
		Chief, Center for Administrative Records Research and Applications.
		Assistant Director, Research and Methodology.
		Associate Director, Research and Methodology.
	Office of the Director	Chief, Decennial Systems and Contracts Management Office.
		Associate Director, Field Operations.
	Administrative and Customer Services Division.	Chief, Administrative and Customer Services Division.
	Associate Director for Finance and Administration.	Chief, Acquisition Division.
		Chief, Finance Division.
	Data Preparation Division	Chief, National Processing Center.
	Associate Director for Economic Programs	Associate Director, Economic Programs.
		Assistant Director, Economic Programs.
	Economic Planning and Coordination Division	Chief, Economic Planning and Coordination Division.
	Economic Statistical Methods and Programming Division.	Chief, Economic Programming Division.
	Agriculture and Financial Statistics Division	Chief, Company Statistics Division.
	Services Division	Chief, Service Sector Statistics Division.
	Foreign Trade Division	Chief, Foreign Trade Division.
	Governments Division	Chief, Governments Division.
	Manufacturing and Construction Division	Chief, Manufacturing and Construction Division.
	Associate Director for Decennial Census	Associate Director, Decennial Census.
		Chief, American Community Survey Office.
	Decennial Management Division	Chief, Decennial Management Division.
	Geography Division	Chief, Geography Division.
	Decennial Statistical Studies Division	Chief, Decennial Statistical Studies Division.
	Associate Director for Demographic Programs	Chief, Demographic Surveys Division.
		Associate Director, Demographic Programs.
		Assistant Director, Demographic Programs.
		Chief, Population Division.
	Housing and Household Economic Statistics Division.	Chief, Social, Economic, and Housing Statistics Division.
	Demographic Statistical Methods Division	Chief, Demographic Statistical Methods Division.
	Statistical Research Division	Chief, Statistical Research Division.
	Bureau of Economic Analysis	Chief, Administrative Officer.
		Chief, Balance of Payments Division.
		Associate Director for Industry Accounts.
		Chief Information Officer.
	Office of the Director	Chief Statistician.
		Chief Economist.
		Deputy Director, Bureau of Economic Analysis.
		Director, Bureau of Economic Analysis.
	Associate Director for Regional Economics	Associate Director, Regional Economics.
	Associate Director for International Economics	Associate Director, International Economics.
	Associate Director for National Income, Expenditure and Wealth Accounts.	Associate Director, National Income, Expenditure and Wealth Accounts.
		Chief, National Income and Wealth Division.
	Bureau of Industry and Security	Deputy Chief Financial Officer.
		Director, Office of Enforcement Analysis.
		Chief Financial Officer and Director of Administration.

Agency	Organization	Title
	Office of the Assistant Secretary for Export Enforcement.	Director, Office of Export Enforcement.
		Deputy Assistant Secretary, Export Enforcement.
		Deputy Director, Office of Export Enforcement.
	Office of the Assistant Secretary for Economic Development.	Chief Financial Officer/Chief Administrative Officer.
	Office of the Deputy Assistant Secretary	Chief Financial Officer/Chief Administrative Officer.
	International Trade Administration	Director, Office of Environmental Technologies Industries.
		Senior Director, China/Non-Market Economy Compliance Unit.
		Executive Director, Antidumping and Countervailing Duty Operations.
	Office of the Under Secretary	Chief, Financial Officer and Director of Administration.
	Office of the Deputy Under Secretary	Human Resources Manager.
		Deputy Chief Administrative Officer.
	Deputy Assistant Secretary for Textiles and Apparel.	Director, Office of Consumer Goods.
	Assistant Secretary for Market Access and Compliance.	Director, Trade Compliance Center.
	Market Access and Compliance	Director, Office of China Economic Area.
		Director, Office of Multilateral Affairs.
	Deputy Assistant Secretary for Trade Agreements and Compliance.	Associate Director, Management.
	National Oceanic and Atmospheric Administration.	Director, Office of Ocean Exploration and Research.
		Chief Administrative Officer.
		Director, Integrated Ocean Observing System.
		Deputy Assistant Administrator, Systems.
		Director, Ocean Prediction Center.
		Director, Office of Education.
		Deputy Director, Acquisition and Grants Office.
		Chief Financial Officer/Chief Administrator Officer.
		Director, Space Weather Prediction Center.
		Chief Information Officer/Director, High Performance Computing and Communications.
		Deputy Chief Administrative Officer.
		Chief Financial Officer.
		Chief Information Officer, NESDIS.
		Director, Program Risk Management.
		Deputy Director, Office of Satellite and Product Operations.
		Deputy Director, Office of Marine and Aviation Operations.
		Deputy Director, Workforce Management.
		Director, Joint Polar Satellite Systems.
		Deputy Chief Information Officer.
		Director, Acquisition and Grants Office.
		Chief, Resource and Operations Management.
	National Oceanic and Atmospheric Administration, Coastal Ocean Program Office.	Director, Budget Office.
	Office of Finance and Administration	Director, Workforce Management.
		Director, Finance Office/Comptroller.
		Director, Real Property, Facilities and Logistics Office.
	National Ocean Service	Technical Director.
		Director, Office of National Geodetic Survey.
		Associate Assistant Administrator, Management and Chief Financial Officer/Chief Administrative Officer.
		Director, Center for Operational Oceanographic Products and Services.
	National Oceanic and Atmospheric Administration, Coastal Services Center.	Director, National Centers for Coastal Ocean Science.
	Hazardous Materials Response and Assessment Division.	Director, Office of Response and Restoration.
	Office of the Assistant Administrator for Weather Services.	Director, Strategic Planning and Policy Office.

Agency	Organization	Title
	Office of the Chief Information Officer	Chief Information Officer, Weather Service.
	Office of the Federal Coordinator for Meteorology.	Director, Office of the Federal Coordinator for Meteorology.
	Office of Hydrologic Development	Director, Office of Hydrologic Development.
	Hydrology Laboratory	Chief, Hydrology Laboratory.
	Office of Science and Technology	Director, Office of Science and Technology.
		Chief, Programs and Plans Division.
	Meteorological Development Laboratory	Director, Meteorological Development Laboratory.
	Systems Engineering Center	Director, Systems Engineering Center.
	Office of Operational Systems	Director, Office of Operational Systems.
	Telecommunications Operations Center	Chief, Telecommunications Operations Center.
	Maintenance, Logistics, and Acquisition Division.	Chief, Operations Division.
	Radar Operations Center	Director, Radar Operations Center.
	National Data Buoy Center	Director, National Data Buoy Center.
	Office of Climate, Water, and Weather Services.	Chief, Meteorological Services Division.
		Director, Office of Climate, Water, and Weather Services.
	Eastern Region	Director, Eastern Region National Weather Service.
	Southern Region	Director, Southern Region.
	Central Region	Director, Central Region.
	Western Region	Director, Western Region.
	Alaska Region	Director, Alaska Region, Anchorage.
	National Centers for Environmental Prediction	Director, National Center for Environmental Prediction.
		Director, Aviation Weather Center.
		Director, Environmental Modeling Center.
		Director, National Severe Storms Laboratory.
	National Centers for Environmental Prediction, Central Operations.	Director, Central Operations.
	Hydrometeorological Prediction Center	Chief, Meteorological Operations Division.
	Climate Prediction Center	Director, Climate Prediction Center.
	Storm Prediction Center	Director, Storm Prediction Center.
	Tropical Prediction Center	Director, National Hurricane Center.
	Office of Assistant Administrator for Fisheries	Director, Office of Management and Budget.
	National Marine Fisheries Service	Director, Office of Habitat Conservation.
		Deputy Assistant Administrator, Regulatory Programs.
		Director, Office of Sustainable Fisheries.
		Science and Research Director, Southwest Region.
		Science and Research Director, Pacific Island Region.
		Director, International Affairs.
	Office of Fisheries Conservation and Management.	Director, Scientific Programs and Chief Science Advisor.
		Director, Office of Enforcement.
	Office of Protected Resources	Director, Office of Science and Technology.
	Northeast Fisheries Science Center	Director, Science and Research, Northeast Region.
	Southeast Fisheries Science Center	Director, Science and Research, Southeast Region.
	Northwest Fisheries Science Center	Director, Science and Research, Northwest Region.
	Alaska Fisheries Science Center	Director, Science and Research.
	Office of the Assistant Administrator, Satellite, Data and Information Service.	Senior Scientist, Environmental Satellite, Data and Information Services (National Environmental Satellite, Data and Information Services).
		Chief Financial Officer/Chief Administrative Officer.
		System Program Director, Goes-R Program.
	National Climatic Data Center	Director, National Climatic Data Center.
	National Oceanographic Data Center	Director, National Oceanographic Data Center.
	National Geophysical Data Center	Director, National Geophysical Data Center.
	Office of Systems Development	Director, Satellite and Ground Systems Program.
		Director, Requirements, Planning and System Integration Division.
		Director, Office of Systems Development.

Agency	Organization	Title
	Office of Assistant Administrator, Ocean and Atmospheric Research.	Deputy Assistant Administrator, Laboratories and Cooperative Institutes and Director, Air Resources Laboratory.
		Director, ESRL and Principal Science Advisor.
		Deputy Assistant Administrator, Laboratories and Cooperative Institutes and Director.
		Chief Financial Officer/Chief Administrative Officer.
		Director, Climate Program Office.
	National Sea Grant College Program	Director, National Sea Grant College Program.
	Aeronomy Laboratory	Director, Chemical Science Division.
	Air Resources Laboratory	Director, Air Resources Laboratory.
	Atlantic Ocean and Meteorology Laboratory	Director, Atlantic Oceanographic and Meteorological.
	Geophysical Fluid Dynamics Laboratory	Director, Office of Geophysical Fluid Dynamics Laboratory.
	Great Lakes Environmental Research Laboratory.	Director, Office of Great Lakes Environmental Research Laboratory.
	Pacific Marine Environmental Research Laboratory.	Director, Office of Pacific Marine Environmental Laboratory.
	Environmental Technology Laboratory	Director, Physical Science Division.
	Forecast Systems Laboratory	Director, Global Systems Division.
	Climate Monitoring and Diagnostics Laboratory.	Director, Global Monitoring Division.
	National Telecommunications and Information Administration.	Chief Financial Officer/Director of Administration.
	Institute for Telecommunication Sciences	Associate Administrator, Telecommunications Science.
		Deputy Director, Systems and Networks.
	Patent and Trademark Office	Regional Group Director.
		Associate Commissioner, Patent Recourses and Planning.
		Director, Trademark Information Resources.
		Administrator, Policy and External Affairs.
		Deputy Commissioner, Trademark Operations.
		Director, Office of Equal Employment Opportunity and Diversity.
		Associate Commissioner, Patent Examination Policy.
		Deputy Associate Commissioner, Patent Information Management.
		Deputy General Counsel, Enrollment and Discipline.
		Director, Office of Procurement.
		Deputy Solicitor/Assistant General Counsel, Intellectual Property Law.
	Administrator for External Affairs	Director, Intellectual Property Policy and Enforcement.
		Associate Director, Education and Training.
		Deputy Director, Intellectual Property Policy and Enforcement.
	Office of the General Counsel	Deputy General Counsel, Intellectual Property Law and Solicitor.
	Board of Patent Appeals and Interferences	Chief Administrative Patent Judge.
		Vice Chief Administrative Patent Judge.
		Chief Administrative Patent Judge.
	Trademark Trial and Appeal Board	Chairman, Trademark Trial and Appeal Board.
	Office of the Chief Financial Officer	Chief Financial Officer.
		Deputy Chief Financial Officer.
	Office of the Chief Administrative Officer	Director, Human Capital Management.
	Office of the Chief Information Officer	Chief Technology Officer.
	Office of the Commissioner for Patents	Deputy Director, Office of Patent Training.
		Director, Office of Patent Training.
		Administrator, Search and Information Resources Administration.
		Deputy Commissioner, Patent Operations.
	Examining Group Directors	Group Director (33).
	Office of the Commissioner for Trademarks	Deputy Commissioner, Trademark Operations.
		Group Director, Trademark Law Offices (2).
		Deputy Commissioner, Trademark Examination Policy.

Agency	Organization	Title
	National Institute of Standards and Technology.	Director, Law Enforcement Standards Office.
		Senior Information Technology Policy Advisor.
		Director, Center for Neutron Research.
		Chief of Staff.
		Deputy Director, Center for Neutron Research.
		Director, Center for Nano Scale Science and Technology.
		Director, Information Technology and Applications Office.
		Deputy Director, Building and Fire Research.
		Chief Facilities Management Officer.
		Chief Human Capital Officer.
		Deputy Director, Physical Measurement Laboratory.
		Director, Special Programs Office.
		Director, Smart Grid and Cyber-Physical Systems Program Office.
		Special Assistant, International Metrology.
		Director, Standards Coordination Office.
		Senior Advisor, Voting Standards.
		Associate Director, Laboratory Programs.
		Associate Director, Management Resources.
		Associate Director, Innovation and Industry Services.
		Senior Advisor, Cloud Computing.
		Boulder Laboratories Site Manager.
		Chief Safety Officer.
		Program Manager, Coordinated National Security Standards Program.
		Director, Technology Innovation Program.
		Chief Cybersecurity Advisor.
		Deputy Director, Center for Nano Scale Science and Technology.
	Office of the Director	Chief Information Officer.
		Chief Financial Officer.
		Senior Advisor, Interdisciplinary Technologies.
	Baldrige Performance Excellence Program	Director.
		Deputy Director, Office of Quality Programs.
	Manufacturing Extension Partnership Program	Director.
		Deputy Director.
	Electronics and Electrical Engineering Laboratory.	Deputy Director, Measurement Services.
	Manufacturing Engineering Laboratory	Deputy Director, Manufacturing.
	Chemical Science and Technology Laboratory Office.	Deputy Director, Chemical Scientist and Technology Laboratory.
		Director, Material Measurement Laboratory.
	Physics Laboratory Office	Deputy Director, Measurement Science.
		Director, Physical Measurement Laboratory.
	Electron and Optical Physics Division	Chief, Electron and Optical Physics Division.
	Building and Fire Research Laboratory	Chief, Fire Safety Engineering Division.
		Director, Engineering Laboratory.
	National Technical Information Service	Deputy Director.
	Information Technology Laboratory	Director.
		Deputy Director.
	Office of the Chief Financial Officer	Director, Office of Budget and Planning.
		Director, Acquisition and Grants Management.
DEPARTMENT OF COMMERCE—OFFICE OF THE INSPECTOR GENERAL.	Immediate Office	Deputy Inspector General.
	Office of Audit and Evaluation	Principal Assistant Inspector General.
	Office of Economic and Statistical Program Assessment.	Assistant Inspector General, Economic and Statistical Program Assessment.
	Office of Systems Acquisitions and IT Security	Assistant Inspector General, Systems Acquisitions and IT Security.
	Office of Audit	Assistant Inspector General, Audit.
	Office of Program Assessment	Assistant Inspector General, Administration.
	Office of Investigations	Principal Assistant Inspector General, Investigations and Whistleblower Protection.
	Office of Counsel	Counsel to the Inspector General.
CONSUMER PRODUCT SAFETY COMMISSION.	Office of Executive Director	Assistant Executive Director, Compliance and Administrative Litigation.
		Director, Office of International Programs and Intergovernmental Affairs.

Agency	Organization	Title
		Assistant Executive Director, Information and Tech Services.
	Office of Hazard Identification and Reduction	Deputy Assistant Executive Director, Hazard Identification and Reduction.
		Associate Executive Director, Engineering Sciences.
		Associate Executive Director, Economic Analysis.
		Assistant Executive Director, Hazard Identification and Reduction.
		Associate Executive Director, Epidemiology.
COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA.	Court Services and Offender Supervision Agency for the District of Columbia.	Chief Financial Officer.
		Deputy Director.
		Attorney (General Counsel).
		Associate Director, Human Resources.
		Chief Financial Officer.
		Director.
		Associate Director, Special Criminal Justice Programs.
		Associate Director, Research and Evaluation.
		Associate Director, Legislative, Intergovernmental and Public Affairs.
		Associate Director, Community Justice Programs.
		Associate Director, Community Supervision.
		Chief Information Officer.
		Associate Director, Management and Administration.
	Pretrial Services Agency	Associate Director, Operations.
		Director.
		Deputy Director.
		Director, Finance and Administration.
OFFICE OF THE SECRETARY OF DEFENSE	Office of the Secretary	Assistant to the Secretary of Defense, Intelligence Oversight.
	Office of the Under Secretary of Defense (Policy).	Foreign Relations and Defense Policy Manager (Deputy Director, Defense Technology Security Administration.
		Deputy Assistant Secretary of Defense (Defense Continuity and Crisis Management).
		Foreign Relations and Defense Policy Manager/Defense Technology Security Administration.
	Office of the Assistant Secretary of Defense (Global Strategic Affairs).	Foreign Relations and Defense Policy Manager (Principal Director, Cyber Policy).
	Office of the Assistant Secretary of Defense (International Security Affairs).	Foreign Relations and Defense Policy Manager (Principal Director, Russia, Ukraine, Eurasia).
	Office of the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict and Interdependent Capabilities).	Director, Resources.
	Director, Operational Test and Evaluation	Deputy Director, Live Fire Test and Evaluation.
	Office of the Inspector General	Principal Deputy Inspector General.
		General Counsel and Assistant Inspector General, Office of Legal Counsel.
		Principal Audit Inspector General, Auditing.
		Assistant Inspector General, Office of Communications and Congressional Liaison.
		Principal Deputy Assistant Inspector General, Defense Financial Auditing Service.
		Assistant Inspector General, Defense Financial Auditing Service.
		Deputy Director, Defense Criminal Investigative Service.
		Assistant Inspector General, Inspections and Evaluations.
		Assistant Inspector General, Investigative Policy and Oversight.
		Assistant Inspector General, Administration and Management.
		Assistant Inspector General, Acquisition and Contract Management.
		Deputy Inspector General, Investigations.
		Deputy Inspector General, Auditing.

Agency	Organization	Title
		Assistant Inspector General, Administrative Investigations.
		Director, Defense Criminal Investigative Service—Assistant Inspector General, Investigations.
		Deputy Inspector General, Inspections and Policy and Oversight.
		Deputy Inspector General, Intelligence.
		Assistant Inspector General, Readiness and Operations Support.
		Assistant Inspector General, Audit Policy and Oversight.
	Office of the Under Secretary of Defense (Personnel and Readiness).	Chief of Staff.
	Office of the Assistant Secretary of Defense (Health Affairs).	General Counsel.
		Military Health System Chief Information Officer.
		Deputy Chief, Tricare Acquisitions Directorate.
		Regional Director, Tricare Regional Office—North.
		Regional Director, Tricare Regional Office—South.
	Office of the Assistant Secretary of Defense (Reserve Affairs).	Principal Director (Manpower and Personnel).
	Office of the Assistant Secretary of Defense (Public Affairs).	Director, Defense Media Activity.
		Director, Armed Forces Radio and Television Service.
	Office of the Under Secretary of Defense (Comptroller).	Deputy Director, Operation.
		Deputy Chief Financial Officer.
		Director, Program and Financial Control.
		Deputy Director, Program and Financial Control.
	Office of the Director of Administration and Management.	Director, Department of Defense Central Adjudications Facility.
	Washington Headquarters Services	Director, Acquisition Directorate.
		Deputy Director, Human Resources Directorate.
		Director, Human Resources Directorate.
		Deputy Director, Defense Facilities Directorate.
	Pentagon Force Protection Agency	Principal Deputy Director, Pentagon Force Protection Agency.
		Director, Pentagon Force Protection Agency.
		Assistant Director, Law Enforcement.
	Office of the General Counsel	Director, Office of Litigation.
		Director, Defense Office of Hearings and Appeals.
	Office of the Department of Defense Chief Information Officer.	Deputy Chief Information Officer (Information and Identity Assurance).
	Office of the Under Secretary of Defense (Acquisition, Technology and Logistics).	Principal Deputy, Acquisition Resources and Analysis.
		Deputy Director, Treaty Compliance and Homeland Defense.
		Deputy Director, Enterprise Information and OSD Studies.
		Director, Defense Procurement and Acquisition Policy.
		Director, Acquisition Resources and Analysis.
		Director, Environmental Readiness and Safety.
		Deputy Director, Resource Analysis.
		Director (Planning and Analysis).
		Director for Administration.
	Assistant Secretary of Defense (Acquisition) ..	Deputy Director, Program Acquisition and Strategic Sourcing.
		Assistant Deputy Under Secretary of Defense (Acquisition Process and Policies).
		Deputy Director, Developmental Test and Evaluation.
		Deputy Director, Air Warfare.
		Special Assistant, Concepts and Plans.
		Deputy Director, Naval Warfare.
		Deputy Director, Defense Acquisition Regulations System.

Agency	Organization	Title
		Technical Director, Force Development.
		Deputy Director, Cost, Price and Finance.
		Deputy Director, Assessments and Support.
		Deputy Director, Land Warfare and Munitions.
		Deputy Director, Contract Policy and International Contracting.
	Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs.	Deputy Assistant Secretary of Defense (Nuclear Matters).
	Office of the Director of Defense, Research and Engineering.	Principal Deputy Assistant Secretary of Defense (Research and Engineering)/Director, Plans and Programs.
		Director, Human Performance, Training and Biosystems.
		Director, Information Technology.
		Director, Space and Sensor Technology.
		Director, Weapons Systems.
	Defense Advanced Research Projects Agency	Director, Support Services Office.
		Joint Applications Study Group Program Manager.
		Deputy Director, Advanced Technology Office.
		Deputy Director, Defense Advanced Research Projects Agency.
		Director, Tactical Technology Office.
		Director, Information Processing Technology Office.
		Director, Contracts Management Office.
		Deputy Director, Defense Advanced Research Project Agency.
	Office of the Joint Chiefs of Staff	Executive Director, Force Generation.
		Vice Deputy Director, Joint and Coalition Warfighting.
		Assistant Deputy Director, Command and Control.
		Executive Director, Joint Capabilities Development (Forward).
		Assistant Deputy Director, Synchronization and Integration.
		Vice Assistant Deputy Director, Joint Development.
	Missile Defense Agency	Deputy, Acquisition Management.
		Executive Director.
		Program Director, Multiple Kill Vehicle.
		Director, Advanced Technology.
		Program Director, Ground Missile Defense.
		Chief Engineer, Ground-Based Midcourse Defense.
		Program Director, Targets and Countermeasures.
		Director, Systems Engineering and Integration.
		Deputy Program Director, Battle Management, Command and Control.
		Director, Contracting.
		Deputy Director, Joint National Integration Center.
		Program Director, Battle Management, Command and Control.
		Program Director, Ground Missile Defense.
		Deputy Program Director, BC.
		Deputy Program Manager, Assessment and Integration, Ballistic Missile Defense System.
		Director, Acquisition.
		Deputy, Engineering.
	Defense Contract Audit Agency	Assistant Director, Policy and Plans.
		Assistant Director, Operations.
		Deputy Director, Defense Contract Audit Agency.
		Special Assistant.
		Deputy Regional Director, Western Region.
		Director, Defense Contract Audit Agency.
		Director, Field Detachment.

Agency	Organization	Title
	Regional Managers	Assistant Director, Integrity and Quality Control.
		Deputy Regional Director, Mid-Atlantic Region.
		Deputy Regional Director, Central Region.
		Deputy Regional Director, Northeastern Region.
		Regional Director, Eastern Region.
		Regional Director, Mid-Atlantic Region.
		Regional Director, Western Region.
		Regional Director, Central Region.
		Regional Director, Northeastern Region.
		Deputy Regional Director, Eastern Region.
	Defense Logistics Agency	Chief of Staff.
		Deputy Director, Defense Logistics Agency Logistics Operations (J3).
		Program Executive Officer.
		Chief Financial Officer, Director, Defense Logistics Agency.
		Deputy Director, Information Operations/Chief Technical Officer.
		Executive Director, Material Policy, Process, and Assessment.
		Deputy Commander, Defense Logistics Agency, Land and Maritime.
		Deputy Commander, Defense Logistics Agency, Aviation.
		Deputy Commander, Defense Logistics Agency, Troop Support.
		Deputy General Counsel, Defense Logistics Agency.
		Vice Director, Defense Logistics Agency.
		Deputy Director, Defense Logistics Agency, Acquisition.
		Executive Director, Enterprise Solutions.
		Deputy Director, Defense Energy Support Center.
		Executive Director, BRAC Implementation.
		Deputy Director, Customer Operations and Readiness.
		Director, Defense Reutilization and Marketing Services.
		Director, Defense Energy Support Center.
		General Counsel.
		Director, Defense Logistics Agency, Human Resources.
		Director, Defense Logistics Agency, Information Operation.
		Director, Defense Logistics Agency Accountability Office.
		Executive Director, Aviation Contracting and Acquisition Management.
		Principal Deputy Comptroller.
		Deputy Commander, Defense Logistics Agency, Distribution.
	Defense Human Resources Activity	Deputy Director, Defense Manpower Data Center.
		Director, Human Resources Operational Programs and Advisory Services.
		Chief Actuary.
		Director, Defense Manpower Data Center.
		Deputy Director, Advisory Service.
	Defense Contract Management Agency	Director.
		Executive Director, Naval Sea Systems Division (Boston Division).
		Executive Director, Ground Systems and Munitions Division.
		Chief Operations Officer.
		Deputy Director.
		Deputy Executive Director, Contract Management Operations.
		General Counsel.
		Executive Director, Financial and Business Operations and Comptroller.

Agency	Organization	Title
		DoD Defense Acquisition Regulations Counsel.
		Chief Information Officer.
		Executive Director, Contract Management Operations.
	Defense Information Systems Agency	Director, Manpower, Personnel and Security.
		Deputy Chief Financial Executive/Comptroller.
		Deputy Chief Technology Officer for Enterprise Services.
		Test and Evaluation Executive.
		Chief Information Assurance Executive and Program Executive Officer for Mission Assurance and Network Operations.
		Deputy Chief Technology Officer, Mission Assurance.
		Vice Director, Procurement/Vice Chief, Defense Information Technology Contracting Office.
		Vice Component Acquisition Executive.
		Chief, Corporate Planning and Mission Integration.
		Program Executive Officer, Communication.
		Chief Technology Officer.
		Vice Director, Network Services.
		Vice Chief Information Officer.
		Director, Network Services.
		Principal Director, Operations Director.
		Test and Evaluation Executive.
		Component Acquisition Executive.
		BRAC Transition Executive.
		Director, Procurement/Chief, Defense Information Technology Contracting Organization.
		Vice Director, Computing Services.
		Director, Enterprise Engineering.
		Chief Information Officer.
		Vice Principal Director, Operations.
		Director, Manpower, Personnel and Security.
		Chief Financial Executive/Comptroller.
		Chief Engineer, Information Systems Security.
		Congressional Liaison Officer.
		Inspector General.
		Director, Strategic Planning and Information.
		Principal Director, Computing Services.
		Vice Chief Information Assurance Executive.
	Defense Threat Reduction Agency	Director, Counter Weapons of Mass Destruction Technologies.
		Associate Director, Operations Enterprise.
		Associate Director, Strategy and Plans Enterprise.
		Executive Director.
		Director, Nuclear Technologies Directorate.
		Director, Counter Proliferation Support and Operations.
		Associate Director, Research and Development Enterprise.
		Chief, Simulation and Test Division.
		Director, Basic and Applied Sciences Directorate.
		Deputy Director, Operations Directorate.
		Director, On-Site Inspections Directorate.
		Director, Chemical-Biological Defense Technologies Directorate.
	Defense Security Cooperation Agency	Chief Information Officer/Principal Director, Information Technology.
		Foreign Relations Defense Policy Manager (Principal Director, Strategy).
DEPARTMENT OF THE AIR FORCE	Department of the Air Force	Director, Joint Staff and Assistant to Chief and Vice Chief, NGB.
		Special Assistant to the Deputy Chief of Staff, Operations, Plans and Requirements.
		DoD Liaison to the Department of the Interior.
		Director, Installations, Logistics and Mission Support.

Agency	Organization	Title
		Director, Communications and Information.
	Office of the Secretary	Deputy Director, Legislative Liaison.
		Deputy and Technical Director, Rapid Capabilities Office.
		Director, Air Force Rapid Capabilities Office.
	Office of the Under Secretary	Deputy Under Secretary (Space Programs).
	Deputy Under Secretary (International Affairs)	Deputy Under Secretary (International Affairs).
		Director, Strategy, Operations and Resources.
		Director, Policy, International Affairs.
	Office of the Administrative Assistant to the Secretary.	Administrative Assistant.
		Deputy Administrator Assistant.
		Director, Headquarters Air Force Information Management.
	Office of Small and Disadvantaged Business Utilization.	Director, Office of Small and Disadvantaged Business Utilization.
	Office of Public Affairs	Deputy Director, Public Affairs.
	Auditor General	Assistant Auditor General, Field Offices Directorate.
		Auditor General of the Air Force.
	Air Force Audit Agency (Field Operating Agency).	Assistant Auditor General (Acquisition and Logistics Audits).
		Assistant Auditor General (Support and Personnel Audits).
		Assistant Auditor General (Financial and Systems Audits).
	Office of the Inspector General	Executive Director, OSI.
	Air Force Office of Special Investigations (Field Operating Agency).	Executive Director.
		Executive Director, Defense Cyber Crime Center (Defense Cyber Crime Center).
	Office of the General Counsel	Deputy General Counsel (International Affairs).
		Deputy General Counsel (Acquisition).
		Deputy General Counsel (Installations and Environmental Law).
		Principal Deputy General Counsel.
	Office of the Assistant Secretary of the Air Force for Financial Management and Comptroller.	Chief Information Officer.
	Office of the Deputy Assistant Secretary, Budget.	Director, Budget Investment.
		Associate Deputy Assistant Secretary, Budget.
		Director, Budget Management and Execution.
	Office of the Deputy Assistant Secretary, Cost and Economics.	Associate Deputy Assistant Secretary, Cost and Economics.
		Deputy Assistant Secretary, Cost and Economics.
	Office of the Deputy Assistant Secretary, Financial Operations.	Associate Deputy Assistant Secretary, Financial Operations.
		Deputy Assistant Secretary (Plans, Systems and Analysis).
	Office of the Assistant Secretary for Acquisition.	Associate Deputy Assistant Secretary, Acquisition Integration.
		Director, Information Dominance Programs.
		Deputy Assistant Secretary, Science, Technology and Engineering.
		Program Executive Office, Space Launch.
		Director, Contracting (Special Access Programs).
		Deputy Air Force Program Executive Officer, Combat and Mission Support.
		Deputy Assistant Secretary, Acquisition Integration.
	Chief Information Office	Deputy Chief Information Officer.
	Office of the Deputy Assistant Secretary, Contracting.	Associate Deputy Assistant Secretary, Contracting.
	Directorate of Space and Nuclear Deterrence	Associate Director, Nuclear Weapons and Counter Proliferation.
		Deputy Assistant Chief of Staff, Strategic Deterrence and Nuclear Integration.
	Office of the Assistant Secretary for Manpower and Reserve Affairs.	Chief Financial Officer, Air Force Review Board Agency.
	Air Force Review Boards Agency, Field Operating Agency.	Deputy for Air Force Review Boards.

Agency	Organization	Title
	Office of the Assistant Secretary, Installations, Environment, and Logistics.	Deputy Assistant Secretary, Energy.
		Deputy Assistant Secretary, Logistics.
	Air Force Base Conversion Agency (Field Operating Agency).	Director, Air Force Real Property Agency.
	Office of the Deputy Assistant Secretary, Installations.	Deputy Assistant Secretary, Installations.
	Office of the Chief of Staff	Deputy Director, Staff.
		Director, Air Force History and Museums Policy and Programs.
	Office of Safety and Air Force Safety Center (Field Operating Agency).	Deputy Chief of Safety.
	Judge Advocate General	Director, Administrative Law.
	Test and Evaluation	Director, Test and Evaluation.
		Deputy Director, Test and Evaluation.
	Air Force Studies and Analyses Agency, Direct Reporting Unit (DRU).	Director, Air Force Studies and Analyses, Assessments and Lessons Learned.
		Principle Deputy Director, Studies and Analyses, Assessments and Lessons Learned.
	Deputy Chief of Staff, Warfighting Integration	Deputy Director, Information Services and Integration.
		Director, Architecture and Operational Support Modernization.
		Assistant Deputy Chief of Staff, Warfighting Integration.
	Deputy Chief of Staff, Installations and Logistics.	Deputy Director, Security Forces.
		Assistant Deputy Chief of Staff, Installation and Logistics.
	Civil Engineer	Deputy Civil Engineer.
	Maintenance	Deputy Director, Logistics.
	Logistics Readiness	Associate Deputy Director, Logistics.
	Resources	Associate Deputy, Logistics.
		Director, Resource Integration.
	Air Force Center for Environmental Excellence (Field Operating Agency).	Director, Air Force Civil Engineer Center.
	Deputy Chief of Staff, Plans and Programs	Associate Director, Programs.
		Assistant Deputy Chief of Staff, Strategic Plans and Programs.
		Deputy Director, Strategic Planning.
	Deputy Chief of Staff, Personnel	Assistant Deputy Chief, Staff Personnel.
		Deputy Director, Force Management Policy.
		Director, Airman Development and Sustainment.
		Director, Plans and Integration.
		Deputy Director, Services.
		Deputy Director, Air Force Manpower, Organization and Resources.
		Deputy Director, Airman Development and Sustainment.
	Air Force Personnel Center (Field Operating Agency).	Executive Director, Air Force Personnel Center.
		Director, Civilian Force Integration.
	Deputy Chief of Staff for Air and Space Operations.	Director, Irregular Warfare.
		Deputy, Operations.
		Deputy Director, Operational Planning, Policy and Strategy.
		Director, Weather.
		Associate Deputy Chief, Staff Operations, Plans and Requirements.
		Deputy Director, Operational Planning, Policy and Strategy.
	Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance.	Director of Intelligence, Surveillance and Reconnaissance Innovations and Unmanned Aerial Systems Task Force.
	Air Force Operational Test and Evaluation Center (Direct Reporting Unit).	Executive Director, Air Force Operational Test and Evaluation Center.
	Air Force Material Command	Program Executive Officer, Business Enterprise Systems.
		Director, Propulsion.
		Director, Enterprise Sourcing Group.
		Executive Director, ARMC.
		Director, Financial Management.
		Executive Director, AFNWC.
		Director, Manpower, Personnel and Services.

Agency	Organization	Title
		Executive Director, AFGLSC.
		Director, Communications, Installations and Mission Support.
		Program Executive Officer, Cyber-Netcentric Programs.
		Director, National Museum of the United States Air Force.
	Contracting	Director, Contracting, Air Force Material Command.
	Logistics	Deputy Director, Logistics, Air Force Material Command.
	Engineering and Technical Management	Director, Engineering and Technical Management, Air Force Material Command.
	Financial Management and Comptroller	Deputy Director, Financial Management and Comptroller, Air Force Material Command.
	Plans and Programs	Director, Acquisition, Intelligence and Requirements.
	Requirements	Deputy Director, Intelligence, Surveillance, Reconnaissance and Requirements.
	Operations Directorate	Deputy Director, Air, Space and Information Operations.
	Staff Judge Advocate	Principal Deputy Staff Judge Advocate.
	Air Force Material Command Law Office	Director, Air Force Material Command Law Office.
	Air Force Office of Scientific Research	Director, Air Force Office of Scientific Research.
		Director, Physics and Electronics Sciences.
	Electronic Systems Center	Executive Director, Electronic Systems Center.
		Director, Engineering and Technical Management, Electronic Systems Center.
		Program Executive Officer, Battle Management.
		Director, Contracting, Electronic Systems Center.
	Aeronautical Systems Center	Director of Engineering, Joint Strike Fighter.
		Executive Director, AFLCMC.
		Director, Contracting, Aeronautical Systems Center.
		Director Financial Management and Comptroller, Aeronautical Systems Center.
		Program Executive Officer, Agile Combat Support.
		Program Executive Officer, Mobility Aircraft.
	Engineering Directorate	Director, Engineering, AFLCMC.
	Air Force Research Laboratory	Executive Director, Air Force Research Laboratory.
		Director, Plans and Programs, Air Force Research Laboratory.
		Director, Human Performance Wing.
	Air Force Research Laboratory—Munitions Directorate.	Director, Munitions, AAC.
	Information Directorate	Director, Information.
	Directed Energy Directorate	Director, Directed Energy.
	Materials and Manufacturing Directorate	Director, Materials and Manufacturing.
	Sensors Directorate	Director, Sensors.
	Human Effectiveness Directorate	Director, Human Effectiveness Directorate.
	Air Force Flight Test Center	Executive Director.
	Air Logistics Center, Oklahoma City	Director, 448th Combat Sustainment Wing.
		Executive Director, Air Force Flight Test Center.
		Director, Logistics, Air Force Flight Test Center.
		Director, Contracting, Oklahoma City—Air Logistics Center.
		Executive Director.
		Director, Engineering and Technical Management, Oklahoma City—Air Logistics Center.
	Air Logistics Center, Warner Robins	Director, Engineering and Technical Management.
		Executive Director.
		Director, Contracting.
	Air Logistics Center, Ogden	Director, Engineering and Technical Management.

Agency	Organization	Title
		Director, Contracting.
		Executive Director.
	Air Armament Center	Director, Armament Systems Wing.
	Air Combat Command	Director, Acquisition Management and Integration Center.
		Director, Air Force Global Cyberspace Integration Center.
		Deputy Director of Logistics, ACC.
	Air Mobility Command	Deputy Director of Logistics, AMC.
		Deputy Director, Installations and Mission Support, AMC.
	Air Education and Training Command	Director, Logistics, Installations and Mission Support.
		Director, International Training and Education.
		Director, Center for Systems Engineering.
	Air Force Reserve Command	Director, Staff.
		Air Commander, 22nd Air Force.
		Director, Plans.
	United States Central Command	Deputy Director, Operations Interagency Action Group.
		Deputy Director, Logistics and Engineering.
		Director, Resources, Requirements, Budget and Assessment.
	Air Force Space Command	Executive Director.
		Director, Space Protection Program Office.
		Director, Installations and Logistics.
	United States Special Operations Command	Director and Chief Information Officer, Special Operations Networks and Communications Center.
		Director, Financial Management and Comptroller.
		Director, Interagency Task Force.
		President, Joint Special Operations University.
		Director, Plans, Policy and Strategy.
		Director, Acquisition.
		Deputy Director, Center for Special Operations Acquisition and Logistics.
	Air Force Special Operations Command	Director, Financial Management and Comptroller.
	Space and Missile Systems Center	Deputy Director and Chief Technical Advisor.
		Director, MIL SATCOM Systems Wing.
	United States Strategic Command	Special Command Advisor, Information Assurance and Cyber Security.
		Director, Command, Control, Command Computer Systems.
		Director, Global Innovation Strategy Center.
		Executive Director, Joint Warfare Analysis Center.
		Director, Capability and Resource Integration.
		Associate Director, Capability and Resource Integration.
		Deputy Director, Plans and Policy.
		Director, Joint Exercises and Training.
	United States Transportation Command	Director, Program Analysis and Financial Management.
		Executive Director, JECC.
		Deputy Director, Command, Control Communications and Computer Systems.
		Deputy Director, Strategies and Policy.
		Director, Acquisition.
	Joint Staff	Director, Joint Information Operations Warfare Center.
	United States Northern Command	Deputy Commander, Joint Forces Headquarters—National Capital Region.
		Director, Interagency Coordination.
		Director, Joint Exercises and Training.
		Director, Programs and Resources.
		Domestic Policy Advisor.
DEPARTMENT OF THE ARMY	Department of the Army	Joint PEO, Chemical and Biological Defense.
		Deputy Director, Operations (J3).
		Director, Capability Development Integration Directorate.
		Director, Partnering.

Agency	Organization	Title
		Director, Forces, Resources and Assessments (J8).
		Deputy to the Commanding General, Army North.
		Assistant Deputy Chief of Staff (G–6).
		Deputy to the Commanding General, Family, Morale, Welfare and Recreation Command.
		Executive Director, U.S. Army Information Technology Agency.
		Deputy Program Executive Officer, Simulation, Training and Instrumentation.
		Deputy G–5/7, Operations and Plans.
		Executive Director, U.S. Army Headquarters Services.
		Deputy Program Executive Officer, Enterprise Information Systems.
		Director, Soldier and Family Legal Services.
		Director, Resource Integration.
		Deputy Program Executive Officer, Intelligence, Electronic Warfare and Sensors.
		Deputy Joint Program Executive Officer, Chemical and Biological Defense.
	Office of the Secretary	Superintendent, Arlington National Cemetery.
		Executive Director, Army National Cemeteries Program.
		Director, Test and Evaluation Office.
		Director, Human Capital Strategy/Deputy to Deputy Under Secretary of the Army.
	Office of the Under Secretary	Director, Business Transformation Directorate.
		Director, Business Assessment Directorate.
		Deputy Chief Management Officer.
		Deputy to the Deputy Under Secretary of the Army.
		Deputy Director, Office of Business Transformation, Office of the Under Secretary of the Army.
	Office of the Deputy Under Secretary (Operations Research).	Director, Civilian Senior Leader Management Office.
	Office of the Administrative Assistant to the Secretary of Army.	Deputy Administrative Assistant to the Secretary of the Army/Director, Shared Services.
		Administrative Assistant to the Secretary of the Army.
	Office of the General Counsel	Deputy General Counsel, Ethics and Fiscal.
	Office of the Assistant to the Secretary of the Army (Civil Works).	Deputy Assistant Secretary of the Army, Management and Budget.
	Office of the Assistant to the Secretary of the Army (Financial Management and Comptroller).	Director, Investment.
		Deputy Assistant Secretary of the Army, Financial Operations.
		Director, Business Resources.
		Deputy Assistant Secretary of the Army, Cost and Economics.
		Director, Programs and Strategy.
		Deputy Director and Senior Advisor, Army Budget.
		Director, Financial Information Management.
		Director, Accountability and Audit Readiness.
		Director, Management and Control.
		Director, Investment.
		Director, Military Personnel and Facilities.
	Office of the Assistant Secretary of the Army (Installations and Environment).	Deputy Assistant Secretary of the Army (Strategic Infrastructure).
	Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).	Deputy Assistant Secretary of the Army, Marketing/Director, Army Marketing Research Group.
		Director, Strategic Initiatives Group.
		Deputy Assistant Secretary of the Army (Diversity and Leadership).
		Deputy Assistant Secretary of the Army (Force Management)/Director, Civilian Senior Leader Management Office.
		Deputy Assistant Secretary of the Army (Military Personnel).

Agency	Organization	Title
	Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology).	Deputy Assistant Secretary of the Army (Civilian Personnel/Quality of Life).
		Deputy Assistant Secretary of the Army (Army Review Boards Agency).
		Program Executive Officer, Intelligence, Electronic Warfare and Sensors.
		Deputy Assistant Secretary for Research and Technology/Chief Scientist.
		Deputy Assistant Secretary of the Army (Policy and Procurement).
		Deputy Assistant Secretary of the Army, Plans, Programs and Resources.
		Director, Research and Laboratory Management.
		Director, Technology.
		Deputy Assistant Secretary of the Army (Elimination of Chemical Weapons).
		Director, U.S. Army Acquisition Support Center/Deputy Director, Acquisition Career Management.
		Program Executive Officer, Assembled Chemical Weapons Alternative.
		Executive Director, Acquisition Services, Assistant Secretary of the Army (Acquisition, Logistics and Technology).
		Deputy Assistant Secretary of the Army (Acquisition Policy and Logistics), Assistant Secretary of the Army (Acquisition, Logistics and Technology).
		Deputy Assistant Secretary of the Army for Services.
		Program Executive Office, Ground Combat Systems.
		Deputy Program Executive Officer, Ground Combat Systems.
		Director, Systems of Systems Engineering.
		Deputy Program Executive Officer, Missiles and Space (Fires).
	Army Acquisition Executive	Director, Combined Test Organization, Program Manager, Future Combat System (Brigade Combat Team).
		Program Executive Officer, Simulation, Training and Instrumentation.
		Deputy Program Executive Officer for Soldier.
		Deputy Program Executive Officer, Ammunition.
		Program Executive Officer, Enterprise Information Systems.
		Deputy Program Executive Officer, Combat Support and Combat Service Support.
		Deputy Program Executive Officer, Command Control and Communications Tactical.
	Army Contracting Agency	Director, Information Technology, Electronic Commerce and Contracting Center.
		Director, Northern Region.
		Director, Southern Region.
		Deputy Director.
	Office of the Inspector General	Principal Director, Inspections.
	Chief Information Officer/G–6	Deputy Chief Information Officer/G–6.
		Director, Army Architecture Integration Cell.
		Director, Governance, Acquisition/Chief Knowledge Officer.
		Principal Deputy, Chief Information Officer/G–6 for Enterprise Integration.
	Office of the Chief of Public Affairs	Principal Deputy Chief of Public Affairs/Director, Soldiers Media Center.
	Army Audit Agency	Auditor General, U.S. Army.
		Principal Deputy Auditor General.
		Deputy Auditor General, Acquisition and Logistics Audits.
		Deputy Auditor General, Financial Management Audits.
		Deputy Auditor General, Manpower and Training Audits.

Agency	Organization	Title
		Deputy Auditor General, Installation, Energy and Environment Audits.
	U.S. Army Test and Evaluation Command	Executive Director, Operational Test Command.
		Executive Director, White Sands.
		Director, Army Evaluation Center.
		Director, Ballistic Missile Evaluation Directorate, Army Evaluation Center.
	Office of the Chief of the Army Reserve	Assistant Chief, Army Reserve.
		Director, Resource Management.
	Office of the Assistant Chief of Staff for Installation Management.	Regional Director (Atlantic).
		Regional Director (Central).
		Deputy Assistant Chief of Staff, Installation Management.
		Regional Director (Pacific).
		Regional Director (Europe).
		Regional Director (Northeast).
		Executive Director/Director of Services.
		Director, Installation Services.
		Director, Logistics.
		Regional Director (West).
		Chief Information Technology Officer (OACSIM/IMCOM).
	Office of the Deputy Chief of Staff , G–4	Director, Maintenance Policy, Programs and Processes.
		Director, Resource Management.
		Director, Supply Policy, Programs and Processes.
		Director, Force Projection and Distribution.
		Director, Logistics Innovation Agency.
		Assistant Deputy Chief of Staff, G–4.
	Office of the Deputy Chief of Staff, G–8	Director, Modernization.
		Director, Quadrennial Defense Review.
		Assistant Deputy Chief of Staff, G–8.
	Office of the Deputy Chief of Staff, G–3	Director, Capabilities Integration Directorate.
		Deputy Director, Plans and Policy.
		Deputy Director, Training and Leader Development.
		Technical Advisor to the Deputy Chief of Staff, G–3.
		Assistant Deputy Chief of Staff, Operations.
		Deputy Director, Plans and Policy.
		Deputy Director, Force Management.
	Office of the Deputy Chief of Staff, G–1	Director of Plans, Resources and Operations.
		Deputy Assistant G–1 (Civilian Personnel Policy).
		Director, United States Army Research Institute and Chief Psychologist.
		Assistant Deputy Chief of Staff, G–1.
		Assistant G–1 (Civilian Personnel Policy).
		Director, MANPRINT Directorate.
		Director, Military Human Resources Integration.
		Assistant Deputy Chief of Staff, G–1 (Advisory).
	Office of the Surgeon General	Chief of Staff, Health System Administration.
		Deputy Chief of Staff/Assistant Surgeon General, Force Management.
	United States Army, Medical Research and Material Command.	Principal Assistant, Acquisition.
		Principal Assistant, Research and Technology.
	United States Army, Medical Department Center and School.	Deputy to the Commanding General.
	United States Army, Space and Missile Defense Command.	Deputy to the Commander and Senior Department of the Army Civilian, United States Army Space and Missile Defense Command/Army Forces Strategic Command.
		Director, Space and Cyberspace Technology Director.
		Chief Technology Officer.
		Director, Space and Missile Defense Battle Laboratory.
		Deputy to the Commander, Research, Development and Acquisition.

Agency	Organization	Title
		Principal Assistant Responsible for Contracting.
		Director, Advanced Technology Directorate.
		Director, Technology Integration and Interoperability for Space and Missile Defense.
	United States Army, Training and Doctrine Command (TRADOC).	President, Army Logistics University.
		Deputy to the Commanding General, Combined Arms Center.
		Director, Capabilities Development and Integration.
		Deputy to the Commanding General, Signal Center of Excellence.
		Assistant Deputy Chief of Staff, Combat Development.
		Deputy Chief of Staff G–1/4, Personnel and Logistics.
		Deputy to the Commanding General, Combined Arms Support Command.
		Assistant Deputy Chief of Staff G–3/5/7, TRADOC/Department G–3 for Training.
		Deputy to the Commanding General Fires/Director, Capabilities, Development and Integration.
	Training and Doctrine Command Analysis Center.	Director, Operations (2).
		Director.
	Military Surface Deployment Distribution Command.	Executive Director, Transportation Engineering Agency/Director, Joint Distribution Process Analysis Center.
		Deputy to the Commander, Surface Deployment and Distribution Command.
	United States Army, Forces Command	Assistant Deputy Chief of Staff, G–3/5/7.
		Assistant Deputy Chief of Staff, G1.
		Assistant Deputy Chief of Staff, Logistics and Readiness.
		Deputy Chief of Staff, Resource Management.
		Chief Executive Officer.
	United States Army, Network Enterprise Technology Command/9th Army Signal Command.	Deputy to Commander, Army Cyber Command/2nd Army.
		Deputy to Commander/Senior Technical Director/Chief Engineer.
		Deputy for Cyber Operations/Director, Operations.
	United States Army Corps of Engineers	Division Programs Director, Transatlantic Division.
		Director, Corporate Information.
		Division Programs Director (5).
		Director, Information Technology Laboratory.
		Chief, Military Programs Integration Division.
		Director, Research and Development and Director, Engineering Research and Development Center.
		Director, Contracting.
		Regional Business Director.
		Director, Human Resources.
		Director, Real Estate.
		Director, Resource Management.
		Regional Business Director, (Mississippi Valley Division).
	Directorate of Research and Development	Deputy Director.
	Directorate of Civil Works	Chief, Programs Management Division.
		Director, Civil Works.
		Chief, Planning and Policy Division/Community of Practice.
		Chief, Operations Division and Regulatory Community of Practice.
		Chief, Engineering and Construction Community of Practice.
	Directorate of Military Programs	Chief, Installation Support Division.
		Chief, Interagency and International Services Division.
		Director, Military Programs.
		Chief, Environmental Community of Practice.
	Directors of Programs Management	Division Programs Director (3).

Agency	Organization	Title
	Directors of Engineering and Technical Services.	Regional Business Director (6).
	Engineer Research and Development Center	Director, Geotechnical and Structures Laboratory.
		Director, Environmental Laboratory.
		Director, Coastal and Hydraulics Laboratory.
		Deputy Director, Engineer Research and Development Center.
	Engineer Topographic Laboratories, Center of Engineers.	Director, Army Geospatial Center.
	Construction Engineering Research Laboratory, Champaign, Illinois.	Director, Construction Engineering Research Laboratories.
	Cold Regions Research and Engineering Laboratory, Hanover, New Hampshire.	Director, Cold Regions Research and Engineering Laboratory.
	United States Army, Material Command	Director, Engineering Plans and Programs.
		Deputy to the Commander/Deputy Director, Mission and Installation Command.
		Deputy to the Commander, United States Army Expeditionary Contracting Command.
		Executive Director, Munitions Engineering Technology Center, ARDEC.
		Director, Communications-Electronics Life Cycle Management Command Logistics and Readiness Center.
		Executive Director, Weapons and Software Engineer Center.
		Deputy Chief of Staff for Corporate Information/Chief Information Officer.
		Director, Chemical Materials Agency.
		Deputy Chief of Staff for Business Transformation, G–7.
		Assistant Deputy Chief of Staff G–4, Support Operations.
		Deputy G–3, Current Operations.
		Director, Contracting.
		Deputy to the Commanding General/Director, Logistics and Readiness Center.
	Office of the Deputy Chief of Staff for Logistics and Operations.	Principal Deputy G–3, Operations/Executive Deputy, Supply Chain and Industrial Operations.
		Deputy Chief of Staff G–5, Strategy and Concepts.
		Deputy G–3, Enterprise Integration.
	Office of the Deputy Commanding General	Executive Deputy to the Commanding General.
	Office of the Deputy Chief of Staff for Personnel.	Deputy Chief of Staff, Personnel.
	Office of the Deputy Chief of Staff for Resource Management.	Deputy Chief of Staff, Resource Management.
		Assistant Deputy Chief of Staff, Resource Management, G–8/Executive Director, Business.
	United States Army, Contracting Command ...	Executive Director, Army Contracting Command—Redstone, Al.
		Executive Director, Army Contracting Command—National Capital Region.
	United States Army, Security Assistance Command.	Deputy, U.S. Army Security Assistance Command.
	United States Army, Sustainment Command ..	Deputy to the Commander.
		Executive Director, Rock Island Contracting Center.
		Executive Director, Ammunition.
		Executive Director, Field Support.
		Executive Director, Log Cap.
	Natick Soldier Center	Director, Natick Soldier Research and Development Engineering Center.
	United States Army, Soldier and Biological Command.	Technical Director.
		Director, Research and Technology Directorate.
		Executive Director, Research Development and Engineering Command, Acquisition Center.
		Director, Programs Integration.
		Director, Engineering Directorate.

Agency	Organization	Title
	United States Army, Communications Election Command.	Director, Communications Election Command Acquisition Center.
	Communications Electronics Command Research, Development and Engineering Center.	Director, Night Vision/Electromagnetics Sensors Directorate.
		Director, Research, Development and Engineering/Army Systems Engineer.
		Director, Software Engineering Directorate.
		Director, Intelligence and Information Warfare Directorate.
		Director, Space and Terrestrial Committee Directorate.
		Director, Command and Control Directorate.
	United States Army, Research Laboratory	Director, Computational and Information Sciences Directorate.
		Director, United States Army Research Laboratory.
		Director, Human Dimension Simulations and Training Directorate.
	Survivability/Lethality Analysis Directorate	Director, Survivability/Lethality Analysis Directorate.
	Army Research Office	Director, Engineering Sciences Directorate.
		Director, Army Research Office.
	Sensors and Electron Devices Directorate	Director.
	Weapons and Material Research Directorate	Director, Weapons and Materials Research Directorate.
	United States Army, Aviation and Missile Command (Army Material Command).	Deputy to the Commander.
		Executive Director, Acquisition Center.
		Executive Director, Integrated Material Management Center.
		Executive Director, Aviation and Missile Command G–3 (Operations).
		Director, Test Measurement Diagnostic Equipment Activity.
		Director, Engineering.
	Missile Research Development and Engineering Center (Research Development and Engineering Center).	Director, Systems Simulation and Development.
		Director, Missile Guidance.
		Technology Director, Missiles and Development, Research, Development and Engineering Center.
		Associate Director, Aviation and Missile Systems.
		Director, Weapons Development and Integration.
		Director, Aviation Development.
	Aviation Research, Development and Engineering Center.	Director, Aviation Engineering.
		Associate Director for Technical Applied/Director of Special Program.
	Research, Development and Engineering Command.	Director for Army Research, Development and Engineering Command.
		Director, Research, Development and Engineering Command.
		Deputy to the Commander.
		Director, Communications-Electronics Research, Development and Engineering Center.
	Tank-Automotive and Armaments Command	Director of Acquisition Center.
		Deputy to the Commander.
		Executive Director, Integrated Logistics Support Center.
	Tank-Automotive Research, Development and Engineering Center.	Executive Director for Product Development.
		Executive Director for Engineering.
		Director.
		Director, Research, Technology Development and Integration.
	United States Army, Armament Research, Development and Engineering Center.	Director for Armament Research, Development and Engineering.
		Executive Director, Enterprise and Systems Integration Center.
	United States Army, Simulation, Training and Instrumentation Command.	Deputy to the Commander.
	United States Army, Joint Munitions Command.	Deputy to the Commander, Joint Munitions Command.

Agency	Organization	Title
	United States Army, Material Systems Analysis Activity.	Director, Army Material Systems Analysis Activity.
		Technical Director.
	Headquarters, United States Army, Europe	Director, European Security and Defense Policy Defense Advisor to U.S. Mission EU.
		Deputy Chief of Staff, G–8.
		Deputy Chief of Staff, G1.
	United States Army, Special Operations Command.	Deputy to the Commanding General.
	United States Army, Military District of Washington.	Director of Cemetery Operations.
	United States Army, Southern Command	Director, J8 (Resources and Assessments Directorate).
		Deputy Director, Strategy and Policy.
		Executive Director for Resources and Assessments.
		Director, Enterprise Support (ESD).
	United States Army, European Command	Deputy Director, Security Cooperation (Dj5).
		Director, Joint Interagency Coordination Group.
		Director, Interagency Partnering, (J9).
	United States Army, Africa Command	Director of Resources, United States Africa Command.
		Deputy Director of Resources (J1/J8).
		Director of Resources (J1/J8), Africom.
DEPARTMENT OF THE NAVY	Office of the Secretary	Director, Sexual Assault Prevention and Response.
		Chief Information Officer.
		Assistant for Administration.
		Director, Operations Directorate.
	Office of the Under Secretary of the Navy	Principal Director to the Under Secretary of the Navy for Plans, Policy, Oversight and Integration.
		Director, Operations Integration Group.
		Senior Director for Policy.
		Director, Small Business Programs.
		Principal Deputy Under Secretary of the Navy (Business Operations and Transformation).
		Senior Director for Security.
		Director, Operations Integration Group.
		Senior Director for Intelligence.
	Office of the Naval Inspector General	Deputy Naval Inspector General.
	Office of the Auditor General	Assistant Auditor General for Research, Development, Acquisition and Logistics Audits.
		Assistant Auditor General for Financial Management and Comptroller Audits.
		Auditor General of the Navy.
		Assistant Auditor General for Installation and Environment Audits.
		Assistant Auditor General for Manpower and Reserve Affairs Audits.
		Deputy Auditor General of the Navy.
	Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs).	Principal Deputy Assistant Secretary of the Navy (Manpower and Reserve Affairs).
		Deputy Assistant Secretary of the Navy (Reserve Affairs and Total Force Integration).
		Assistant General Counsel (Manpower and Reserve Affairs).
		Deputy Assistant Secretary of the Navy (Civilian Human Resources).
	Office of Civilian Human Resources	Director, Office of Civilian Human Resources.
		Director, Human Resources Policy and Program Department.
		Director, Human Resources Systems, Processes and Productivity.
		Director, Human Resources Operations and Customer Engagement.
	Office of the Assistant Secretary of the Navy (Energy, Installations and Environment).	Deputy Assistant Secretary of the Navy (Energy).
		Director, Joint Guam Program Office.
		Assistant General Counsel (Energy, Installations and Environment).

Agency	Organization	Title
	Office Assistant Secretary of the Navy (Research, Development and Acquisition).	Chief of Staff/Policy.
		Principal Civilian Deputy Assistant Secretary of the Navy (Acquisition Workforce).
		Deputy for Test and Evaluation.
		Executive Director, Navy International Programs Office.
		Deputy Assistant Secretary of the Navy (Management and Budget).
		Director, Program Analysis and Business Transformation.
		Assistant General Counsel (Research, Development and Acquisition).
		Deputy for Test and Evaluation.
		Deputy Assistant Secretary of the Navy (Command, Control, Communications, Computers and Intelligence) Space).
		Executive Director, F–35, Joint Program Office.
		Deputy Assistant Secretary of the Navy (Ships).
	Program Executive Officers	Program Executive Officer (Enterprise Information Systems).
		Executive Director, Program Executive Office, Littoral Combat Ships.
		Deputy Program Executive Officer for Unmanned Aviation Programs.
		Director for Integrated Combat Systems for Integrated Warfare Systems.
		Director for Above Water Sensors Directorate.
		Program Executive Officer, Littoral and Mine Warfare.
		Executive Director, Combatants, Program Executive Officers Ships.
		Executive Director, Program Executive Officers for Aircraft Carriers.
		Deputy Program Executive Officers for Strike Weapons.
		Deputy Program Executive Officers for Tactical Air Programs.
		Executive Director, Program Executive Officers for Integrated Warfare Systems.
		Executive Director, Amphibious, Auxiliary and Sealift Ships, Program Executive Officers Ships.
		Executive Director, Program Executive Office Submarines.
		Deputy Program Executive Officers Air Assault and Special Mission.
		Program Executive Officer, Land Systems.
		Executive Director for Command, Control, Communications, Computers and Intelligence (C4i).
		Executive Director, Program Executive Office for Space Systems.
		Executive Director, Program Executive Officer for Enterprise Information Systems.
	Strategic Systems Programs	Head, Resources Branch (Comptroller) and Deputy Director, Plans and Program Division.
		Technical Plans and Payloads Integration Officer.
		Assistant for Systems Integration and Compatibility.
		Assistant for Missile Engineering Systems.
		Director, Integrated Nuclear Weapons Safety and Security/Director, Strategic Systems Programs.
		Chief Engineer.
		Counsel, Strategic Systems Programs.
		Branch Head, Reentry Systems Branch.
		Director, Plans and Programs Division.
		Assistant for Missile Production, Assembly and Operations.
		Assistant for Shipboard Systems.

Agency	Organization	Title
	Office of the Assistant Secretary of Navy (Financial Management and Comptroller).	Assistant General Counsel (Financial Management and Comptroller).
		Director, Investment and Development Division.
		Director, Budget and Policy and Procedures Division.
		Deputy Assistant Secretary of the Navy for Financial Operations.
		Principal Deputy Assistant Secretary of the Navy (Financial Management and Comptroller).
		Director, Program/Budget Coordination Division.
		Deputy Assistant Secretary of the Navy for Cost and Economics.
		Deputy Director, Financial Operations.
		Associate Director, Office of Budget/Fiscal Management Division.
		Director, Civilian Resources and Business Affairs Division.
	Office of the General Counsel	Assistant General Counsel (Intelligence Law).
		Special Counsel for Litigation.
		Assistant General Counsel (Acquisition Integrity).
	Naval Criminal Investigative Service	Criminal Investigator, Executive Assistant Director for Global Operations.
		Criminal Investigator, Executive Assistant Director for Management and Administration.
		Criminal Investigator, Deputy Director, Naval Criminal Investigative Service.
		Criminal Investigator, Executive Assistant Director for Atlantic Operations.
		Criminal Investigator, Executive Assistant Director for Pacific Operations.
		Criminal Investigator, Director, Naval Criminal Investigative Service.
		Criminal Investigator, Executive Assistant Director for Criminal Operations.
	Chief of Naval Operations	Deputy Director, Program Division (N80b).
		Assistant Deputy Chief of Naval Operations, Warfare Systems.
		Head, Campaign Analysis Branch.
		Director, Naval History and Heritage Command.
		Technical Director, Oceanographer of the Navy.
		Assistant Deputy Chief of Naval Operations (Logistics).
		Assistant Deputy Chief of Naval Operations (Resources, Warfare Requirements and Assessments) N8B.
		Director, Special Programs Division.
		Financial Manager and Chief Resources Officer for Manpower, Personnel, Training and Education.
		Director, Logistics Planning and Innovation.
		Assistant Deputy Chief of Naval Operations for Information Dominance (N2/N6).
		Director, Strategic Sealift Division.
		Director, Assessment and Compliance (N2/N6bc).
		Assistant Deputy Chief of Naval Operations (Manpower, Personnel, Training and Education).
		Deputy Director, Environmental Readiness Division.
		Deputy Director for Strategy and Policy.
		Deputy Director, Afloat Readiness and Maintenance Division (N43).
		Director, Strategic Mobility and Combat Logistics Division.
		Director, Special Programs.
	Commander, Navy Installations Command	Deputy Regional Commander (Southeast).

Agency	Organization	Title
		Deputy Regional Commander (Mid-Atlantic Region).
		Director, Total Force Manpower.
		Deputy Regional Commander (Mid-Atlantic).
		Comptroller.
		Counsel, Commander Navy Installations Command.
		Deputy Commander.
	Bureau of Medicine and Surgery	Comptroller/Deputy Chief of Staff for Resource Management.
		Director, Total Force.
	Military Sealift Command	Director, Contractor Operated Ships.
		Director, Government Operations NFAF and Special Mission Ships.
		Counsel, Military Sealift Command.
		Comptroller.
		Director, Military Sealift Command Manpower and Personnel.
		Executive Director.
	Naval Meteorology and Oceanography Communications, Stennis Space Center, Mississippi.	Technical/Deputy Director.
	Office of Commander, United States Fleet Forces Command/Joint Forces Command.	Deputy Director, Fleet Warfare Programs.
		Deputy Chief of Staff, Fleet Installation and Environment.
		Executive Director, Fleet Resources and Readiness Integration.
		Assistant Deputy Chief of Staff, Fleet Policy and Capabilities Requirements.
		Deputy Director, Force Certification.
		Deputy Chief of Staff, Personnel Development and Allocation.
		Deputy Director, Fleet Readiness and Training.
		Deputy for Naval Air and Missile Defense Command.
		Director, Fleet Manpower and Personnel.
		Chief of Staff.
		Deputy Director, Joint Operations and Global Force Management.
	Commander, Submarine Forces	Executive Director, Submarine Forces.
	Commander, Naval Expeditionary Combat Command.	Executive Director, Navy Expeditionary Combat Command.
	Navy Cyber Forces	Deputy Commander, Navy Cyber Forces.
		Deputy Commander.
	Office of the Commander, United States Pacific Command.	Chief Information Officer.
		Director for Forces Resources and Management.
		Director, Pacific Outreach Directorate.
	Office of the Commander, United States Pacific Fleet.	Executive Director, Total Force Management.
		Executive Director, Pacific Fleet Plans and Policy.
		Deputy for Naval Mine and Anti-Submarine Warfare Command.
		Executive Director, Naval Air Forces.
		Executive Director, Naval Surface Forces.
		Executive Director, Fleet Warfare Requirements, Resources and Force Structure.
		Executive Director, Fleet Command, Control, Communications and Computer Systems and Command Information Officer.
		Deputy Chief of Staff for C4/CIO.
	Naval Air Systems Command Headquarters	Director, Systems Engineering Department.
		Director, Air Anti-Submarine Warfare, Assault and Special Mission Programs Contracts Department.
		Deputy Counsel, Office of Counsel.
		Director, Propulsion and Power.
		Director, Design Interface and Maintenance Planning.
		Director, Cost Estimating and Analysis.
		Principal Assistant for Air Warfare Acquisition Analysis and Planning.

Agency	Organization	Title
		Assistant Commander, Corporate Operations and Total Force.
		Deputy Assistant Commander for Logistics and Industrial Operations.
		Deputy Commander, Naval Air Systems Command.
		Deputy Assistant Commander for Research and Engineering.
		Assistant Commander for Acquisition Processes and Execution.
		Director, Tactical Aircraft and Missiles Contracts Department.
		Director, Logistics Management Integration.
		Director, Air Vehicles and Unmanned Air Vehicles.
		Director, Avionics Department.
		Counsel, Naval Air Systems Command.
		Comptroller.
		Assistant Commander for Contracts.
		Command Information Officer.
		F–35 Joint Strike Fighter, Director of Logistics and Sustainment.
		Director, Cost Analysis Department.
		Director, Air Platform Systems.
		Director, Industrial Operations.
		Director, Strike Weapons, Unmanned Aviation, Naval Air Programs Contracts Department.
		Director, Aviation Readiness and Resource Analysis.
	Naval Air Warfare Center Aircraft Division	Director, Integrated Systems Evaluation Experimentation and Test Department.
		Director, Flight Test Engineering.
		Director, Aircraft Launch and Recovery Equipment/Support Equipment.
		Deputy Assistant Commander for Test and Evaluation/Executive Director Naval Air Warfare Center Aircraft Division/Director, Test and Evaluation NAWCAD.
		Director, Battlespace Simulation.
	Naval Air Warfare Center Weapons Division, China Lake, California.	Director, Software Engineering.
		Director, Weapons and Energetics Department.
		Director, Electronic Warfare/Combat Systems.
		Director, Range Department.
		Executive Director, Naval Air Warfare Center Weapons Division/Director, Research Engineering.
	Naval Air Warfare Center Training Systems Division.	Director, Human Systems Department.
	Space and Naval Warfare Systems Command	Director, Corporate Operations/Command Information Officer.
		Counsel, Space and Naval Warfare Systems Command.
		Director, Contracts.
		Comptroller, Business Resources Manager.
		Director, Readiness/Logistics Directorate.
		Executive Director, Fleet Readiness Directorate.
		Deputy Chief Engineer.
		Assistant Chief Engineer for Mission Engineering.
		Assistant Chief Engineer for Certification and Mission Assurance.
		Assistant Chief Engineer for Mission Architecture and Systems Engineering.
		Director, Corporate Operations/Command Information Officer.
		Deputy Commander.
	Space and Naval Warfare Systems Center	Head, Command and Control Department.
		Head, Research and Applied Sciences Department.
		Director, Science, Technology, and Engineering.

Agency	Organization	Title
		Head, Communication and Information Systems Department.
		Head, Intelligence, Surveillance, and Reconnaissance and Information Operations Department.
		Executive Director.
	Space and Naval Warfare Systems Center, Charleston.	Executive Director.
	Naval Facilities Engineering Command	Director of Environment.
		Executive Director.
		Director of Assets Management.
		Director, Public Works.
		Director, Special Venture Acquisition.
		Director of Contracts Support.
		Counsel, Naval Facilities Engineering Command.
		Director, Navy Crane Center.
		Program Manager, Base Realignment and Closure Management Office.
		Comptroller.
		Chief Engineer.
		Assistant Commander/Chief Management Officer.
	Naval Sea Systems Command	Executive Director, Undersea Warfare Directorate.
		Executive Director for Logistics Maintenance and Industrial Operations Directorate.
		Deputy Commander, Corporate Operations Directorate.
		Executive Director, Warfare Systems Engineering/Battle Force Systems Engineer.
		Deputy for Weapons Safety.
		Assistant Deputy Commander for Industrial Operations.
		Director, Shipbuilding Contracts Division.
		Director, Cost Engineering and Industrial Analysis.
		Director for Surface Ship Design and Systems Engineering.
		Director, Reactor Materials Division.
		Director for Contracts.
		Counsel, Naval Sea Systems Command.
		Executive Director, Surface Warfare Directorate.
		Executive Director.
		Director, Nuclear Components Division.
		Director, Undersea Systems Contracts Division.
		Head, Advanced Reactor Branch.
		Director for Machinery Systems.
		Director for Ship Survivability and Structural Integrity.
		Deputy Director for Advanced Submarine Reactor Servicing and Spent Fuel Management.
		Director for Aircraft Carrier Design and Systems Engineering.
		Executive Director, Ship Design, and Engineering Directorate.
		Deputy Counsel, Naval Sea Systems Command.
		Director, Surface Systems Contracts Division.
		Director, Fleet Readiness Division.
		Deputy Director, Advanced Aircraft Carrier System Division.
		Director of Radiological Controls.
		Assistant Deputy Commander, Maintenance, Modernization, Environment and Safety.
		Director for Advanced Undersea Integration.
		Deputy Commander/Comptroller.
		Director, Reactor Refueling Division.
		Deputy Commander, Human Systems Integration Directorate.
		Director, Office of Resource Management.

Agency	Organization	Title
		Program Manager for Commissioned Submarines.
		Director for Submarine/Submersible Design and Systems Engineering.
		Director, Reactor Safety and Analysis Division.
		Director, Surface Ship Systems Division.
		Director, Reactor Plant Components and Auxiliary Equipment Division.
	Naval Shipyards	Naval Shipyard Nuclear Engineering and Planning Manager, Norfolk Naval Shipyard.
		Nuclear Engineering and Planning Manager; Portsmouth Naval Shipyard.
		Nuclear Engineering and Planning Manager; Pearl Harbor Naval Shipyard.
		Nuclear Engineering and Planning Manager, Puget Sound Naval Shipyard.
	Naval Surface Warfare Center	Technical Director.
	Naval Undersea Warfare Center	Division Technical Director, Naval Undersea Warfare Center.
		Technical Director.
	Naval Surface Warfare Center, Crane Division	Division Technical Director, Naval Surface Warfare Center, Crane Indiana.
	Naval Undersea Warfare Center Division, Keyport, Washington.	Division Technical Director, Naval Undersea Warfare Center, Keyport Division.
	Naval Surface Warfare Center, Port Hueneme Division.	Division Technical Director, Naval Surface Warfare Center Port Hueneme Division.
	Naval Surface Warfare Center, Corona Division.	Division Technical Director, Naval Surface Warfare Center, Corona Division.
	Naval Surface Warfare Center, Indian Head Division.	Division Technical Director, Naval Surface Warfare Center, Indian Head Division.
	Naval Surface Warfare Center, Carderock Division.	Division Technical Director, Naval Surface Warfare Center, Carderock Division.
	Naval Surface Warfare Center, Dahlgren Division.	Division Technical Director, Naval Surface Warfare Center Panama City Division.
		Division Technical Director, Naval Surface Warfare Center, Dahlgren Division.
	Naval Undersea Warfare Center Division, Newport, Rhode Island.	Division Technical Director, NUWC Division Newport.
		Corporate Business Executive.
	Naval Supply Systems Command, Headquarters.	Director, Defense Technology Analysis Office.
		Assistant Commander for Financial Management/Comptroller.
		Counsel, Naval Supply Systems Command.
		Deputy Commander, Corporate Operations.
		Executive Director, Office of Special Projects.
		Senior Acquisition Logistician/Enterprise Resource Planning Program Manager.
		Vice Commander.
		Deputy Commander, Acquisition, Naval Supply Systems Command.
	Fleet and Industrial Supply Centers	Vice Commander, Global Logistics Support.
	Weapon Systems Support	Vice Commander, NAVSUP Weapon Systems Support.
	United States Marine Corps, Headquarters Office.	Deputy Counsel for the Commandant.
		Counsel for the Commandant.
		Assistant Deputy Commandant, Installations and Logistics (E-Business and Contracts).
		Director, Manpower Plans and Policy Division.
		Deputy Assistant Deputy Commandant, Installations and Logistics (Facilities).
		Director, Program Assessment and Evaluation Division.
		Assistant Deputy Commandant for Aviation (Sustainment).
		Assistant Deputy Commandant for Manpower and Reserve Affairs.
		Assistant Deputy Commandant for Programs and Resources.
		Assistant Deputy Commandant, Installations and Logistics.
		Assistant Deputy Commandant, Resources and Fiscal Director, Marine Corps.

Agency	Organization	Title
		Assistant Deputy Commandant for Plans, Policies and Operations (Security).
	Marine Corps, Systems Command	Deputy Commander for Resource Management.
		Deputy Commander, Command, Control, Communications, Computer, Intelligence, Surveillance and Reconnaissance.
		Executive Director.
	Marine Corps, Logistics Command, Albany, Georgia.	Executive Deputy, Marine Corps Logistics Command.
	Office of Naval Research	Director, Life Sciences Research Division.
		Director, Ship Systems and Engineering Division.
		Director for Aerospace Science Research Division.
		Director, Mathematical, Computer, and Information Sciences Division.
		Director, Ocean, Atmosphere and Space Science and Technology Processes and Prediction Division.
		Director, Undersea Weapons and Naval Materials Science and Technology Division.
		Director of Innovation.
		Head, Expeditionary Warfare and Combating Terrorism Science and Technology Department.
		Head, Air Warfare and Weapons Science and Technology Department.
		Patent Counsel of the Navy.
		Counsel, Office of Naval Research.
		Executive Director.
		Head, Warfighter Performance Science and Technology Department.
		Head, Command, Control, Communications, Intelligence, Surveillance, and Reconnaissance (C4isr) Science and Technology Department.
		Head, Ocean, Battlespace Sensing Science and Technology Department.
		Director of Transition.
		Director, Hybrid Complex Warfare Sciences Division.
		Head, Sea Warfare and Weapons Science and Technology Department.
		Executive Director for Acquisition Management.
		Comptroller.
		Director, Hybrid Complex Warfare Science and Technology Division.
		Director, Electronics, Sensors, and Networks Research Division.
	Naval Research Laboratory	Superintendent, Marine Geosciences Division.
		Superintendent, Oceanography Division.
		Superintendent, Spacecraft Engineering Department.
		Superintendent, Center for Bio-Molecular Science and Engineering.
		Superintendent, Space Sciences Division.
		Superintendent, Radar Division.
		Superintendent, Plasma Physics Division.
		Superintendent, Electronics Science and Technology Division.
		Superintendent, Remote Sensing Division.
		Superintendent, Marine Meteorology Division.
		Director of Research.
		Associate Director of Research for Material Science and Component Technology.
		Superintendent, Chemistry Division.
		Superintendent, Optical Sciences Division.
		Superintendent, Materials Science and Technology Division.
		Superintendent, Tactical Electronic Warfare Division.

Agency	Organization	Title
		Associate Director of Research for Business Operations.
		Associate Director of Research for Ocean and Atmospheric Science and Technology.
		Associate Director of Research for Systems.
		Superintendent, Space Systems Development Department.
		Director, Naval Center for Space Technology.
		Superintendent, Acoustics Division.
		Superintendent, Material Science and Technology Division.
		Superintendent, Information Technology Division.
OFFICE OF THE SECRETARY OF DEFENSE—OFFICE OF THE INSPECTOR GENERAL.	Office of the General Counsel	General Counsel.
	Office of Communications and Congressional Liaison.	Assistant Inspector General, Office of Communications and Congressional Liaison.
	Office of the Inspector General	Principal Deputy Inspector General.
	Deputy Inspector General for Auditing	Deputy Inspector General for Auditing.
	Office of the Principal Deputy Inspector General for Auditing.	Principal Assistant Inspector General for Auditing.
	Acquisition and Contract Management	Assistant Inspector General for Acquisition and Contract Management.
	Payments and Accounting Operations	Assistant Inspector General for Payments and Accounting Operations.
	Financial Management and Reporting	Assistant Inspector General for Financial Management and Reporting.
	Readiness, Operations and Support	Assistant Inspector General for Readiness, Operations and Support.
	Deputy Inspector General for Investigations	Deputy Inspector General for Investigations.
	Defense Criminal Investigative Service	Assistant Inspector General for Investigations.
		Assistant Inspector General for Investigative Operations.
		Assistant Inspector General for International Operations.
	Deputy Inspector General for Policy and Oversight.	Deputy Inspector General for Policy and Oversight.
	Audit Policy and Oversight	Assistant Inspector General for Audit Policy and Oversight.
	Investigative Policy and Oversight	Assistant Inspector General for Investigative Policy and Oversight.
	Deputy Inspector General for Intelligence and Special Program Assessments.	Deputy Inspector General for Intelligence and Special Program Assessments.
	Office of Administration and Management	Assistant Inspector General for Administration and Management.
	Deputy Inspector General for Special Plans and Operations.	Deputy Inspector General for Special Plans and Operations.
	Deputy Inspector General for Administrative Investigations.	Deputy Inspector General Administrative Investigations.
DEFENSE NUCLEAR FACILITIES SAFETY BOARD.	Defense Nuclear Facilities Safety Board	Group Lead for Nuclear Facility Design and Infrastructure.
		Technical Advisor for Engineering Studies.
		Deputy General Manager.
		Deputy General Counsel.
		Group Lead for Nuclear Materials Processing and Stabilization.
		Technical Director.
		Group Lead for Nuclear Weapon Programs.
		Group Lead for Nuclear Programs and Analysis.
		Deputy Technical Director.
DEPARTMENT OF EDUCATION	Office of the Chief Financial Officer	Director, Contracts and Acquisitions Management.
		Executive Assistant to the Chief Financial Officer.
		Deputy Chief Financial Officer.
		Director, Financial Improvement and Post Audit Operations.
	Office of the Chief Information Officer	Chief Information Officer.
	Office of Management	Chairperson, Education Appeal Board.
		Director, Human Resources Services.
	Office of the General Counsel	Assistant General Counsel for Postsecondary Education and Education Research Division.

Agency	Organization	Title
		Assistant General Counsel for Business and Administration Law.
		Assistant General Counsel for Educational Equity.
	Office for Civil Rights	Deputy Assistant Secretary for Enforcement.
	Institute of Education Sciences	Associate Commissioner for Assessment.
	Federal Student Aid	Chief Financial Officer.
DEPARTMENT OF EDUCATION—OFFICE OF THE INSPECTOR GENERAL.	Office of the Inspector General	Deputy Assistant Inspector General for Investigation Services.
		Deputy Assistant Inspector General for Audit Services.
		Assistant Inspector General for Evaluation, Inspection and Management Services.
		Counsel to the Inspector General.
		Assistant Inspector General for Investigative Services.
		Assistant Inspector General for Audit Services.
		Assistant Inspector General for Information Technology Audits and Computer Crime Investigations.
DEPARTMENT OF ENERGY	Department of Energy	Assistant Manager for Science.
		Associate Chief Information Officer for Operations.
	Loan Programs Office	Director for Portfolio Management.
		Director for Portfolio Management Division.
	National Nuclear Security Administration	Director of Congressional Intergovernmental and Public Affairs.
		Chief of Defense Nuclear Counterintelligence.
	Associate Administrator for Acquisition and Project Management.	Director, Office of Acquisition and Supply Management.
	Office of Management and Budget	Director, Diskless Workstation Task Force Office.
		Director, Office of Field Financial Management.
	Deputy Administrator for Defense Programs	Senior Advisor for Complex 2030 Implementation.
		Deputy Manager, Technical Programs.
		Manager, Nevada Site Office.
		Manager, Livermore Site Office.
		Manager, Sandia Site Office.
		Manager, Savannah River Site Office.
		Deputy Manager, Pantex Site Office.
		Principal Assistant Deputy Administrator for Defense Program.
	Deputy Administrator for Naval Reactors	Director, Advanced Submarine Systems Division.
		Deputy Director for Naval Reactors.
		Director, Regulatory Affairs.
		Director, Instrumentation and Control Division.
		Program Manager for Surface Ship Nuclear Propulsion.
		Senior Naval Reactors Representative.
		Senior Naval Reactors Representative (Puget Sound Naval Ship.
		Senior Naval Reactors Representative (Yokosuka, Japan).
		Deputy Director, Nuclear Technology Division.
		Manager, Naval Reactors Laboratory Field Office.
	Office of Infrastructure and Environment	Director, Office of Infrastructure and Environment.
	Office of Defense Nuclear Security	Director, Office of Nuclear Materials Integration.
	National Nuclear Security Administration, Field Site Offices.	Chief Counsel.
	Office of Security	Deputy Director, Office of Security Affairs.
	Office of the Chief Information Officer	Associate Chief Information Officer for IT Support Services.
		Chief Information Officer.
		Associate Chief Information Officer for Cyber Security.
		Associate Chief Information Officer for Energy IT Services.

Agency	Organization	Title
		Deputy Chief Information Officer.
	Office of Human Capital Management	Director, Human Capital Management Strategic Planning and Vision.
		Director, Office of Headquarters and Executive Personnel Services.
	Office of Management	Director, Project Management Systems and Assessments.
		Director, Office of Administration.
		Deputy Director, Office of Management, Budget and Evaluation/Deputy Chief Finance Officer.
	Office of the Chief Financial Officer	Deputy Chief Financial Officer (2).
		Director, Office of Budget.
		Director, Financial Policy.
	Office of Electricity Delivery and Energy Reliability.	Deputy Assistant Secretary for Permitting, Siting and Analysis.
		Director, Office of Energy Assurance.
	Office of Independent Oversight and Performance Assurance.	Director, Office of Security Oversight.
	Office of Safeguards and Security Evaluations	Deputy Director, Office of Independent Oversight and Performance.
	Office of Security and Safety Performance Assurance.	Deputy Director, Office of Headquarters Security Operations.
		Director, Office of Safeguards and Security Training.
		Director, Office of Headquarters Security Operations.
		Director, Office of Independent Oversight and Performance.
		Director, Office of Safeguards and Security Evaluations.
		Director, Office of Security and Safety Performance.
	Office of Economic Impact and Diversity	Deputy Chief Human Capital Officer.
	Assistant Secretary for Energy Efficiency and Renewable Energy.	Manager, Golden Field Office.
		Program Manager (2).
		Director, Regional Office and Deployment Operations.
		Deputy Manager, Golden Field Office.
		Program Manager, Office of Geothermal Technologies Program.
	Assistant Secretary for Environment, Safety and Health.	Director, Office of Nuclear Safety, Policy and Standards.
		Director, Office of Regulatory Liaison.
	Energy Information Administration	Director, Coal, Nuclear and Renewables Division.
		Director, Coal and Electric Power Division.
		Director, Office of Oil and Gas.
		Director, Energy Markets and Contingency Information Division.
		Director, Natural Gas Division.
		Director, Petroleum Division.
		Director, Electrical Power Division.
		Director, Office of Integration Analysis and Forecasting.
		Director, Office of Integrated and International Energy Analysis.
		Director, Office of Petroleum Gas and Biofuels Analysis.
		Director, Electric Power Division.
		Director, Office of Petroleum and Biofuels Statistics.
		Director, Office of Oil, Gas and Coal Supply Statistics.
		Director, Office of Electricity, Coal Nuclear and Renewables.
		Assistant Administrator for Energy Analysis.
		Assistant Administrator for Resources and Technology Management.
		Assistant Administrator for Communications.
	Office of Environmental Management	Science Advisor.
		Director, Office of International Cooperation.
		Director, Office of Safeguard and Security/Emergency Management.

Agency	Organization	Title
	Environmental Management, Consolidated Business Center.	Deputy Manager.
	Office of Science	Director, Facilities Division.
		Director, High Energy Physics Division.
		Site Office Manager, Fermi.
		Director, Health Effects and Life Scientist Research Division.
		Director, Financial Management Division.
		Associate Director, Office of Resource Management.
	Office of Fossil Energy	Director, Materials Partnerships Research Center.
	Albuquerque Operations Office	Director, Transportation Safeguards Division.
		Carlsbad Area Office Manager.
		Assistant Manager for Management and Administration.
		Director, Weapons Programs Division.
	Chicago Operations Office	Director, New Brunswick Laboratory.
		Assistant Manager, Acquisition and Assistance.
		Deputy Manager, Chicago Office.
	Idaho Operations Office	Chief Financial Officer/Chief Operating Officer.
	Ohio Field Office	Deputy Manager, Ohio Field Office.
		Manager, Ohio Field Office.
	Oakland Operations Office	Associate Manager for Site Management.
	Oak Ridge Operations Office	Chief Financial Officer.
		Assistant Manager for Administration.
	Rocky Flats Office	Assistant Manager for Administration and Transition.
	Office of General Counsel	Assistant General Counsel for General Law.
	Office of Hearings and Appeals	Deputy Director for Financial Analysis.
		Director, Hearings Appeals.
		Deputy Director for Economic Analysis.
		Deputy Director for Legal Analysis.
	Office of Inspector General	Counsel to the Inspector General.
		Assistant Inspector General for Investigations.
	Office of Nuclear Energy	Director, Office of Light Water Reactor Deployment.
		Associate Director for Nuclear Facilities Management.
	Office of Assistant Secretary for Policy and International Affairs.	Director, Office of Energy Consumption and Energy Efficiency Analysis.
	Western Area Power Administration	Chief Operating Officer.
		Transmission Infrastructure Program Manager.
		Transmission Infrastructure Program Manager.
		Chief Financial Officer.
DEPARTMENT OF ENERGY—OFFICE OF THE INSPECTOR GENERAL.	Department of Energy—Office of the Inspector General.	Assistant Inspector General for Investigations.
		Assistant Inspector General for Financial, Technology and Corporate Audits.
		Director, Central Audits Division.
		Assistant Inspector General for Audits.
		Director, Environment Technology Corporate and Financial Audits Division.
		Deputy Inspector General for Investigations.
		Director, National Nuclear Security Administration and Science Audits Division.
		Deputy Inspector General for Audits and Inspections.
		Assistant Inspector General for Inspections.
		Deputy Inspector General, Management and Administration.
		Counsel to the Inspector General.
		Deputy Inspector General for Investigations and Inspections.
ENVIRONMENTAL PROTECTION AGENCY	Environmental Appeals Board	Environmental Appeals Judge(4).
	Office of Homeland Security	Director, Office of Homeland Security.
	Office of Executive Support	Director, Office of Executive Services.
	Office of the Chief Financial Officer	Deputy Chief Financial Officer.
		Associate Chief Financial Officer.
		Senior Advisor.

Agency	Organization	Title
	Office of Planning, Analysis and Accountability.	Director, Office of Planning, Analysis and Accountability.
	Center for Environmental Finance	Director, Center for Environmental Finance.
	Office of Budget	Director, Office of Budget.
	Office of Financial Management	Director, Office of Financial Management.
	Office of Financial Services	Director, Office of Financial Services.
	Office of Technology Solutions	Director, Office of Technology Solutions.
	Office of Environmental Information	Director, Enterprise Information Technology Systems.
	Office of Technology Operations and Planning	Director, National Computer Center.
	Office of the Assistant Administrator for Administration and Resources Management.	Senior Policy Advisor.
		Deputy Assistant Administrator for Administration and Resources Management.
	Office of Policy and Resource Management	Director, Office of Policy and Resource Management.
	Office of Administration	Deputy Director, Office of Administration.
		Director, Office of Administration.
		Director, Facilities Management and Services Division.
		Director, Safety, Health and Environmental Management Division.
	Office of Human Resources	Deputy Director, Office of Human Resources.
		Director, Office of Human Resources.
		Director, Executive Resources Division.
	Office of Acquisition Management	Director, Superfund/Resource Conservation and Recovery Act Regional Procurement Operations Division.
		Director, Office of Acquisition Management.
		Deputy Director, Office of Acquisition Management.
	Office of Grants and Debarment	Director, Grants Administration Division.
		Director, Office of Grants and Debarment.
		Deputy Director, Office of Grants and Debarment.
	Office of Administration and Resources Management, Cincinnati, Ohio.	Director, Office of Administration and Resources Management.
	Office of Administration and Resources Management, Research Triangle Park, North Carolina.	Director, Office of Administration and Resources Management.
	Federal Facilities Enforcement Office	Director, Federal Facilities Enforcement Office.
	Office of Environmental Justice	Director, Office of Environmental Justice.
	Office of Compliance	Director, Monitoring Assistance and Media Programs Division.
		Director, Enforcement Targeting and Data Division.
		Director, National Enforcement Training Institute.
		Director, Office of Compliance.
		Deputy Director, Office of Compliance.
	Office of Criminal Enforcement, Forensics and Training.	Director, National Enforcement Investigations Center.
		Director, Criminal Investigation Division.
		Deputy Director, Office of Criminal Enforcement, Forensics Training.
		Director, Office of Criminal Enforcement, Forensics and Training.
		Assistant Director, Office of Criminal Enforcement, Forensics and Training.
	Office of Federal Activities	Director, International Compliance Assurance Division.
	Office of Civil Enforcement	Director, Air Enforcement Division.
		Director, Office of Civil Enforcement.
		Deputy Director, Office of Civil Enforcement.
	Office of Site Remediation Enforcement	Director, Office of Site Remediation Enforcement.
		Deputy Director, Office of Site Remediation Enforcement.
	Office of Deputy General Counsel	Director, Resources Management Office.
	Office of the Inspector General	Counsel to the Inspector General.
		Deputy Inspector General.
	Office of Audit	Assistant Inspector General for Audits.
	Office of Investigations	Assistant Inspector General for Investigations.

Agency	Organization	Title
	Office of Program Evaluation	Assistant Inspector General for Program Evaluation.
	Office of Human Capital	Assistant Inspector General for Human Capital.
	Office of Mission Systems	Assistant Inspector General for Mission Systems.
	Office of Planning, Analysis and Results	Assistant Inspector General for Planning, Analysis and Results.
	Office of Congressional and Public Liaison	Assistant Inspector General for Congressional and Public Liaison.
	Office of Ground Water and Drinking Water	Director, Drinking Water Protection Division.
		Director, Standards and Risk Management Division.
	Office of Science and Technology	Director, Standards and Health Protection.
		Director, Health and Ecological Criteria Division.
		Director, Engineering and Analysis Division.
	Office of Waste Water Management	Director, Municipal Support Division.
		Director, Water Permits Division.
	Office of Wetlands, Oceans and Watersheds	Director, Oceans and Coastal Protection Division.
		Director, Assessment and Watershed Protection Division.
		Director, Wetlands Division.
	Office of the Assistant Administrator for Solid Waste and Emergency Response.	Director, Land Revitalization Staff.
	Office of Superfund Remediation and Technology Innovation.	Director, Assessment and Remediation Division.
		Director, Technology Innovation and Field Services Division.
		Director, Resources Management Division.
	Office of Resource Conservation and Recovery.	Director, Resource Conservation and Sustainability Division.
		Director, Program Implementation and Information Division.
		Director, Materials Recovery and Waste Management Division.
	Office of the Assistant Administrator for Air and Radiation.	Senior Policy Advisor (Agriculture).
		Director, Office of Policy Analysis and Review.
		Senior Advisor.
	Office of Air Quality Planning and Standards	Director, Sector Policies and Programs Division.
		Director, Health and Environmental Impacts Division.
		Director, Air Quality Policy Division.
		Deputy Director, Office of Air Quality Planning and Standards.
		Director, Outreach and Information Division.
		Director, Air Quality Assessment Division.
		Associate Office Director for Program Integration and International Air Quality Issues.
	Office of Transportation and Air Quality	Director, National Center for Advanced Technology.
		Director, Compliance Division.
		Director, Assessment and Standards Division.
		Director, Transportation and Climate Division.
		Director, Testing and Advanced Technology Division.
	Office of Radiation and Indoor Air	Director, Indoor Environments Division.
		Director, Radiation Protection Division.
		Deputy Director, Office of Radiation and Indoor Air.
	Office of Atmospheric Programs	Director, Climate Change Division.
		Director, Clean Air Markets Division.
		Director, Climate Protection Partnership Division.
	Office of Program Management Operations	Associate Assistant Administrator (Management).
	Office of Pesticide Programs	Director, Environmental Fate and Effects Division.
		Director, Special Review and Reregistration Division.

Agency	Organization	Title
		Director, Health Effects Division.
		Director, Information Technology and Resources Management Division.
		Director, Field and External Affairs Division.
		Director, Antimicrobials Division.
		Director, Biopesticides and Pollution Prevention Division.
		Director, Registration Division.
		Director, Biological and Economic Analysis Division.
	Office of Pollution Prevention and Toxics	Director, Environmental Assistance Division.
		Director, Economics Exposure and Technology Division.
		Director, Information Management Division.
		Director, Chemical Control Division.
		Director, Pollution Prevention Division.
		Director, National Program Chemicals Division.
		Director, Risk Assessment Division.
	Office of the Assistant Administrator for Research and Development.	Director, Environmental Technology Innovation Cluster Program.
		Chief Innovation Officer.
		Director for Ecology.
		Director, Office of Scientific Information Management.
	National Homeland Security Research Center	Director, National Homeland Security Research Center.
		Deputy Director for Management, National Homeland Security Research Center.
	Office of Program Accountability and Resource Management.	Director, Office of Program Accountability and Resource Management.
		Director, Office of Resources Management and Administration.
	National Health and Environmental Effects Research Laboratory.	Associate Director for Ecology.
		Associate Director for Health.
		Director, National Health and Environmental Effects Research Laboratory.
		Deputy Director for Management.
	Atlantic Ecology Division	Director, Atlantic Ecology Division.
	Western Ecology Division	Director, Western Ecology Division.
	Gulf Ecology Division	Director, Gulf Ecology Division.
	Mid-Continent Ecology Division	Director, Mid-Continent Ecology Division.
	Human Studies Division	Director, Human Studies Division.
	National Exposure Research Laboratory	Director, Microbiological and Chemical Assessment Research Division.
		Deputy Director for Management.
		Director, National Exposure Research Laboratory.
	Environmental Sciences Division	Director, Environmental Sciences Division.
	Ecosystems Research Division	Director, Ecosystems Research Division.
	Human Exposure and Atmospheric Sciences Division.	Director, Human Exposure and Atmospheric Science Division.
	National Risk Management Research Laboratory.	Deputy Director for Management.
		Director, National Risk Management Research Laboratory.
	Air Pollution Prevention and Control Division	Director, Air Pollution Prevention and Control Division.
	Ground Water Ecosystems Restoration Division.	Director, Ground Water Ecosystems Restoration Division.
	Water Supply and Water Resources Division	Director, Water Supply and Water Resources Division.
	National Center for Environmental Assessment.	Associate Director for Ecology.
		Director, National Center for Environmental Assessment.
		Deputy Director for Management.
	National Center for Environmental Assessment, Washington, DC.	Director, National Center for Environmental Assessment.
	National Center for Environmental Assessment, Research Triangle Park, North Carolina.	Director, National Center for Environmental Assessment.
	National Center for Environmental Assessment, Cincinnati, Ohio.	Director, National Center for Environmental Assessment.
	National Center for Environmental Research	Director, National Center for Environmental Research.

Agency	Organization	Title
		Deputy Director for Management.
	Office of Administrative and Research Support.	Director, Office of Administrative and Research Support.
		Deputy Director, Office of Administrative and Research Support.
	Region 1, Boston, Massachusetts	Director, Office of Site Remediation Restoration.
		Director, Office of Ecosystem Protection.
		Director, Office of Environmental Stewardship.
		Assistant Regional Administrator for Administration and Resources Management.
	Office of Regional Counsel	Regional Counsel.
	Region 2, New York, New York	Director, Environmental Science and Assessment Division.
		Assistant Regional Administrator for Policy and Management.
		Director, Environmental Planning and Protection Division.
		Director, Caribbean Environmental Protection Division.
		Director, Clean Air and Sustainability Division.
		Director, Enforcement and Compliance Assistance Division.
		Director, Office of Emergency and Remedial Response.
	Office of Regional Counsel	Regional Counsel.
	Region 3, Philadelphia, Pennsylvania	Director, Hazardous Site Cleanup Division.
		Director, Water Protection Division.
		Assistant Regional Administrator for Policy and Management.
		Director, Chesapeake Bay Program Office.
		Director, Land and Chemicals Division.
		Director, Air Protection Division.
		Director, Environmental Assessment and Innovation Division.
	Office of Regional Counsel	Regional Counsel.
	Region 4, Atlanta, Georgia	Director, Air, Pesticides and Toxics Management Division.
		Director, Science and Ecosystem Support Division.
		Director, Water Management Division.
		Director, Superfund Division.
		Director, Gulf of Mexico Program.
		Assistant Regional Administrator for Policy and Management.
		Director, Resource Conservation and Recovery Act Division.
	Office of Regional Counsel	Regional Counsel.
	Region 5, Chicago, Illinois	Director, Water Division.
		Director, Air and Radiation Division.
		Director, Land and Chemicals Division.
		Director, Great Lakes National Program Office.
		Director, Superfund Division.
		Assistant Regional Administrator for Resources Management.
	Office of Regional Counsel	Regional Counsel.
	Region 6, Dallas, Texas	Director, Multimedia Planning and Permitting Division.
		Director, Compliance Assurance and Enforcement Division.
		Assistant Regional Administrator for Management.
		Director, Superfund Division.
		Director, Water Quality Protection Division.
	Office of Regional Counsel	Regional Counsel.
	Region 7, Kansas City, Kansas	Director, Superfund Division.
		Director, Air, Resource Conversation and Recovery Act and Toxics Division.
		Director, Water, Wetlands and Pesticides Division.
		Assistant Regional Administrator for Policy and Management.
		Director, Environmental Services Division.

Agency	Organization	Title
	Office of Regional Counsel	Regional Counsel.
	Region 8, Denver, Colorado	Assistant Regional Administrator for Technical and Management Services.
		Assistant Regional Administrator for Partnerships and Regulatory Assistance.
		Assistant Regional Administrator for Ecosystems Protection and Remediation.
	Office of Regional Counsel	Regional Counsel.
	Region 9, San Francisco, California	Director, Office of Public Affairs.
		Director, Waste Management Division.
		Director, Air Division.
		Assistant Regional Administrator for Management and Technical Services.
		Director, Superfund Division.
		Director, Cross Media Division.
		Director, Water Division.
	Office of Regional Counsel	Regional Counsel.
	Region 10, Seattle, Washington	Senior Advisor.
		Director, Office of Environmental Cleanup.
		Director, Office of Ecosystems, Tribal and Public Affairs.
		Director, Office of Water and Watersheds.
		Assistant Regional Administrator for Management Programs.
		Director, Office of Compliance and Enforcement.
		Director, Office of Air, Waste and Toxics.
	Office of Regional Counsel	Regional Counsel.
ENVIRONMENTAL PROTECTION AGENCY—OFFICE OF THE INSPECTOR GENERAL.	Environmental Protection Agency—Office of the Inspector General.	Chief of Staff.
		Assistant Inspector General for Homeland Security and Customer Liaison.
		Assistant Inspector General for Mission Systems.
		Assistant Inspector General for Program Evaluations.
		Assistant Inspector General for Investigations.
		Assistant Inspector General for Audits.
		Counsel to the Inspector General.
		Assistant Inspector General for Congressional and Public Liaison, and Management.
		Deputy Inspector General.
	Office of Cyber Investigation and Homeland Security.	Assistant Inspector General for Cyber Investigation and Homeland Security.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.	Office of the Inspector General	Inspector General.
	Office of Field Programs	District Director (Memphis).
		District Director (Indianapolis).
		District Director (Miami).
		District Director (St Louis).
		District Director (Chicago).
		District Director (Dallas).
		District Director (San Francisco).
		District Director (Detroit).
		District Director (Houston).
		District Director (Atlanta).
		District Director (New York).
		District Director (Baltimore).
		Program Manager.
		District Director (Milwaukee).
		District Director (Denver).
		District Director (Los Angeles).
		District Director (Birmingham).
		National Legal/Enforcement Executive Advisor.
		District Director (Philadelphia).
		District Director (Cleveland).
		National Mediation Executive Advisor.
		District Director (Charlotte).
		District Director (San Antonio).
		District Director (Phoenix).
		District Director (New Orleans).
	Field Management Programs	Director, Field Management Programs.
	Field Coordination Programs	Director, Field Coordination Programs.
FEDERAL COMMUNICATIONS COMMISSION	Office of Inspector General	Inspector General.

Agency	Organization	Title
FEDERAL ENERGY REGULATORY COMMISSION.	Office of Energy Projects	Director of Dam Safety and Inspection.
	Office of Administrative Litigation	Director, Technical Division.
		Director, Legal Division.
	Office of Enforcement	Chief Accountant and Director, Division of Financial Regulations.
FEDERAL LABOR RELATIONS AUTHORITY	Office of the Chairman	Chief Counsel.
		Solicitor.
		Director, Policy and Performance Management.
		Senior Advisor.
	Office of Member	Chief Counsel (2).
	Federal Service Impasses Panel	Executive Director, Federal Service Impasses Panel.
	Office of the Executive Director	Executive Director.
	Office of the General Counsel	Deputy General Counsel (2).
	Office of the General Counsel, Regional Offices.	Regional Director-Washington, DC.
		Regional Director-Atlanta.
		Regional Director-Boston.
		Regional Director-Dallas.
		Regional Director-Chicago.
		Regional Director-San Francisco.
		Regional Director-Denver.
FEDERAL MARITIME COMMISSION	Office of the Secretary	Secretary.
	Office of Consumer Affairs and Dispute Resolution Services.	Director, Office of Consumer Affairs and Dispute Resolution Services.
	Office of the General Counsel	Deputy General Counsel for Reports Opinions and Decisions.
	Office of the Managing Director	Director, Strategic Planning and Regulatory Review.
		Deputy Managing Director.
	Bureau of Certification and Licensing	Director, Bureau of Certification and Licensing.
	Bureau of Trade Analysis	Director, Bureau of Trade Analysis.
	Bureau of Enforcement	Director, Bureau of Enforcement.
FEDERAL MEDIATION AND CONCILIATION SERVICE.	Office of the Director	Chief of Staff.
		National Representative.
	Office of the Deputy Director	Director of Field Operations.
FEDERAL RETIREMENT THRIFT INVESTMENT BOARD.	Federal Retirement Thrift Investment Board	Director of Communications and Education.
		Director of Benefits.
		Chief Investment Officer.
		Chief Technology Officer.
		Chief Financial Officer.
		Director, Office of Research and Strategic Planning.
		Director of Enterprise Risk Management.
FEDERAL TRADE COMMISSION	Office of International Affairs	Deputy Director for International Consumer Protection.
	Office of the Executive Director	Deputy Executive Director.
		Chief Information Officer.
	Bureau of Competition	Deputy Director, Bureau of Competition.
FEDERAL TRADE COMMISSION—OFFICE OF THE INSPECTOR GENERAL.	Federal Trade Commission—Office of the Inspector General.	Inspector General.
GENERAL SERVICES ADMINISTRATION	Office of Emergency Response and Recovery	Chief Emergency Response and Recovery Officer.
	Office of Citizen Services and Communications.	Director, Federal Citizen Information Center.
	Office of the Chief People Officer	Director of Human Capital Management.
		Chief Human Capital Officer.
		Chief Information Officer.
		Director of Human Resources Services.
		Deputy Chief Information Officer.
	Office of Governmentwide Policy	Director of the Federal Acquisition Institute.
		Deputy Associate Administrator for Technology Strategy.
		Deputy Associate Administrator for Travel, Transportation and Asset Management.
		Deputy Associate Administrator for Real Property Management.
		Director of Governmentwide Acquisition Policy.
	Office of the Chief Acquisition Officer	Deputy Chief Acquisition Officer.
		Director of Acquisition Integrity.
		Director of Acquisition Systems.

Agency	Organization	Title
	Office of the Inspector General	Principal Deputy Assistant Inspector General for Auditing.
		Deputy Inspector General.
		Assistant Inspector General for Administration.
		Counsel to the Inspector General.
		Assistant Inspector General for Investigations.
		Assistant Inspector General for Auditing.
		Deputy Assistant Inspector General for Investigations.
	Office of the Chief Financial Officer	Director of Financial Management Systems.
		Chief Financial Officer.
		Director of Budget.
		Director of Financial Policy and Operations.
	Public Buildings Service	Assistant Commissioner for National Customer Services Management.
		Assistant Commissioner for Real Property Asset Management.
		Deputy Assistant Commissioner for Real Estate Portfolio Management.
		Deputy Assistant Commissioner for Real Property Disposal.
		Assistant Commissioner for Budget and Financial Management.
		Assistant Commissioner for Organizational Resources.
		Assistant Commissioner for Construction Programs.
		Program Executive.
		Assistant Commissioner for Leasing.
		Deputy Assistant Commissioner for Vendor Alliance and Vendor Acquisition.
		Assistant Commissioner for Facilities Management and Services Programs.
		Director of Federal High-Performance Green Buildings.
	Office of the Chief Information Officer	Director of Enterprise Management Services.
		Senior Agency Information Security Officer.
		Director of Enterprise Infrastructure.
	Federal Acquisition Service	Assistant Commissioner for Strategic Business Planning and Process Improvement.
		Director of Motor Vehicle Management.
		Director of Supply Operations.
		Deputy Assistant Commissioner for General Supplies and Services.
		Director of Travel and Transportation Services.
		Director of Network Services Programs.
		Assistant Commissioner for General Supplies and Services.
		Assistant Commissioner for Travel, Motor Vehicle and Card Services.
		Assistant Commissioner for Customer Accounts and Research.
		Controller.
		Chief Information Officer.
		Assistant Commissioner for Assisted Acquisition Services.
		Assistant Commissioner for Acquisition Management.
		Assistant Commissioner for Integrated Technology Services.
		Director of Governmentwide Acquisition Contracts and Information Technology Schedule Programs.
		Director of Acquisition.
		Deputy Chief Information Officer.
		Deputy Assistant Commissioner for Integrated Technology Services.
	New England Region	Regional Commissioner for Public Buildings Service.
		Regional Commissioner for Federal Acquisition Service, Region 1.

Agency	Organization	Title
	Northeast and Caribbean Region	Regional Commissioner for Federal Acquisition Service.
		Regional Commissioner for Public Buildings Service.
	Mid-Atlantic Region	Regional Commissioner for Public Buildings Service.
		Regional Commissioner for Federal Acquisition Service.
		Regional Counsel.
	National Capital Region	Regional Commissioner for Federal Acquisition Service.
		Regional Commissioner for Public Buildings Service.
		Project Executive for Real Estate Development.
		Director of Portfolio Management.
		Director of Facilities Management and Services Programs.
		Director of Project Delivery.
		Director of Leasing.
		Principal Deputy Regional Commissioner for Public Buildings Service.
		Principal Deputy Regional Commissioner for Projects and Real Property Asset Management.
	Southeast Sunbelt Region	Regional Commissioner for Federal Acquisition Service.
		Regional Commissioner for Public Buildings Service.
		Deputy Regional Commissioner for Real Estate Design, Construction and Development.
	Great Lakes Region	Regional Commissioner for Public Buildings Service.
		Regional Commissioner for Federal Acquisition Service.
	The Heartland Region	Regional Commissioner for Federal Acquisition Service.
		Regional Commissioner for Public Buildings Service.
	Greater Southwest Region	Regional Commissioner for Federal Acquisition Service.
		Regional Commissioner for Public Buildings Service.
	Rocky Mountain Region	Regional Commissioner for Public Buildings Service.
		Regional Commissioner for Federal Acquisition Service, Region 8.
	Pacific Rim Region	Assistant Regional Administrator for Federal Supply Service.
		Regional Commissioner for Public Buildings Service.
		Assistant Regional Administrator, Federal Acquisition Service.
		Principal Deputy Regional Commissioner for Public Buildings Service.
	Northwest/Arctic Region	Regional Commissioner for Federal Acquisition Service, Region 10.
		Regional Commissioner for Public Buildings Service.
GENERAL SERVICES ADMINISTRATION—OFFICE OF THE INSPECTOR GENERAL.	General Services Administration—Office of the Inspector General.	Deputy Assistant Inspector General for Real Property Audits.
		Principal Deputy Assistant Inspector General for Auditing.
		Assistant Inspector General for Auditing.
		Deputy Inspector General.
		Deputy Assistant Inspector General for Acquisition Programs Audits.
		Assistant Inspector General for Administration.
		Deputy Assistant Inspector General for Investigations.
		Assistant Inspector General for Investigations.
		Counsel to the Inspector General.

Agency	Organization	Title
		Deputy Assistant Inspector General for Acquisition Programs Audits.
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Security and Strategic Information	Associate Director for Strategic Information.
		Associate Director for Personnel and Classified Information Security.
		Director, Intel and Counter Intel.
	Office of the Assistant Secretary for Administration.	Director, Atlanta Human Resources Center.
	Office of the Assistant Secretary for Financial Resources.	Director, Office of Small and Disadvantaged Business Utilization.
	Office of the Deputy Assistant Secretary for Finance.	Associate Deputy Assistant Secretary, Finance.
		Deputy Assistant Secretary, Finance.
	Office of the Deputy Assistant Secretary for Information Resources Management.	Deputy Chief Information Officer.
	Office of the Assistant Secretary for Planning and Evaluation.	Associate Deputy Assistant Secretary for Planning and Evaluation (Health Services Policy).
	Office of the Assistant Secretary for Health	Director, Office of Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome Policy.
		Director, Office of Research Integrity.
	Associate General Counsel Divisions	Deputy Associate General Counsel for Claims and Employment Law.
		Deputy Associate General Counsel, Business and Administrative Law Division.
		Associate General Counsel, General Law Division.
	Office of the Inspector General	Deputy Inspector General for Management and Policy.
		Principal Deputy Inspector General.
		Deputy Inspector General for Legal Affairs.
	Office of the Deputy Inspector General for Investigations.	Deputy Inspector General for Investigations.
		Assistant Inspector General for Investigations (2).
		Assistant Inspector General for Investigative Operations.
	Office of the Deputy Inspector General for Audit Services.	Assistant Inspector General for Medicare and Medicaid Service Audits.
		Assistant Inspector General for Financial Management and Regional Operations.
		Deputy Inspector General for Audit Services.
		Assistant Inspector General for Grants and Internal Activities.
		Assistant Inspector General for Audit Management and Policy.
	Office of the Deputy Inspector General for Evaluation and Inspections.	Deputy Inspector General for Evaluation and Inspections.
	Program Support Center	Director, Information Systems Management Service.
		Deputy Assistant Secretary for Program Support.
	Office of Financial Management Service	Director, Financial Management Service.
	Office of Program Support	Director, Office of Financial Management.
	Office of the Actuary	Director, National Health Statistics Group.
		Director, Office of the Actuary (Chief Actuary).
		Director, Medicare and Medicaid Cost Estimates Group.
		Director, Parts C and D Actuarial Group.
	Center for Medicare	Director, Medicare Contractor Management Group.
	Center for Program Integrity	Director, Medicare Program Integrity Group.
		Director, Medicaid Integrity Group.
	Office of Acquisitions and Grants Management.	Deputy Director, Office of Acquisition and Grants Management.
		Director, Office of Acquisitions and Grants Management.
	Office of Information Services	Deputy Director, Office of Information Services (2).
		Director, Office of Information Services (Chief Information Officer).
	Office of Financial Management	Deputy Director, Office of Financial Management.
		Director, Office of Financial Management.

Agency	Organization	Title
		Director, Financial Services Group.
		Director, Accounting Management Group.
	Office of Policy, Planning, and Budget	Associate Administrator for Policy and Programs Coordinator.
	Center for Mental Health Services	Director, Center for Mental Health Services.
		Director, Division of State and Community Systems Development.
	Centers for Disease Control and Prevention	Issues Analysis and Coordination Officer.
		Chief Learning Officer.
		Director, Procurement and Grants Office.
		Chief Management Officer, Office of the Director.
		Director, Information Technology Services Office.
		Director, Buildings and Facilities Office.
		Chief Financial Officer.
	National Institute for Occupational Safety and Health.	Deputy Director for Management.
	Office of Chief Counsel	Deputy Chief Counsel for Program Review.
		Associate Deputy Chief Counsel for Drugs and Biologics.
		Associate Deputy Chief Counsel for Devices, Foods and Veterinary Medicine.
	Office of Management	Director, Office of Acquisitions and Grants Services.
	Office of Regulatory Affairs	Deputy Associate Commissioner for Regulatory Affairs.
		Associate Commissioner for Regulatory Affairs.
		Regional Food and Drug Director, Central Region.
		Deputy Director for Investigations.
		District Food and Drug Director, Los Angeles District.
		District Food and Drug Director, New York District.
		Regional Food and Drug Director, Northeast Region.
		Regional Food and Drug Director, Southeast Region.
		Associate Director, Investigations.
		Regional Food and Drug Director, Southwest Region.
		Director, Office of Criminal Investigations.
	Center for Biologics Evaluation and Research	Director, Office of Compliance and Biologics Quality.
		Associate Director for Compliance and Biologic Quality.
	Center for Drug Evaluation and Research	Senior Advisor for Policy.
		Director, Office of Management.
		Director, Division of Medical Imaging Surgical and Dental Products.
		Director, Office of Generic Drugs.
		Director, Office of Epidemiology and Biostatistics.
		Director, Office of New Drug Quality Assessment.
		Director, Office of Compliance.
	Center for Devices and Radiological Health	Director Office of Compliance.
		Director, Office of Science and Technology.
		Director, Office of System and Management.
		Director, Office of Device Evaluation.
	Center for Food Safety and Applied Nutrition	Director, Office of Seafood.
		Director, Office of Field Programs.
		Director, Office of Plant and Dairy Foods and Beverages.
		Director, Office of Regulations and Policy.
		Director, Office of Premarket Approval.
	Center for Veterinary Medicine	Director, Office of Science.
		Director, Office of Surveillance and Compliance.
	Office of Operations	Director, Office of Human Resources.
	Special Programs Bureau	Associate Administrator, Special Programs Bureau.

Agency	Organization	Title
	HIV/AIDS Bureau	Director, Office of Science and Epidemiology.
	Indian Health Service	Director Office of Environmental Health and Engineering.
	National Institutes of Health	Associate Director for Management.
		Director.
		Associate Director for Administrative Management.
		Director, Office of Research Information Systems.
	Office of the Director	Associate Director for Administration.
		Associate Director for Disease Prevention.
		Director, Office of Medical Applications of Research.
		Associate Director for Extramural Affairs.
		Director, Office of Financial Management.
		Senior Advisor for Policy.
		Scientific Advisor for Capacity Development.
		Deputy Director for Science, Outreach, and Policy.
		Director, Office of Strategic Planning for Administration.
		Associate Director for Security and Emergency Response.
		Director, Office of Research Facilities Development and Operations.
		Director, Office of Policy for Extramural Research Administration.
		Senior Policy Officer (Ethics).
		Director, Office of Contracts Management.
		Director, Office of Reports and Analysis.
		Special Advisor to the Director.
	National Heart, Lung and Blood Institute	Director, National Center for Sleep Disorders.
		Deputy Director, Division of Heart Vascular Diseases.
		Deputy Director, Division of Epidemiology and Clinical Application.
		Director, Office of Biostatics Research.
		Director, Division of Extramural Affairs.
		Director, Epidemiology and Biometry Program.
		Director, Division of Lung Diseases.
		Director, Division of Blood Diseases and Resources.
		Director, Division of Heart and Vascular Diseases.
		Associate Director for International Programs.
	Intramural Research	Chief, Macromolecules Section.
		Chief, Laboratory of Biophysical Chemistry.
		Chief, Laboratory of Biochemistry.
		Chief, Laboratory of Biochemical Genetics.
		Chief, Laboratory of Kidney and Electrolyte Metabolism.
		Chief, Intermediary Metabolism and Bioenergetics Section.
		Chief, Laboratory of Cardiac Energetics.
		Chief, Metabolic Regulation Section.
	National Cancer Institute	Associate Director for Extramural Management.
		Associate Director for Intramural Management.
		Deputy Director for Administrative Operations.
		Associate Director, Referral Review and Program Coordination.
		Associate Director, Cancer Diagnosis Program.
		Associate Director for Budget and Financial Management.
		Deputy Director for Management.
	Division of Cancer Biology, Diagnosis and Centers.	Chief, Laboratory of Biochemistry Intramural Research Program.
		Chief, Microbial Genetics and Biochemistry Section, Laboratory of Biochemistry.
		Chief, Cell Mediated Immunity Section.

Agency	Organization	Title
		Chief, Dermatology Branch, Intramural Research Program.
		Deputy Director, Division of Cancer Biology Diagnosis and Centers.
		Associate Director, Extramural Research Program.
		Director, Division of Cancer Biology Diagnosis and Centers.
		Chief, Laboratory of Tumor and Biological Immunology, Intramural Research Programs.
		Associate Director, Centers Training and Resources Program.
	Division of Cancer Etiology	Chief, Laboratory of Experimental Pathology.
		Chief, Laboratory of Molecular Carcinogenesis.
		Chief, Laboratory of Biology.
		Director, Division of Cancer Etiology.
	Division of Cancer Prevention and Control	Deputy Director, Division of Cancer Prevention and Control.
		Associate Director, Early Development and Conchology Program.
		Associate Director, Surveillance Research Program.
	Division of Extramural Activities	Deputy Director, Division of Extramural Activities.
		Director, Division of Extramural Activities.
	Division of Cancer Treatment	Chief, Radiation Conchology Branch.
		Associate Director, Cancer Therapy Evaluation Program.
	National Institute of Diabetes and Digestive and Kidney Diseases.	Associate Director for Management.
		Director, Division of Extramural Activities.
		Director, Division of Kidney Urologic and Hematologic Diseases.
		Associate Director for Management.
		Deputy Director for Management and Operations.
		Chief, Laboratory of Molecular and Cellular Biology.
	Intramural Research	Chief, Section on Metabolic Enzymes.
		Chief, Section on Biochemical Mechanisms.
		Chief, Oxidation Mechanisms Section Laboratory of Bioorganic Biochemistry.
		Chief, Laboratory of Bio-Organic Chemistry.
		Chief, Laboratory of Neuroscience, National Institute of Diabetes and Digestive and Kidney Diseases.
		Chief, Section Carbohydrates Laboratory of Chemistry/National Institute of Diabetes and Digestive and Kidney Diseases.
		Chief, Section on Molecular Biophysics.
		Clinical Director and Chief, Kidney Disease Section.
		Chief, Laboratory of Biochemistry and Metabolism.
		Chief, Laboratory of Medicinal Chemistry.
		Chief, Morphogenesis Section.
		Chief, Theoretical Biophysics Section.
		Chief, Section on Molecular Structure.
		Chief, Section on Physical Chemistry.
	National Institute of Arthritis and Musculoskeletal and Skin Diseases.	Director, Extramural Program.
		Deputy Director.
		Associate Director for Management and Operations.
	National Library of Medicine	Deputy Director, Lister Hill National Center for Biomedical Commissioners.
		Director, Lister Hill National Center for Biomedical Community.
		Associate Director for Extramural Programs.
		Associate Director for Library Operations.
		Deputy Director for Research and Education.
		Director, Information Systems.
		Associate Director for Health and Information Programs Development.

Agency	Organization	Title
		Director, National Center for Biotechnology Information.
		Associate Director for Administrative Management.
		Associate Director for Extramural Programs.
		Deputy Director, National Library of Medicine.
	National Institutes of Allergy and Infectious Diseases.	Director, Office of Communications and Government Relations.
		Chief, Laboratory of Parasitic Diseases.
		Director, Division of Allergy/Immunology/Transplantation.
		Director, Division of Microbiology/Infectious Diseases.
		Chief, Laboratory of Molecular Microbiology.
		Chief, Laboratory of Microbial Structure and Function.
		Director, Division of Extramural Activities.
		Chief, Laboratory of Immunogenetics.
		Chief, Laboratory of Infectious Diseases.
		Head, Lymphocyte Biology Section.
		Chief, Biological Resources Branch.
		Director, Division Acquired Immunodeficiency Syndrome.
		Chief, Laboratory of Malaria Research.
		Head, Epidemiology Section.
		Deputy Director, Division of Acquired Immunodeficiency.
		Deputy Chief, Laboratory of Immunology and Head Lymphocyte Biology Section.
		Director, Division of Intramural Research.
	National Institute on Aging	Clinical Director and Chief Clinical Physiology Branch.
		Scientific Director, Gerontology Research Center.
		Director of Behavioral and Social Research Program.
		Director of Neuroscience and Neuropsychology of Aging Program.
		Associate Director, Office of Planning, Analysis and International Activities.
		Associate Director, Epidemiology, Demography, and Biometry Program.
		Director of Office of Extramural Affairs.
		Associate Director Biology of Aging Program.
		Director of Management.
	National Institutes of Child Health and Human Development.	Chief, Section Neuroendocrinology.
		Chief, Laboratory of Comparative Ethology.
		Associate Director for Administration.
		Director, National Center for Medical Rehabilitation Research.
		Chief, Section on Growth Factors.
		Associate Director for Prevention Research.
		Chief, Laboratory of Mammalian Genes and Development.
		Director, Center for Population Research.
		Director, Center for Research for Mothers and Children.
		Chief, Endocrinology and Reproduction Research Branch.
		Chief, Laboratory of Molecular Genetics.
		Chief, Section on Microbial Genetics.
		Chief, Section on Molecular Endocrinology.
	National Institute of Dental and Craniofacial Research.	Associate Director for Management.
		Director, Extramural Program.
		Chief, Laboratory of Immunology.
		Associate Director for Management.
		Associate Director for International Health.
		Associate Director for Program Development.
	National Institutes of Environmental Health Sciences.	Director, Environmental Toxicology Program.
		Chief, Laboratory of Pulmonary Pathobiology.
		Director National Institute of Environmental Health Science.
		Senior Scientific Advisor.
		Associate Director for Management.

Agency	Organization	Title
		Chief, Laboratory of Molecular Carcinogenesis.
		Head, Mammalian Mutagenesis Section.
		Head, Mutagenesis Section.
	National Institutes of General Medical Sciences.	Associate Director for Administration and Operations.
		Director, Minority Opportunities In Research Program Branch.
		Deputy Director, National Institute of General Medical Sciences.
		Director, Division of Pharmacology, Physiology, and Biological Chemistry.
		Director, Biophysics Physiological Sciences Program Branch.
		Associate Director for Extramural Activities.
		Director, Genetics Program.
	National Institutes of Neurological Disorders and Stroke.	Associate Director for Administration.
		Director, Basic Neuroscientist Program/Chief, Laboratory of Neurochemistry.
		Chief, Laboratory of Molecular and Cellular Neurobiology.
		Director, Division of Fundamental Neurosciences.
	Intramural Research	Chief, Brain Structural Plasticity Section.
		Chief, Laboratory of Central Nervous System Studies.
		Chief, Laboratory of Neurobiology.
		Chief, Stroke Branch.
		Chief, Laboratory of Neural Control.
		Chief, Neuroimaging Branch.
		Deputy Chief, Laboratory of Central Nervous System Studies.
		Chief, Development and Metabolic Neurology Branch.
	National Eye Institute	Chief, Laboratory of Retinal Cell and Molecular Biology.
		Chief, Laboratory of Sensorimotor Research.
		Chief, Laboratory of Molecular and Development Biology.
	National Institutes on Deafness and Other Communication Disorders.	Director, Division of Human Communication.
		Chief, Laboratory of Cellular Biology.
		Director, Division of Extramural Research.
		Associate Director for Administration.
	National Institutes of Health Clinical Center	Chief Financial Officer.
		Chief Operating Officer.
		Associate Director for Planning.
		Deputy Director for Management and Operations.
		Associate Chief, Positron Emission Tomography and Radiochemistry.
	Center for Information Technology	Director, Center for Information Technology and Chief Information Officer.
		Director, Division of Computer System Services.
		Chief, Computer Center Branch.
		Deputy Director.
		Associate Director Office of Computing Resources Services.
		Senior Advisor to Director, Center for Information Technology.
	John E Fogarty International Center	Associate Director for International Advanced Studies.
		Deputy Director, Fogarty International Center.
		Special Advisor to the Fogarty International Center Director.
	National Center for Research Resources	Associate Director for Comparative Medicine.
		Associate Director for Research Infrastructure.
		Deputy Director, National Center for Research Resources.
		Director, General Clinical Research Center for Research Resources.
		Associate Director for Biomedical Technology.
		Director, National Center for Research Resources.

Agency	Organization	Title
	Center for Scientific Review	Associate Director for Statistics and Analysis.
		Director, Division of Biologic Basis of Disease.
		Senior Scientific Advisor.
		Director, Division of Physiological Systems.
		Director, Division of Molecular and Cellular Mechanisms.
		Associate Director for Referral and Review.
		Director, Division of Clinical and Population-Based Studies.
	National Institute of Nursing Research	Director, National Center for Nursing Research.
		Deputy Director/Director, Division of Extramural Activities.
	National Human Genome Research Institute	Associate Director for Management.
		Director, Division of Intramural Research National Center Human Genome Research.
		Chief, Diagnosis Development Branch National Center Human Genome Research Institute.
		Deputy Director.
		Director, Office of Population Genomics.
		Chief, Laboratory of Genetic Disease Research National Center for Human Genome Research Institute.
	National Institute on Drug Abuse	Associate Director for Clinical Neuroscience and Medical Affairs, Division of Treatment Research and Development.
		Associate Director for Management and Operations.
		Chief, Neuroscience Research Branch.
		Director, Medications Development Division.
		Director, Division of Clinical Research.
		Director, Office of Extramural Program Review.
		Senior Advisor and Counselor for Special Initiatives.
	National Institute of Mental Health	Chief, Section on Cognitive Neuroscience.
		Chief, Section on Clinical and Experimental Neuropsychology.
		Director, Division of Services and Intervention Research.
		Director, Office on Acquired Immunodeficiency Syndrome.
		Director, Division of Mental Disorders, Behavioral Research and Acquired Immunodeficiency Syndrome.
		Director, Division of Neuroscience and Behavioral Scientist.
		Chief, Neuropsychiatry Branch.
		Chief, Child Psychiatry Branch.
		Associate Director for Special Populations.
		Chief, Laboratory of Clinical Science.
		Chief, Section on Histopharmacology.
		Director, Office of Legislative Analysis and Coordinator.
		Deputy Director, National Institute of Mental Health.
		Chief, Biological Psychiatry Branch.
		Associate Director for Prevention.
		Executive Officer, National Institute of Mental Health.
	National Institute on Alcohol Abuse and Alcoholism.	Director, Division of Basic Research.
		Associate Director for Administration.
	Agency for Healthcare Research and Quality	Executive Officer.
DEPARTMENT OF HEALTH AND HUMAN SERVICES—OFFICE OF THE INSPECTOR GENERAL.	Department of Health and Human Services—Office of the Inspector General.	Principal Deputy Inspector General.
	Office of Counsel to the Inspector General	Assistant Inspector General for Legal Affairs.
		Chief Counsel to the Inspector General.
	Office of Audit Services	Assistant Inspector General for Audit Management and Policy.
		Assistant Inspector General for Grants and Internal Activities.
		Assistant Inspector General for Financial Management and Regional Operations.

Agency	Organization	Title
		Assistant Inspector General for Medicare and Medicaid Service Audits.
		Deputy Inspector General for Audit Services.
	Office of Evaluation and Inspections	Deputy Inspector General for Evaluation and Inspections.
		Assistant Inspector General for Evaluation and Inspections.
	Office of Investigations	Assistant Inspector General for Investigations (3).
		Deputy Inspector General for Investigations.
	Office of Management and Policy	Assistant Inspector General for Information Technology (Chief Information Officer).
		Assistant Inspector General for Management and Policy (Chief Operating Officer).
		Deputy Inspector General for Management and Policy.
DEPARTMENT OF HOMELAND SECURITY	Ombudsman, Citizenship and Immigration Services.	Deputy Director, Ombudsman.
	Office of the Executive Secretary for Operations and Administration.	Deputy Executive Secretary, Operations and Administration.
	Office of Operations Coordination and Planning Directorate.	Senior Department of Homeland Security Advisor to the Commander, U.S. Northern Command/North American Aerospace Defense Command.
	Office of the General Counsel	Assistant General Counsel for Acquisition and Procurement.
		Deputy Associate General Counsel for General Law.
		Associate General Counsel for Ethics.
	Office for Civil Rights and Civil Liberties	Deputy Civil Rights and Civil Liberties Officer, Equal Employment Opportunity and Diversity Director.
		Director, Civil Rights and Civil Liberties Programs Division.
		Deputy Civil Rights and Civil Liberties Officer, Programs and Compliance.
	Domestic Nuclear Detection Office	Chief of Staff.
		Assistant Director, Architecture and Plans Directorate.
		Assistant Director, National Technical Nuclear Forensics Center.
		Assistant Director, Transformational and Applied Research Directorate.
		Deputy Director.
		Assistant Director, Operations Support Directorate.
		Assistant Director, Product Acquisition and Deployment Directorate.
	Office of the Assistant Secretary for Policy	Associate Director, Identity Management.
		Department of Homeland Security Attaché to Mexico.
	U.S. Citizenship and Immigration Services	Associate Director, Customer Service and Public Engagement.
		Deputy Chief Counsel for Field Management.
		Deputy Director, Office of Security and Integrity.
		Chief, Office of Transformation Coordination.
		Deputy Associate Director, Office of Management.
		Deputy Chief, Office of Transformation Coordination.
		District Director, Field Services, Chicago, Illinois.
		District Director, Field Services, Boston, Massachusetts.
		Chief, Verification Division.
		Chief, Administrative Appeals.
		Associate Director, Field Operations.
		Deputy Director, Service Center, Saint Albans, Vermont.
		Deputy Director, Service Center, Lincoln, Nebraska.
		Chief, International Operations.

Agency	Organization	Title
		Deputy Director, Service Center, Dallas, Texas.
		Deputy Director, Service Center, Laguna Niguel, California.
		Director, National Records Center.
		Director, Los Angeles Asylum Office.
		Associate Director, Service Center Operations.
		Deputy Associate Director, Refugee, Asylum, and International Operations.
		Associate Director, Enterprise Services Division.
		Chief, Office of Security and Integrity.
		District Director, Field Services, Atlanta, Georgia.
		District Director, Field Services, Newark, New Jersey.
		District Director, Field Services, Tampa, Florida.
		Regional Director, Southeast Region.
		District Director, Field Services, San Francisco, California.
		District Director, Field Services, Los Angeles, California.
		Director, National Benefits Center.
		Chief, Office of Administration.
		District Director, Field Services, Miami, Florida.
		Chief Financial Officer.
		Eastern Regional Director, Burlington, Vermont.
		Western Regional Director, Laguna Niguel, California.
		Central Regional Director, Dallas, Texas.
		Director, Service Center, Saint Albans, Vermont.
		Director, Service Center, Dallas, Texas.
		Director, Service Center, Laguna Niguel, California.
		Director, Service Center, Lincoln, Nebraska.
		Associate Director, Office of Management.
		Chief Information Officer.
		Chief, Performance and Quality.
		Director, Office of Refugee Affairs.
		Deputy Associate Director, Office of Field Operations.
		Deputy Associate Director, Customer Service and Public Engagement.
		Associate Director, Fraud Detection and National Security.
		Chief, Intake and Document Production.
		Deputy Associate Director, Fraud Detection and National Security.
		Associate Director, Refugee, Asylum and International Operations.
		Deputy General Counsel.
		Deputy Chief Information Officer.
		Deputy Associate Director, Enterprise Services Division.
		District Director, Field Services, New York, New York.
		Deputy Associate Director, Service Center Operations.
		Chief, Asylum.
		Chief, Human Capital and Training.
	United States Secret Service	Chief Counsel.
		Special Agent In Charge, Technical Security Division.
		Special Agent In Charge, Vice Presidential Protective Division.
		Assistant Director, Human Resources and Training.
		Special Agent In Charge, New York Field Office.

Agency	Organization	Title
		Special Agent In Charge, Presidential Protective Division.
		Assistant Director, Office of Professional Responsibility.
		Assistant Director, Office of Administration.
		Assistant Director, Office of Technical Development and Mission Support.
		Assistant Director, Protective Operations.
		Assistant Director, Investigations.
		Deputy Director, United States Secret Service.
		Director, United States Secret Service.
		Deputy Chief Counsel/Principal Ethics Official.
		Special Agent In Charge, Miami Field Office.
		Special Agent In Charge, Paris Field Office.
		Deputy Assistant Director, Office of Professional Responsibility.
		Deputy Assistant Director, Strategic Intelligence and Information.
		Deputy Special Agent In Charge, White House Complex.
		Deputy Assistant Director, Office of Professional Responsibility.
		Assistant Director, Office of Strategic Intelligence and Information.
		Assistant Director, Office of Government and Public Affairs.
		Special Agent In Charge, Protective Intelligence and Assessment Division.
		Special Agent In Charge, Rome Field Office.
		Special Agent In Charge, Rowley Training Center.
		Special Agent In Charge, Criminal Investigative Division.
		Chief of Staff.
		Deputy Assistant Director, Office of Government and Public Affairs.
		Special Agent In Charge, Special Operations Division.
		Chief Financial Officer.
		Deputy Assistant Director, Office of Protective Operations.
		Deputy Assistant Director, Office of Investigations.
		Special Agent In Charge, Philadelphia Field Office.
		Deputy Assistant Director, Protective Operations.
		Special Agent In Charge, Chicago Field Office.
		Chief Technology Officer.
		Deputy Assistant Director, Office of Investigations.
		Special Agent In Charge, Los Angeles Field Office.
		Component Acquisition Executive.
		Special Agent In Charge, Washington Field Office.
		Deputy Assistant Director, Special Operations Division.
		Special Agent In Charge, Honolulu Field Office.
		Special Agent In Charge, Atlanta Field Office.
		Deputy Special Agent In Charge, Vice Presidential Protective Division.
		Chief Information Officer.
		Deputy Special Agent In Charge, White House Complex.
		Deputy Assistant Director, Technical Development and Mission Support.
		Deputy Assistant Director, Rowley Training Center.
		Special Agent In Charge, Houston Field Office.

Agency	Organization	Title
		Deputy Assistant Director, Investigations.
		Deputy Assistant Director, Human Resources and Training.
		Deputy Special Agent In Charge, Presidential Protective Division.
		Deputy Assistant Director, Administration.
		Special Agent In Charge, Dignitary Protective Division.
		Deputy Chief Counsel.
		Special Agent In Charge, Dallas Field Office.
		Special Agent In Charge, San Francisco Field Office.
	United States Coast Guard	Director, National Pollution Funds Center.
		Deputy Assistant Commandant for Command, Control, Communications, Computers, and Information Technology and Deputy Chief Information Officer.
		Deputy Assistant Commandant for Acquisition/Director of Acquisition Services.
		Senior Procurement Executive/Head of Contracting Activity.
		Director, Coast Guard Investigative Service.
		Director, Marine Transportation System Management.
		Chief Procurement Law Counsel and Chief Trial Attorney.
		Deputy Chief Financial Officer.
		Deputy Director of Acquisition Programs.
		Deputy Assistant Commandant for Intelligence and Criminal Investigations.
		Director, Incident Management and Preparedness Policy.
		Director of Financial Operations/Comptroller.
		Director, Global Maritime Operational Threat Response Coordination Center.
	Office of the Under Secretary for National Protection and Programs Directorate.	Director, Budget and Financial Administration.
		Senior Advisor for Regulatory Policies.
		Assistant Director of Risk Management, Federal Protective Service.
		Assistant Director of Risk Management.
		Director, Cybersecurity Coordination.
		Assistant Director, Office of Training and Career Development, Federal Protective Service.
		Assistant Director, Office of Resource Management, Federal Protective Service.
		Director, Enterprise Performance Management.
		Principal Deputy Assistant Secretary for Infrastructure Protection.
		Chief Technology Officer, Cyber Security and Communications.
		Director, Human Resources Management.
		Director, Management.
		Director, Office of Compliance and Security.
		Chief Technology Officer, US Visit Program.
		Director, National Cybersecurity and Communications Integration Center.
		Director, Network Security Deployment.
		Deputy Director, National Cybersecurity and Communications Integration Center.
		Assistant Director of Field Operations (Central), Federal Protective Services.
		Assistant Director of Field Operations (West), Federal Protective Services.
		Assistant Director of Operations, Federal Protective Services.
		Senior Counselor to the Under Secretary for National Protection and Programs Directorate.
		Deputy Director, Office of Emergency Communications Division.
		Director, Stakeholder Engagement and Cyber-Infrastructure Resilience Division.

Agency	Organization	Title
		Deputy Director, Federal Network Resilience.
		Director, Federal Network Security.
		Deputy Director, National Cybersecurity Center.
		National Protection and Programs Directorate Chief Information Officer.
		Deputy Director, Infrastructure Security Compliance Division.
		Director, Budget, Finance and Acquisition.
		Director, Infrastructure Security Compliance Division.
		Director, Sector Specific Agency Executive Management Office.
		Deputy Assistant Secretary for Cybersecurity.
		Assistant Director for Field Operations (East), Federal Protective Service.
		Director, Management.
		Director, Infrastructure Partnerships Division.
		Director, Office of Emergency Communications Division.
		Deputy Director, U.S. Visit Program.
		Director, Federal Network Resilience.
		Deputy Assistant Secretary for Infrastructure Protection.
		Director, Protective Security Coordination.
		Director, Federal Protective Service.
		Senior Advisor, Office of Infrastructure Protection.
		Assistant Director, Program Integration and Mission Services Division.
	Office of the Under Secretary for Intelligence and Analysis.	Director, Information Sharing and Intelligence Enterprise Management Division.
		Director, Border Intelligence Fusion Section.
		Director, Cyber-Infrastructure Intelligence Division.
		Deputy Director, Office of Enterprise and Mission Support.
		Director, Operations, State and Local Program Office.
		Principal Deputy Director, Terrorist Screening Center.
		Principal Deputy Counter Terrorism Coordinator.
		Director, Collection Requirements Division.
		Chief of Staff.
		Director, Mission Support Division.
		Director for Strategy, Plans, and Policy.
	Assistant Secretary for Health Affairs and Chief Medical Officer.	Associate Chief Medical Officer.
		Principal Deputy Assistant Secretary for Health Affairs/Deputy Chief Medical Officer.
	U.S. Immigration and Customs Enforcement ..	Field Office Director, Office of Enforcement and Removal Operations, San Diego, California.
		Director, Office of Training and Career Development.
		Assistant Director for Investigations, Office of Professional Responsibility.
		Deputy Director, Office of Professional Responsibility.
		Executive Director, State and Local Coordination.
		Assistant Director, Enforcement and Removal Operations, Field Operations.
		Deputy Chief Financial Officer.
		Deputy Director, International Affairs.
		Special Agent In Charge, Washington, Dc.
		Special Agent In Charge, Atlanta.
		Director, Financial Management.
		Assistant Director, Management, Office of Enforcement and Removal Operations.
		Chief Financial Officer.
		Special Agent In Charge, New York.
		Deputy Assistant Director, National Security Investigations.

Agency	Organization	Title
		Special Agent In Charge, Miami.
		Special Agent In Charge, San Francisco.
		Special Agent In Charge, Dallas.
		Director, Office of Professional Responsibility.
		Special Agent In Charge, San Diego.
		Special Agent In Charge, San Antonio.
		Special Agent In Charge, New Orleans.
		Special Agent In Charge, Los Angeles.
		Special Agent In Charge, Houston.
		Director, Office of Procurement.
		Assistant Director for Secure Communities and Enforcement, Office of Enforcement and Removal Operations.
		Deputy Assistant Secretary for Management.
		Chief Information Officer.
		Director, Office of Budget and Program Performance.
		Deputy Assistant Director, Critical Infrastructure, Protection, and Fraud.
		Assistant Director, Diversity and Civil Rights.
		Deputy Assistant Secretary, Immigration and Customs Enforcement.
		Assistant Director, Human Resources Management.
		Deputy Principal Legal Advisor.
		Director, Office of Homeland Security Investigations.
		Deputy Director, Office of Homeland Security Investigations.
		Deputy Director, El Paso Intelligence Center.
		Special Agent In Charge, Chicago.
		Director, Intelligence.
		Director, International Affairs.
		Deputy Assistant Director, Financial, Narcotics and Public Safety.
		Special Agent In Charge, Seattle.
		Director, Office of Enforcement and Removal Operations.
		Director of Enforcement and Litigation.
		Deputy Assistant Director, Mission Support.
		Senior Policy Administrator, Brussels.
		Senior Management Counsel.
		Special Agent In Charge, El Paso.
		Special Agent In Charge, Phoenix.
		Senior Advisor, Office of International Affairs.
		Component Acquisition Executive.
		Special Agent In Charge,.
		Director, Facilities and Asset Administration.
		Director, Federal Export Enforcement Coordination Center.
		Special Agent In Charge, San Juan, Puerto Rico.
		Deputy Director, Office of Detention Policy and Planning.
		Special Agent In Charge, Buffalo, New York.
		Special Agent In Charge, Philadelphia, Pennsylvania.
		Special Agent In Charge, Boston, Massachusetts.
		Special Agent In Charge, Newark, New Jersey.
		Special Agent In Charge, Tampa, Florida.
		Special Agent In Charge, Saint Paul, Minnesota.
		Field Office Director, Office of Enforcement and Removal Operations, New York City, New York.
		Field Office Director, Office of Enforcement and Removal Operations, Los Angeles, California.
		Field Office Director, Office of Enforcement and Removal Operations, Phoenix, Arizona.
		Deputy Assistant Director, Domestic Operations.

Agency	Organization	Title
		Assistant Director for Detention Oversight and Inspections.
		Chief Counsel for Los Angeles.
		Chief Counsel for Miami.
		Field Office Director, Office of Enforcement and Removal Operations, Miami, Florida.
		Assistant Director, Homeland Security Investigative Programs.
		Special Agent In Charge, Denver.
		Director, Intellectual Property Enforcement Operations.
		Assistant Director, Enforcement and Removal Operations, Law Enforcement Systems and Analysis Division.
		Deputy Chief Information Officer.
		Special Agent In Charge, Detroit.
		Executive Director, Law Enforcement Information Sharing Initiative.
		Deputy Assistant Director, Criminal Alien Division, Office of Enforcement and Removal Operations.
		Assistant Director, Operations.
		Deputy Assistant Director, Homeland Security Investigative Services.
		Deputy Director, Enforcement and Removal Operations.
		Deputy Principal Legal Advisor for Headquarters.
		Deputy Principal Legal Advisor for Field Operations.
		Chief Counsel, New York.
		Deputy Director, Medical Affairs, Office of Enforcement and Removal Operations.
		Assistant Director, Enforcement and Removal Operations, Custody Operations Division.
		Assistant Director, Mission Support, Office of Enforcement and Removal Operations.
		Field Office Director, Office of Enforcement and Removal Operations, San Antonio, Texas.
	U.S. Customs and Border Protection	Executive Director, Procurement.
		Assistant Commissioner, Administration.
		Executive Director, Mission Support.
		Executive Director, Agriculture Programs and Trade Liaison.
		Port Director, Los Angeles Airport.
		Director, Field Operations, Boston.
		Deputy Chief Patrol Agent, Rio Grande Valley.
		Assistant Commissioner, International Affairs.
		Director, National Targeting Center (Passenger).
		Executive Director, Programming.
		Deputy Joint Field Commander.
		Joint Field Commander, State of Arizona, Joint Operations Directorate.
		Assistant Commissioner, Intelligence and Investigative Liaison.
		Executive Director, Automated Commercial Environment Business Office.
		Executive Director, Acquisition Management.
		Executive Director, Joint Operations Directorate.
		Director, Border Enforcement Coordination Cell, El Paso.
		Deputy Assistant Commissioner, International Affairs.
		Executive Director, Equal Opportunity.
		Port Director, San Ysidro.
		Deputy Chief Patrol Agent, Tucson.
		Chief Patrol Agent, El Centro, California.
		Deputy Chief Patrol Agent, San Diego.
		Executive Director, Program Management Office.

Agency	Organization	Title
		Director of Operations, Northern Border, Detroit, Michigan, Office of Customs and Border Protection, Air and Marine.
		Director of Operations, Southeastern Border, Miami, Florida, Office of Customs and Border Protection, Air and Marine.
		Director, Air and Marine Operations Center, Riverside, Office of Customs and Border Protection, Air and Marine.
		Executive Director, Intelligence and Targeting.
		Director of Operations, Southwest Border, Office of Customs and Border Protection, Air and Marine.
		Executive Director, Passenger Systems Program Office.
		Executive Director, National Air Security Operations, Office of Customs and Border Protection, Air and Marine.
		Executive Director, Training, Safety and Standards.
		Executive Director, Human Resources Operations, Programs and Policy.
		Chief Operating Officer.
		Executive Director, Financial Operations.
		Port Director, Laredo.
		Deputy Assistant Commissioner, Intelligence and Investigative Liaison.
		Chief, Operations Planning and Analysis Division.
		Executive Director, Operations, Air and Marine.
		Executive Director, Trade Policy and Programs.
		Deputy Assistant Commissioner, Technology Innovation and Acquisition.
		Executive Director, Mission Support, Office of Customs and Border Protection, Air and Marine.
		Chief, Northern Border and Coastal Division.
		Deputy Assistant Commissioner, Internal Affairs.
		Executive Director, Enterprise Data Management and Engineering.
		Executive Director, Targeting and Analysis Systems.
		Executive Director, Field Support.
		Executive Director, Cargo Systems Programs Office.
		Deputy Chief, Southwest Border Division.
		Chief Patrol Agent, Yuma, Arizona.
		Executive Director, Admissibility and Passenger Programs.
		Chief Patrol Agent, Del Rio.
		Assistant Commissioner, Air and Marine.
		Deputy Director, Policy and Planning.
		Executive Director, Cargo and Conveyance Security.
		Director, Field Operations, Atlanta.
		Chief, Southwest Border Division.
		Executive Director, Enterprise Networks and Technology Support.
		Executive Director, Mission Support.
		Chief Patrol Agent, Rio Grande Valley.
		Deputy Assistant Commissioner, Information and Technology.
		Port Director, El Paso.
		Port Director, Los Angeles/Long Beach Seaport.
		Chief Patrol Agent, Tucson.
		Executive Director, Customs and Border Protection Basic Training.
		Director, Field Operations, Tucson.
		Port Director, San Francisco.
		Executive Director, National Targeting Center.

Agency	Organization	Title
		Deputy Assistant Commissioner, International Trade.
		Assistant Commissioner, Internal Affairs.
		Director, Field Operations, San Juan.
		Associate Chief Counsel, Los Angeles.
		Associate Chief Counsel, Houston.
		Associate Chief Counsel, Chicago.
		Associate Chief Counsel, New York.
		Associate Chief Counsel, Southeast.
		Associate Chief Counsel for Ethics, Labor, and Employment.
		Associate Chief Counsel for Trade, Tariffs and Legislation.
		Associate Chief Counsel for Enforcement.
		Director, Field Operations, El Paso.
		Chief Patrol Agent, San Diego.
		Chief Patrol Agent, El Paso.
		Director, Field Operations, San Francisco.
		Chief Patrol Agent, Laredo Sector.
		Chief, Border Patrol.
		Deputy Assistant Commissioner, Air and Marine.
		Director, Field Operations, San Diego.
		Director, Field Operations, Laredo.
		Director, Field Operations, Houston.
		Director, Field Operations, Los Angeles.
		Director, Field Operations, Chicago.
		Director, Field Operations, Miami.
		Port Director, Miami International Airport.
		Port Director, Newark.
		Principal Executive for the Management of Resources.
		Director, Field Operations, New York.
		Deputy Assistant Commissioner, Office of Training and Development.
		Director, Field Operations, Buffalo.
		Director, Field Operations, Detroit.
		Director, Field Operations, Seattle.
		Executive Director, Operations.
		Deputy Chief, Border Patrol.
		Deputy Assistant Commissioner, Field Operations.
		Assistant Commissioner, Field Operations.
		Executive Director, Laboratories and Scientific Services.
		Assistant Commissioner, Information and Technology.
		Deputy Director, Procurement.
		Executive Director, Budget.
		Deputy Assistant Commissioner, Administration.
		Executive Director, Regulations and Rulings.
		Executive Director, Regulatory Audit.
		Assistant Commissioner, Office of International Trade.
		Assistant Commissioner, Training and Development.
		Executive Director, Facilities Management and Engineering.
		Executive Director, Labor and Employee Relations.
		Deputy Assistant Commissioner, Human Resources Management.
		Assistant Commissioner, Human Resources Management.
		Deputy Commissioner.
		Deputy Chief Counsel.
		Executive Director, Planning, Program Analysis and Evaluation.
		Port Director, JFK Airport.
		Deputy Chief Patrol Agent, El Paso.
		Assistant Commissioner, Technology Innovation and Acquisition.
	Federal Law Enforcement Training Center	Assistant Director, Washington Office.

Agency	Organization	Title
		Deputy Assistant Director, Office of Artesia Operations.
		Assistant Director, Chief Information Officer.
		Assistant Director, Training Innovation and Management Directorate.
		Chief Counsel.
		Assistant Director, Training Directorate.
		Assistant Director, Field Training.
		Assistant Director, Administration.
		Deputy Director, Federal Law Enforcement Training Center.
		Director, Federal Law Enforcement Training Center.
	Federal Emergency Management Agency	Deputy Director, Management and Performance Improvement.
		Deputy Principal Legal Advisor for Management.
		Director, National Disaster Recovery Planning Division.
		Chief, Enterprise Business Unit.
		Chief Security Officer.
		Chief Technology Officer.
		Senior Counselor to the Administrator and International Relations Officer.
		Director, Emergency Communication Division.
		Chief Administrative Officer.
		Deputy Director, Policy and Strategy.
		Director, Technological Hazards Division.
		Director, Financial Management Division.
		Deputy Assistant Administrator, Grants Program.
		Deputy Chief Counsel.
		Superintendent, Center for Domestic Preparedness.
		Deputy Chief Administrative Officer.
		Director, National Preparedness Assessment Division.
		Deputy Director, External Affairs.
		Executive Director for Readiness.
		Deputy Executive Administrator, Mount Weathers Emergency Operations Center.
		Deputy Assistant Administrator for Response.
		Director, Office of Federal Disaster Coordination.
		Director, Acquisition Operations Division.
		Director, Acquisition Programs and Planning Division.
		Deputy Associate Administrator, Mission Support Bureau.
		Chief Procurement Officer.
		Director, National Exercise Division.
		Chief Financial Officer.
		Director, National Training and Education Division.
		Deputy Chief Component Human Capital Officer.
		Deputy Associate Administrator for Insurance, Federal Insurance and Mitigation.
		Chief, Risk Reduction Branch (Mitigation).
		Director, Grants Management Division.
		Director, National Processing Service Center.
		Deputy Associate Administrator for Mitigation, Federal Insurance and Mitigation.
		Deputy Chief Financial Officer.
	Office of the Chief Security Officer	Chief, Counterintelligence and Investigations.
		Deputy Chief Security Officer.
		Chief Security Officer.
		Chief Personnel Security Officer.
	Office of the Chief Financial Officer	Director, Financial Management.
		Director, Departmental General Accounting Office/Inspector General Liaison Office.
		Director, Program Analysis and Evaluation.
		Deputy Director, Financial Management.

Agency	Organization	Title
		Director, Resource Management Transformation Office.
		Director, Internal Control and Risk Management Division.
		Director, Office of Budget.
	Office of the Chief Procurement Officer	Director, Enterprise Acquisition and Information Technology.
		Deputy Chief Procurement Officer.
		Chief Procurement Officer.
		Director, Oversight and Strategic Support.
		Executive Director, Office of Procurement Operations.
		Director, Strategic Initiatives (Acquisition).
		Director, Procurement Policy and Oversight.
		Executive Director, Program Accountability and Risk Management Office.
		Director, Oversight and Strategic Support.
	Office of the Chief Human Capital Officer	Executive Director, Policy and Programs.
		Deputy Chief Human Capital Officer.
		Executive Director, Human Capital Business Systems.
		Executive Director, Diversity and Inclusion.
		Executive Director, Labor and Employee Relations.
		Executive Director, Human Resources Management and Services.
	Office of the Chief Information Officer	Executive Director, Information Sharing.
		Director, Office of Applied Technology.
		Executive Director, Information Technology Services Office.
		Director, Enterprise Business Management Office.
		Executive Director, Chief Information Security Officer.
		Deputy Executive Director, Information Technology Services Office.
		Deputy Chief Information Officer.
		Director, Enterprise System Development Office.
		Executive Director, Customer Relationship Management Division.
	Office of the Chief Readiness Support Officer	Director, Headquarters Management and Development.
		Deputy Chief Readiness Support Officer.
		Director, Administrative Operations.
		Director of Asset and Logistics Management.
		Director, Safety and Environmental Programs.
	Office of the Under Secretary for Science and Technology.	Deputy Director, Homeland Security Advanced Research Projects Agency.
		Director, Capstone Analysis and Requirements Office.
		Director, Finance and Budget Division.
		Director, Infrastructure Protection and Disaster Management Division.
		Director, Explosives Division.
		Director, Office of National Laboratories.
		Director, Acquisition Support and Operations Analysis.
		Director, Research and Development Partnerships.
		Director, Cyber-Security Division.
		Deputy Director, Office of National Laboratories.
		Director, Acquisition Support and Operations Analysis Division.
		Director, Interagency Office.
		Director, Test and Evaluations and Standards Office.
		Director, Borders and Maritime Security Division.
		Director, Chemical Biological Defense Division.
		Director, Human Factors/Behavioral Sciences Division.

Agency	Organization	Title
DEPARTMENT OF HOMELAND SECURITY—OFFICE OF THE INSPECTOR GENERAL.	Department of Homeland Security—Office of the Inspector General.	Deputy Assistant Inspector General, Investigations (3).
		Deputy Assistant Inspector General, Audits (2).
		Deputy Inspector General.
		Assistant Inspector General, Management.
		Assistant Inspector General, Emergency Management Oversight.
		Assistant Inspector General, Inspections.
		Assistant Inspector General, Information Technology Audits.
		Assistant Inspector General, Investigations.
		Counsel to the Inspector General.
		Assistant Inspector General , Audits.
		Deputy Assistant Inspector General, Emergency Management Oversight.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of the Secretary	Director, Office of Hearings and Appeals.
	Office of the Deputy Secretary	Chief Disaster and Emergency Operations Officer.
	Office of Strategic Planning and Management	Director, Office of Departmental Grants Management and Oversight.
	Office of the Administration	Chief Learning Officer.
	Office of the Chief Financial Officer	Assistant Chief Financial Officer for Accounting.
		Deputy Chief Financial Officer.
		Assistant Chief Financial Officer for Budget.
		Assistant Chief Financial Officer for Financial Management.
	Office of the Chief Information Officer	Chief Technology and Innovation Officer.
	Office of the Chief Procurement Officer	Deputy Chief Procurement Officer.
	Office of Community Planning and Development.	Deputy Assistant Secretary for Special Needs Programs.
		Director, Office of Community Viability.
	Office of Departmental Equal Employment Opportunity.	Director, Office of Departmental Equal Employment Opportunity.
	Office of the General Counsel	Director, Departmental Enforcement Center.
		Senior Counsel (Appeals, Advice and Special Projects).
		Deputy Director, Operations and Compliance.
		Associate General Counsel for Program Enforcement.
	Government National Mortgage Association	Senior Vice President, Office of Management Operations.
		Senior Vice President, Office of Enterprise Data and Technology Solutions.
		Senior Vice President and Chief Risk Officer.
		Senior Vice President, Office of Finance.
		Senior Vice President for Mortgage-Backed Securities.
		Senior Vice President, Office of Capital Markets.
		Senior Vice President, Office of Program Operations.
	Office of Housing	Director, Office of Program Systems Management.
		Housing Federal Housing Administration, Comptroller.
		Deputy Assistant Secretary for Office of Housing Counseling.
		Deputy Assistant Secretary for Finance and Budget.
		Housing Federal Housing Administration, Deputy Comptroller.
		Associate Deputy Assistant Secretary for Single Family Housing.
	Office of Policy Development and Research	Associate Deputy Assistant Secretary for Policy Development.
		Chief of Staff to the Deputy Secretary.
	Office of Public and Indian Housing	Director, Office of Housing Voucher Programs.
		General Deputy Assistant Secretary for Public and Indian Housing.

Agency	Organization	Title
		Deputy Assistant Secretary for the Real Estate Assessment Center.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—OFFICE OF THE INSPECTOR GENERAL.	Department of Housing and Urban Development—Office of the Inspector General.	Assistant Inspector General for Information Technology.
		Deputy Assistant Inspector General for Audit (Special Operations).
		Deputy Assistant Inspector General for Audit (Field Operations).
		Deputy Assistant Inspector General for Investigation (Field Operations).
		Deputy Assistant Inspector General for Management and Policy.
		Counsel to the Inspector General.
		Deputy Assistant Inspector General for Investigation (Headquarters Operations).
		Assistant Inspector General for Management and Policy.
		Deputy Inspector General.
		Assistant Inspector General for Audit.
		Assistant Inspector General for Investigation.
		Deputy Assistant Inspector General for Audit (Headquarters Operations).
DEPARTMENT OF THE INTERIOR	Office of the Solicitor	Director, Office of Administration.
		Director, Indian Trust Litigation Office.
		Associate Solicitor, Division of Land and Water Resources.
		Associate Solicitor for Administration.
		Deputy Associate Solicitor, Mineral Resources.
		Associate Solicitor, Division of Parks and Wildlife.
		Deputy Associate Solicitor, General Law.
		Designated Agency Ethics Official.
	Office of the Inspector General	Chief Information Officer.
		Deputy Inspector General.
		Assistant Inspector General for Auditing.
		Assistant Inspector General for Investigations.
		Assistant Inspector General for Administrative Services and Information Management.
		Deputy Assistant Inspector General for Investigations.
		Deputy Assistant Inspector General for Administrative Services and Information Management.
		Deputy Assistant Inspector General for Audits.
	Assistant Secretary, Policy, Management and Budget.	Assistant Director for Economics.
		Manager, Science and Engineering.
		Deputy Assistant Secretary, Budget, Finance, Performance and Acquisition.
		Director, Office of Financial Management and Deputy Chief Financial Officer.
		Chief, Division of Budget and Program Review.
		Deputy Assistant Secretary, Law Enforcement, Security and Emergency Management.
		Chief, Budget Administration and Departmental Management.
		Management Initiatives and Transformation Director.
		Deputy Assistant Secretary, Human Capital and Diversity.
		Geospatial Information Officer.
		Director, Office of Law Enforcement and Security.
		Deputy Chief Human Capital Officer.
		Deputy Director, Office of Financial Management.
		Associate Director for Financial Policy and Operations.
		Director, Office of Human Resources.
	Office of Natural Resources Revenue Management.	Deputy Director, Office of Natural Resources Revenue Management.

Agency	Organization	Title
		Program Director for Financial and Program Management.
		Program Director for Audit and Compliance Management.
		Director, Financial and Program Management.
	Office of Hearings and Appeals	Director, Office of Hearings and Appeals.
	United States Fish and Wildlife Service	Chief, Office of Law Enforcement.
	National Park Service	Associate Director, Interpretation and Education.
		Financial Advisor (Comptroller).
	Field Offices	Park Manager.
		Park Manager, Everglades.
		Park Manager, Yosemite (Superintendent).
		Park Manager, Everglades National Park (Superintendent).
		Park Manager.
		Park Manager (Superintendent).
		Director, Technical Services Center.
		Director, Management Services Office.
	United States Geological Survey	Director, Earth Resources Observation and Science Center and Space Policy Advisor.
		Chief Scientist for Hydrology.
		Associate Director for Administrative Policy and Services.
		Deputy Director, United States Geological Survey.
		Associate Chief Biologist for Information.
		Associate Director for Human Capital.
		Director, Office of Communications and Outreach.
		Chief, Office of Budget and Performance.
		Chief, Geospatial Information, Integration and Analysis.
		Associate Director for Natural Hazards.
		Associate Director for Climate Variability and Land Use Change.
		Associate Director for Water.
		Associate Director for Core Science Systems.
		Director, Office of Science Quality and Integrity.
		Associate Director for Ecosystems.
		Associate Director for Energy, Minerals and Environmental Health.
	Field Offices	Regional Executive—Rocky Mountain.
		Regional Executive—Southeast.
		Regional Executive—South Central.
		Regional Executive—Northeast.
		Regional Executive—Alaska.
		Regional Executive—Southwest.
		Regional Executive—North Central.
		Regional Executive—Midwest.
		Regional Executive—Northwest.
		Deputy Assistant Director, Fire and Aviation at National Interagency Fire Center.
		Regional Director (2).
	Bureau of Ocean Energy Management	Strategic Resources Chief.
	Assistant Secretary—Indian Affairs	Director of Human Capital Management.
	Bureau of Indian Affairs	Deputy Director, Field Operations.
DEPARTMENT OF THE INTERIOR—OFFICE OF THE INSPECTOR GENERAL.	Office of the Inspector General	Chief of Staff.
		Chief of Staff.
		Deputy Inspector General.
	Office of General Counsel	General Counsel.
	Office of Recovery and Accountability	Assistant Inspector General for Recovery Oversight.
	Office of Investigations	Assistant Inspector General for Investigations.
	Office of Management	Deputy Assistant Inspector General for Management.
		Assistant Inspector General for Management.
		Deputy Assistant Inspector General for Management.
	Office of Information Technology	Assistant Inspector General for Information Technology.
	Office of Audits, Inspections, and Evaluations	Deputy Assistant Inspector General for Compliance and Finance.

Agency	Organization	Title
		Assistant Inspector General for Audits, Inspections, and Evaluations.
DEPARTMENT OF JUSTICE	Office of the Deputy Attorney General	Chief.
	Office of the Legal Counsel	Special Counsel (2).
	Office of Professional Responsibility	Counsel on Professional Responsibility.
		Deputy Counsel on Professional Responsibility.
	Justice Management Division	Deputy Director, Auditing.
		Deputy Director, Budget Staff, Programs and Performance.
		Director, Operations Services Staff.
		Director, Information Technology Policy and Planning Staff.
		Director, Security and Emergency Planning Staff.
		Director, Human Resources.
		Deputy Assistant Attorney General, Policy, Management, and Planning.
		Assistant Attorney General for Administration.
		Director, Asset Forfeiture Management Staff.
		Director, Facilities and Administrative Services Staff.
		Director, Library Staff.
		Deputy Assistant Attorney General for Human Resources and Administration.
		Director, Finance Staff.
		Deputy Chief Information Officer for E-Government Services Staff.
		Director, Office of Attorney Recruitment and Management.
		Director, Equal Employment Opportunity Staff.
		General Counsel.
		Director, Procurement Services Staff.
		Deputy Assistant Attorney General for Information Technology Management/Chief Information Officer.
		Senior Policy Advisor.
		Director, Debt Collection Management Staff.
		Director, Budget Staff.
		Information Technology Security Operations Program Manager.
		Deputy Director, Budget Staff, Operations and Funds Control.
		Director, Departmental Ethics Office.
		Deputy Director, Human Resources.
		Deputy Chief Information Officer for Information Technology Security.
		Special Assistant for Offices, Boards and Divisions, Information Technology Solutions.
		Director, Enterprise Solutions Staff.
		Deputy Assistant Attorney General (Controller).
	Professional Responsibility Advisory Office	Director, Professional Responsibility Advisory Office.
	Office of Federal Detention Trustee	Director, JPATS.
		Federal Detention Trustee.
	Federal Bureau of Prisons	Warden, Federal Medical Center, Rochester, Minnesota.
		Warden, Federal Correctional Institution, Phoenix, Arizona.
		Senior Deputy Assistant Director, Correctional Programs Division.
		Assistant Director for Human Resources Management.
		Warden, Federal Correctional Institution, Marianna, Florida.
		Warden, Metropolitan Detention Center, Brooklyn, New York.
		Warden, Federal Correctional Institution, Otisville, New York.
		Warden, Federal Correctional Institution, Beckley, West Virginia.
		Warden, Federal Correctional Complex, Coleman, Florida.

Agency	Organization	Title
		Warden, Federal Correctional Complex, Beaumont, Texas.
		Senior Deputy Assistant Director, Correctional Programs Division.
		Deputy Assistant Director for Administration.
		Warden, Metropolitan Correctional Center, New York, New York.
		Warden, United States Penitentiary, Atwater, California.
		Warden, United States Penitentiary, Lee, Virginia.
		Senior Counsel, Office of General Counsel.
		Warden, United States Penitentiary, Big Sandy, Kentucky.
		Warden, Federal Correctional Institution, Ray Brook, New York.
		Warden, Federal Correctional Institution, Williamsburg, South Carolina.
		Warden, Federal Correctional Institution, Bennettsville, South Carolina.
		Warden, Federal Correctional Institution, Manchester, Kentucky.
		Warden, Federal Correctional Institution, Gilmer, West Virginia.
		Warden, Federal Correctional Institution, Sheridan, Oregon.
		Warden, Federal Correctional Institution, Memphis, Tennessee.
		Warden, Metropolitan Detention Center, Guaynabo, Puerto Rico.
		Warden, Federal Correctional Institution, Three Rivers, Texas.
		Warden, Federal Correctional Institution, Schuylkill, Pennsylvania.
		Warden, Federal Correctional Institution, Perkin, Illinois.
		Warden, Federal Correctional Institution, Oxford, Wisconsin.
		Warden, Federal Correctional Institution, McKean, Pennsylvania.
		Warden, Federal Correctional Institution, Greenville, Illinois.
		Warden, Federal Correctional Institution, Estill, South Carolina.
		Warden, Federal Correctional Institution, Cumberland, Maryland.
		Warden, United States Penitentiary, Tucson, Arizona.
		Warden, United States Penitentiary Coleman-I, Coleman, Florida.
		Correctional Program Officer (Senior Deputy Assistant Director).
		Warden, Federal Correctional Complex, Forrest City, Arkansas.
		Warden, United States Penitentiary, Canaan, Pennsylvania.
		Warden, Federal Correctional Complex, Yazoo City, Mississippi.
		Warden, United States Penitentiary, Hazelton, West Virginia.
		Warden, Federal Correction Complex, Petersburg, Virginia.
		Warden, United States Penitentiary, McCrery, Kentucky.
		Warden, Federal Correctional Complex, Victorville, California.
		Warden, United States Penitentiary, Pollock, Louisiana.
		Warden, Federal Correctional Institution, Jessup, Georgia.
		Warden Federal Correctional Complex, Butner, North Carolina.
		Warden Federal Correctional Complex, Terre Haute, Indiana.

Agency	Organization	Title
		Assistant Director, Industries, Education, and Vocational Training Division.
		Warden, United States Penitentiary, Marion Illinois.
		Warden, Federal Medical Center, Lexington, Kentucky.
		Warden, United States Medical Center Federal Prisoners, Springfield, Missouri.
		Warden, Federal Correctional Complex, Lompoc, California.
		Warden, United States Penitentiary, Lewisburg, Pennsylvania.
		Warden, United States Penitentiary, Leavenworth, Kansas.
		Warden, United States Penitentiary, Atlanta, Georgia.
		Regional Director, South Central Region.
		Regional Director, Western Region.
		Regional Director, North Central Region.
		Regional Director, Southeast Region.
		Regional Director, Northeast Region.
		Assistant Director, Office of General Counsel.
		Assistant Director Correctional Programs Division.
		Assistant Director for Administration.
		Warden, Metropolitan Detention Center, Los Angeles, California.
		Warden, Federal Medical Center, Devens, Massachusetts.
		Warden, Federal Correctional Institution, Edgefield, South Carolina.
		Senior Deputy Assistant Director, Program Review Division.
		Warden, Federal Correctional Institution, Fairton, New Jersey.
		Warden, Federal Detention Center, Miami, Florida.
		Warden, Federal Correctional Institution, El Reno, Oklahoma.
		Senior Deputy Assistant Director, Administration.
		Warden, Federal Transfer Center, Oklahoma City, Oklahoma.
		Warden, Federal Correctional Complex, Allenwood, Pennsylvania.
		Warden, Federal Medical Center, Carswell, Texas.
		Warden, Federal Correctional Complex, Oakdale, Louisiana.
		Warden, United States Penitentiary-High, Florence, Colorado.
		Warden, Federal Correctional Complex, Florence, Colorado.
		Warden, Federal Correctional Institution, Fort Dix, New Jersey.
		Warden, Federal Correctional Institution, Talladega, Alabama.
		Assistant Director, Information, Policy, and Public Affairs Division.
		Regional Director Middle Atlantic Region.
		Warden, Federal Correctional Institution, Berlin, NH.
		Deputy General Counsel.
		Senior Deputy Assistant Director, Infrastructure, Policy and Public Affairs.
		Senior Deputy Assistant Director, Health Services Division.
		Senior Deputy Assistant Director, Industries, Education and Vocational Training.
		Warden, Federal Correctional Institution, McDowell, West Virginia.
		Warden, Federal Correctional Institution, Mendota, California.

Agency	Organization	Title
		Warden, United States Penitentiary, Thomson, Illinois.
		Warden, Federal Correctional Institution, Herlong, California.
	Executive Office for Immigration Review	Chief Administrator Hearing Officer.
		Assistant Director for Administration.
		Vice Chairman, Board of Immigration Appeals.
		Associate Director.
		Chief Immigration Judge.
		General Counsel.
		Chairman, Board of Immigration Appeals.
	Criminal Division	Chief, Computer Crime and Intellectual Property Section.
		Chief, Public Integrity Section.
		Deputy Chief, Computer Crime and Intellectual Property Section.
		Deputy Chief, Narcotic and Dangerous Drug Section.
		Director, Office of Overseas Prosecutorial Development, Assistance, and Training.
		Senior Counsel to the Assistant Attorney General.
		Senior Counsel to the Assistant Attorney General.
		Deputy Chief for Public Integrity Section.
		Chief, Child Exploitation and Obscenity Section.
		Director, International Criminal Investigative Training Assistance Program.
		Deputy Chief, Appellate Section.
		Executive Officer.
		Deputy Chief for Litigation.
		Chief, Asset Forfeiture and Money Laundering Section.
		Deputy Chief, Public Integrity Section.
		Chief, Organized Crime and Racketeering Section.
		Chief, Appellate Section.
		Chief, Fraud Section.
		Chief, Narcotic and Dangerous Drug Section.
		Chief, Domestic Security Section.
		Deputy Chief, Asset Forfeiture and Money Laundering Section.
		Senior Litigation Counsel, Public Integrity Section (2).
	National Security Division	Deputy Chief, Operations Section.
		Deputy Chief, Counterterrorism Section.
		Deputy Chief, Counterespionage Section.
		Chief, Oversight Section.
		Chief, Appellate Unit.
		Deputy Assistant Attorney General, Fisa Operations and Intelligence Oversight.
		Deputy Counsel for Intelligence Law.
		Deputy Chief, Terrorism and Violent Crime, Counterterrorism Section.
		Chief, Operations Section.
	Executive Office for United States Attorneys	Chief, Information Officer.
		Deputy Director.
		Counsel, Legal Programs and Policy.
		General Counsel.
		Deputy Director for Administration and Management.
		Deputy Director, Financial Management Staff.
		Associate Director, Office of Legal Education.
		Deputy Director for Operations.
	United States Marshals Service	Associate Director, Administration.
		Assistant Director, Judicial Security.
		Assistant Director for Prisoner Operations.
		Assistant Director, Justice Prisoner and Alien Transportation System.
		Assistant Director, Training.
		Assistant Director, Investigative Operations.
		Assistant Director, Information Technology.

Agency	Organization	Title
	Office of the Alcohol, Tobacco, Firearms and Explosives.	Associate Director, Operations. Deputy Director. Assistant Director, Asset Forfeiture. Assistant Director, Management Support. Assistant Director, Witness Security. Assistant Director, Financial Services. Assistant Director, Human Resources. Assistant Director, Tactical Operations. Deputy Director, Terrorist Explosive Device Analytical Center. Division Director, Special Agent In Charge, Denver. Division Director, Special Agent In Charge, Newark. Division Director, Special Agent In Charge, Baltimore. Division Director, Special Agent In Charge, New Orleans. Division Director, Special Agent In Charge, Columbus. Division Director, Special Agent In Charge, Tampa. Division Director, Special Agent In Charge, Seattle. Division Director, Special Agent In Charge, Louisville. Division Director, Special Agent In Charge, Detroit. Division Director, Special Agent In Charge, Charlotte. Division Director, Special Agent In Charge, Miami. Division Director, Special Agent In Charge, San Francisco. Division Director, Special Agent In Charge, Phoenix. Division Director, Special Agent In Charge, Philadelphia. Division Director, Special Agent In Charge, Kansas City. Division Director, Special Agent In Charge, Chicago. Division Director, Special Agent In Charge, Boston. Division Director, Special Agent In Charge, Atlanta. Division Director, Special Agent In Charge, Saint Paul. Deputy Assistant Director, Office of Public and Governmental Affairs. Assistant Director, Office of Public and Governmental Affairs. Deputy Assistant Director, Office of Strategic Intelligence and Information. Assistant Director, Office of Strategic Intelligence and Information. Division Director, Special Agent In Charge, Dallas. Division Director, Special Agent In Charge, Nashville. Deputy Assistant Director, Industry Operations. Deputy Assistant Director, Field Operations-East. Deputy Assistant Director, Office of Professional Responsibility and Security Operations. Division Director, Special Agent In Charge, Houston. Division Director, Special Agent In Charge, Washington, DC. Division Director, Special Agent In Charge, New York.

Agency	Organization	Title
		Division Director, Special Agent In Charge, Los Angeles.
		Deputy Assistant Director, Field Operations—West.
		Associate Chief Counsel, Administration and Ethics.
		Director, Forensic Services.
		Assistant Director, Science and Technology.
		Deputy Assistant Director for Information Technology and Deputy Chief Information Officer.
		Assistant Director, Management and Chief Financial Officer.
		Deputy Assistant Director, Management.
		Assistant Director, Office of Professional Responsibility and Security Operations.
		Assistant Director, Training and Professional Development.
		Deputy Assistant Director, Training and Professional Development.
		Deputy Assistant Director, Enforcement Programs and Services.
		Assistant Director, Enforcement Programs and Services.
		Deputy Assistant Director, Field Operations-Central.
		Assistant Director, Field Operations.
		Deputy Director.
		Chief, Special Operations Division.
		Deputy Chief Counsel (Field).
	Antitrust Division	Director, Economic Enforcement.
		Chief, Telecommunications and Media Section.
		Executive Officer.
	Civil Division	Deputy Branch Director.
	Office of the Assistant Attorney General	Director, Office of Management Programs.
	Appellate Staff	Deputy Director, Appellate Staff.
		Special Appellate Litigation Counsel.
	Commercial Litigation Branch, Corporate/Financial Section.	Special Litigation Counsel, Corporate/Financial Section.
		Deputy Director, Corporate/Financial Section.
	Commercial Litigation Branch, Civil Fraud Section.	Deputy Director, Civil Fraud Section.
		Deputy Director, Civil Fraud Section.
	Commercial Litigation Branch, Foreign Litigation Section.	Director, Foreign Litigation Section.
	Federal Programs Branch	Deputy Branch Director, Federal Programs (3).
	Office of Consumer Litigation	Director, Office of Consumer Litigation.
	Torts Branch, Aviation and Admiralty Section	Special Litigation Counsel, Aviation and Admiralty Section.
	Office of Immigration Litigation, Appellate Section.	Deputy Director, Office of Immigration Litigation, Appellate Section.
	Environment and Natural Resources Division	Deputy Section Chief, Environmental Defense Section.
		Executive Officer.
		Deputy Chief, Natural Resources Section.
		Deputy Chief, Environmental Enforcement Section.
		Senior Litigation Counsel Attorney-Examiner.
		Chief, Environmental Defense Section.
		Chief, Indian Resources Section.
		Chief, Appellate Section.
		Chief, Land Acquisition Section.
		Chief, Natural Resources Section.
		Chief, Wildlife and Marine Resources Section.
		Senior Litigation Counsel.
		Chief, Environmental Enforcement Section.
		Chief, Environmental Crimes Section.
		Deputy Chief, Environmental Enforcement Section.
		Deputy Section Chief, Natural Resources Section.
	Tax Division	Chief, Criminal Appeals and Tax Enforcement Policy Section.

Agency	Organization	Title
		Chief, Criminal Enforcement Section, North Region.
		Chief, Criminal Enforcement Section, South Region.
		Senior Litigation Counsel.
		Special Litigation Counsel.
		Chief Civil Trial Section, Western Region.
		Chief Civil Trial Section, Southern Region.
		Chief Civil Trial Section, Northern Region.
		Chief, Civil Trial Section, Central Region.
		Chief, Claims Court Section.
		Chief, Appellate Section.
		Chief, Criminal Enforcement Section, Western Region.
		Chief, Office of Review.
		Executive Officer.
		Chief, Civil Trial Section Eastern Region.
		Chief, Civil Trial Section Southwestern Region.
	Civil Rights Division	Executive Officer.
	Executive Office for Organized Crime Drug Enforcement Task Forces.	Director, Organized Crime Drug Enforcement Task Forces.
		Executive Director, Organized Crime Drug Enforcement Task Forces.
	Office of Justice Programs	Director, Office of Administration.
		Chief Financial Officer.
		Deputy Chief Financial Officer.
		Director, Office of Audit, Assessment and Management.
		Deputy Director, Office for Victims of Crime.
	National Institute of Justice	Deputy Director, National Institute of Justice.
	Office of the Inspector General	Director, Office of Oversight and Review.
		Deputy Assistant Inspector General for Audit.
		Deputy Assistant Inspector General for Investigation.
		General Counsel.
		Assistant Inspector General, Evaluation and Inspections Division.
		Assistant Inspector General for Audit.
		Assistant Inspector General for Investigation.
		Assistant Inspector General for Management and Planning.
		Deputy Inspector General.
	Office of Tribal Justice	Director.
DEPARTMENT OF JUSTICE—OFFICE OF THE INSPECTOR GENERAL.	Audit Division	Deputy Assistant Inspector General, Audit Division.
		Assistant Inspector General, Audit Division.
	Evaluation and Inspections Division	Assistant Inspector General, Evaluation and Inspections Division.
	Front Office	General Counsel.
		Deputy Inspector General.
	Investigations Division	Deputy Assistant Inspector General, Investigations Division.
		Assistant Inspector General, Investigations Division.
	Management and Planning Division	Assistant Inspector General, Management and Planning Division.
	Oversight and Review Division	Assistant Inspector General, Oversight and Review Division.
DEPARTMENT OF LABOR	Office of the Secretary	Deputy National Director, Regional Operations.
		Deputy National Director, Regional Operations.
	Women's Bureau	Deputy Director, Women's Bureau.
	Office of the Inspector General	Deputy Inspector General.
		Deputy Assistant Inspector General for Labor Racketeering.
		Assistant Inspector General for Management and Policy.
		Deputy Assistant Inspector General for Audit.
		Assistant Inspector General for Audit.
		Counsel to the Inspector General.
		Assistant Inspector General for Inspections and Special Investigations.

Agency	Organization	Title
		Assistant Inspector General for Investigations.
	Office of Public Affairs	Senior Managing Director.
		Director, Division of Enterprise Communications.
	Bureau of International Labor Affairs	Director, Office of Trade and Labor Affairs.
	Office of the Assistant Secretary for Policy	Deputy Assistant Secretary for Policy.
		Director, Office of Regulatory and Programmatic Policy.
	Office of the Solicitor	Associate Solicitor for Plan Benefits Security.
		Regional Solicitor, New York.
		Regional Solicitor, Boston.
		Associate Solicitor for Federal Employees' and Energy Workers' Compensation.
		Regional Solicitor, Atlanta.
		Associate Solicitor for Fair Labor Standards.
		Deputy Solicitor, Regional Operations.
		Regional Solicitor, San Francisco.
		Regional Solicitor, Kansas City.
		Regional Solicitor, Dallas.
		Regional Solicitor, Philadelphia.
		Associate Solicitor for Occupational Safety and Health.
		Regional Solicitor, Chicago.
		Acting Deputy Assistant Secretary.
		Associate Solicitor for Mine Safety and Health.
		Associate Solicitor for Black Lung and Longshore Legal Services.
		Associate Solicitor for Legal Counsel.
		Associate Solicitor for Civil Rights and Labor Management.
		Associate Solicitor, Management and Administrative Legal Services Division.
		Deputy Solicitor, National Operations.
	Office of Chief Financial Officer	Deputy Chief Financial Officer.
		Associate Deputy Chief Financial Officer for Financial Systems.
	Office of the Assistant Secretary for Administration and Management.	Director, Office of Budget.
		Deputy Assistant Secretary for Budget and Performance Planning.
		Director, Program Planning and Results Center.
		Director, Business Operations Center.
		Director of Civil Rights.
		Deputy Director, Information Technology Center.
		Director, National Capital Service Center.
		Deputy Assistant Secretary for Operations.
		Deputy Assistant Secretary for Security and Emergency Management.
		Associate Deputy CIO.
		Director of Enterprise Services.
	Employment Standards Administration	Deputy Assistant Secretary for Operations.
		Director, Office of Management, Administration and Planning.
	Wage and Hour Division	Deputy Administrator for Program Operations.
		Director of Administrative Operations.
		Deputy Wage and Hour Administrator (Operations).
	Office of Workers Compensation Programs	Comptroller.
		Director for Federal Employees' Compensation.
		Director, Energy Employees' Occupational Illness Compensation.
		Regional Director (3).
		Director, Office of Enforcement and International Union Audits.
		Director of Coal Mine Workers' Compensation.
	Office of Labor-Management Standards	Director, Office of Policy, Reports and Disclosure.
		Deputy Director, Office of Labor Management Standards.
	Employee Benefits Security Administration	Regional Director, Philadelphia.

Agency	Organization	Title
		Regional Director, New York.
		Chief Accountant.
		Deputy Director of Human Resources.
		Deputy Assistant Secretary for Program Operations.
		Director of Regulations and Interpretations.
		Director of Exemption Determinations.
		Director of Enforcement.
		Regional Director, San Francisco.
		Regional Director, Kansas City.
		Regional Director, Atlanta.
		Regional Director, Boston.
		Senior Policy Advisor.
		Director of Participant Assistance and Communications.
		Director of Health Plan Standards Compliance and Assistance.
		Director of Information Management.
	Bureau of Labor Statistics	Associate Commissioner for Compensation and Working Conditions.
		Director of Survey Processing.
		Director of Technology and Computing Services.
		Associate Commissioner for Survey Methods Research.
		Associate Commissioner for Employment and Unemployment Statistics.
		Associate Commissioner for Field Operations.
		Associate Commissioner for Administration.
		Associate Commissioner for Prices and Living Conditions.
		Associate Commissioner for Productivity and Technology.
		Deputy Commissioner for Labor Statistics.
		Assistant Commissioner for Industrial Prices and Price Indexes.
		Assistant Commissioner for Industry Employment Statistics.
		Assistant Commissioner for International Prices.
		Associate Commissioner for Publications and Special Studies.
		Assistant Commissioner for Current Employment Analysis.
		Associate Commissioner for Technology and Survey Processing.
		Assistant Commissioner for Compensation Levels and Trends.
		Assistant Commissioner for Safety, Health and Working Conditions.
		Assistant Commissioner for Occupational Statistics and Employment Projections.
		Assistant Commissioner for Consumer Prices and Prices Indexes.
	Employment and Training Administration	Comptroller.
		Associate Administrator.
		Administrator, Office of Financial and Administrative Management.
	Occupational Safety and Health Administration.	Director, Directorate of Evaluation and Analysis.
		Directorate of Technical Support and Emergency Management.
		Director, Administrative Programs.
		Director, Directorate of Cooperative and State Programs.
		Director, Directorate of Standards and Guidance.
	Mine Safety and Health Administration	Director of Program Evaluation and Information Resources.
		Director of Assessments.
		Director of Technical Support.
		Director of Administration and Management.
		Director, Office of Accountability, Audit, and Program Policy Evaluation.

Agency	Organization	Title
	Veterans Employment and Training Service	Director, Department of Labor Homeless Assistance Program.
		Deputy Assistant Secretary for Operations and Management.
		Director of Operations and Programs.
	Office of Disability Employment Policy	Deputy Assistant Secretary for ODEP.
		Director, Office of Operations.
DEPARTMENT OF LABOR—OFFICE OF INSPECTOR GENERAL.	Department of Labor—Office of Inspector General.	Assistant Inspector General for Management and Policy.
		Assistant Inspector General for Audit.
		Deputy Assistant Inspector General for Labor Racketeering.
		Deputy Assistant Inspector General for Audit.
		Assistant Inspector General for Inspections and Special Investigations.
		Deputy Inspector General.
		Assistant Inspector General for Labor Racketeering.
		Counsel.
MERIT SYSTEMS PROTECTION BOARD	Office of the Clerk of the Board	Clerk of the Board.
	Office of Financial and Administrative Management.	Director, Financial and Administrative Management.
	Office of Policy and Evaluation	Director, Office of Policy and Evaluation.
	Office of Information Resources Management	Director, Information Resources Management.
	Office of Regional Operations	Director, Office of Regional Operations.
	Atlanta Regional Office	Regional Director, Atlanta.
	Central Region, Chicago Regional Office	Regional Director, Chicago.
	Northeast Region, Philadelphia Regional Office.	Regional Director, Philadelphia.
	Western Region, San Francisco Regional Office.	Regional Director, San Francisco.
	Washington, D.C. Region, Washington Regional Office.	Regional Director, Washington, DC.
	Dallas Regional Office	Regional Director, Dallas.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	National Aeronautics and Space Administration.	KSC Associate Manager, Commercial Crew Program.
		Director, Lunar Science Institute.
		Director for Ames International Space Station Office.
		Deputy Director for Science.
		Senior Technical Advisor to the Director.
	Office of the Deputy Administrator	Associate Administrator, Strategy and Policy.
	Chief of Staff	Director, Office of Evaluation.
	Office of the Chief Scientist	Associate Chief Scientist for Life and Microgravity Sciences.
		Associate Chief Scientist for Planning and Evaluation.
	Exploration Systems Mission Directorate	Director, Mission Integration Division.
		Director, Business Operations Division.
		Manager, Strategic Planning.
		Assistant Associate Administrator for Administration.
		Manager, Advanced Space Technology Program.
		Assistant Associate Administrator, Strategic Integration and Managements.
		Director, Advanced Capabilities Division.
		Director, Directorate Integration Office.
		Director, Resources Management Office.
		Director, Strategic Integration and Management Office.
		Assistant Associate Administrator for Human Exploration Capability.
	Human Exploration and Operations Mission Directorate.	Manager, Rocket Propulsion Test Program Office.
		Director, International Space Station and Space Shuttle Program Resource.
		Assistant Associate Administrator for Space Shuttle Program (2).
		Assistant Associate Administrator for International Space Station.
		Assistant Associate Administrator for Launch Services.

Agency	Organization	Title
		Director, Program and Strategic Integration Office.
		Deputy Associate Administrator for Space Communications and Navigation.
		Assistant Associate Administrator for Resources Management and Analysis Office.
		Space Operations Mission Directorate Transition Manager.
		Director, Advanced Exploration Systems.
		Deputy Associate Administrator for Policy and Plans.
		Deputy Assistant Administrator for Program Integration.
	Science Mission Directorate	Deputy Associate Administrator for Management.
		Deputy Associate Administrator for Programs.
		Director, Applications Division.
		Deputy Director for Programs, Earth Science Division.
		Director, Strategic Integration and Management Division.
		Senior Advisor.
	James Webb Space Telescope Program Office.	Director, James Webb Space Telescope Program.
	Planetary Science Division	Assistant Director for Strategy Communications and Integration.
		Mars Exploration Program Director.
		Director, Planetary Science Division.
		Deputy Director, Planetary Science Division.
	Astrophysics Division	Director, Astrophysics Division.
		Deputy Director, Astrophysics Division.
		Director, Astrophysics Division.
	Heliophysics Division	Deputy Director, Heliophysics Division.
		Director, Heliophysics Division.
		Program Director, Science Information and Telecommunications Systems.
	Earth Science Division	Director, Earth Science Division.
		Program Director, Science Division.
		Program Director, Research and Analysis Program.
		Deputy Director, Earth Science.
	Joint Agency Satellite Division	Deputy Director, Joint Agency Satellite Division.
		Director, Joint Agency Satellite Division.
	Strategic Integration and Management Division.	Director, Strategic Integration and Management Division.
	Aeronautics Research Mission Directorate	Director, Strategy, Architecture, and Analysis Office.
		Director, Airspace Systems Program Office.
		Director, Aviation Safety Program Office.
		Director, Mission Support Office.
		Director, Mission Support Office.
		Director, Fundamental Aeronautics.
		Director, Integrated Systems Research Program Office.
		Director, Strategy Communications and Program Integration.
		Director, Integration and Management Office.
	Office of Program Analysis and Evaluation	Director, Independent Program Assessment Office.
		Deputy Associate Administrator.
		Deputy Director, Strategic Investments Division.
		Director, Cost Analysis Division.
		Deputy Director, Strategic Investment Division.
		Director, Studies and Analysis Division.
		Deputy Director, Technical Independent Program Assessment.
	Office of the Chief Financial Officer/Comptroller.	Associate Deputy Chief Financial Officer (Finance).
		Deputy Chief Financial Officer (Agency Budget, Strategy and Performance).
	Office of Education	Deputy Associate Administrator for Education.

Agency	Organization	Title
		Deputy Associate Administrator for Integration.
	Mission Support Directorate	Assistant Administrator for Agency Operations.
		Deputy Associate Administrator for Mission Support.
	Office of Headquarters Operations	Director, Human Resource Management Division.
		Director, Headquarters Information Technology and Communications Division.
	Office of Human Capital Management	Assistant Administrator for Human Capital Management.
		Director, Workforce Strategy Division.
		Director, Workforce Management and Development Division.
		Deputy Assistant Administrator for Human Capital Management.
		Director, Workforce Systems and Accountability Division.
	Office of Strategic Infrastructure	Director, Environmental Management Division.
		Deputy Assistant Administrator for Policy.
		Director, Facilities Engineering and Real Property Division.
		Director, Strategic Capability Asset Program.
		Director, Integrated Asset Management Division.
		Director, Facilities Engineering.
	NASA Shared Services Center	Deputy Director.
		Executive Director.
		Director, Business and Administration.
	Office of Protective Services	Assistant Administrator for Security and Program Protection.
	Office of Procurement	Director, Contract Management Division.
		Assistant Administrator for Procurement.
		Director, Contract Management Division.
		Director, Program Operations Division.
		Director, Analysis Division.
	NASA Management Office	Director.
	Office of Safety and Mission Assurance	Director.
		Director, Mission Support Division.
		Deputy Chief Safety and Mission Assurance Officer.
		Director, Safety and Assurance Requirements Division.
		Chief, Safety and Mission Assurance Office.
	Office of the Chief Financial Officer/Comptroller.	Director, Financial and Budget Systems Management Division.
		Director, Policy Division.
		Director, Business Integration.
		Director for Performance Reporting.
		Director, Strategic Management and Planning.
		Director, Quality Assurance.
		Director, Financial Management.
		Senior Advisor to the Deputy Chief Financial Officer.
		Deputy Chief Financial Officer.
		Director, Budget Division.
	Office of the Chief Information Officer	Deputy Chief Information Officer for Information Technology Reform.
		Chief Technology Officer for Information Technology.
		Deputy Chief Information Officer for Information Technology Security.
		Associate Chief Information Officer for Capital Planning and Governance.
		Associate Chief Information Officer for Enterprise Service and Integration Division.
	Office of the Chief Engineer	Senior Advisor.
		Aeronautics Research Mission Directorate, Chief Engineer.
		Science Mission Chief Engineer.
		Exploration Systems Mission Directorate Chief Engineer.

Agency	Organization	Title
	Office of Communications	Deputy Assistant Administrator for Legislative Affairs.
		Director, Media Services Division.
		Assistant Administrator for Legislative and Intergovernmental Affairs.
	Office of Program and Institutional Integration	Deputy Director of the Office of Program and Institutional Integration.
		Director of Program and Institutional Integration Office.
	Office of International and Interagency Relations.	Deputy Director, Export Control and Interagency Liaison Division.
		Director, Space Operations Division.
		Director, Export Control and Interagency Liaison Division.
		Director, Advisory Committee Management Division.
	Office of Legislative and Intergovernmental Affairs.	Deputy Associate Administrator for Legislative Affairs.
	Office of Diversity and Equal Opportunity	Director, Programs, Planning and Evaluation Division.
		Director, Complaints Management Division.
	Office of Small Business Programs	Associate Administrator, Small Business Programs.
	Johnson Space Center	Deputy Manager, Commercial Crew Program.
		Assistant to the Director, Innovation and Partnerships.
		Associate Director for Strategic Capabilities.
		Director, Astromaterials Research and Exploration Science.
		Deputy Associate Administrator, Strategic Program Planning.
		Chief of Staff, Office of the Director.
		Chief Knowledge Officer.
		Manager, Advanced Planning.
		Chief Financial Officer.
		Director of Human Resources.
		Associate Director (Technical).
		Assistant to the Director, Engineering.
		Associate Director (Management).
		Director, External Relations.
	Space Station Program Office	Manager, Mission Integration and Operations Office.
		Manager, International Space Station Program.
		Deputy Manager, International Space Station Program.
		Manager, Safety and Mission Assurance/Program Risk Office, Issp.
		Senior Advisor, Exploration and Space Operations.
		Manager, Program Projects Integration.
		Director, Human Space Flight Program—Russia.
		Manager, Avionics and Software Office.
		Manager, Program Planning and Control Office, International Space Station.
		Manager, Vehicle Office.
		Manager, International Space Station Payloads Office.
		Manager, Operations Integration.
	Space Shuttle Program	Associate Manager, SSP.
		Manager, Safety and Mission Assurance Office.
		Deputy Manager, Space Shuttle Program.
		Manager, Space Shuttle Systems Engineering and Integration Office.
		Manager, Orbiter Project Office.
		Deputy Space Shuttle Program Manager for Kennedy Space Center.
		Manager, Space Shuttle Business Office.
		Manager, Space Shuttle Program.
		Manager, Launch Integration (Kennedy Space Center).
	Mission Operations	Chief, Engineering Projects.

Agency	Organization	Title
		Deputy Director, Mission Operations.
		Director, Mission Operations.
		Chief, Flight Director Office.
	Constellation Program Office	Assistant Orion Project Manager, Program Planning and Control, Constellation.
		Transition Manager, Operations and Test Integration Office, CX Program.
		Deputy Manager, Orion Project.
		Director, Operation Integration, Constellation Program.
		Deputy Manager, Orbiter Project Office.
		Deputy Manager, Constellation Office.
		Director, Program Planning and Control, Constellation.
		Director, Systems Engineering and Integration, Constellation.
		Associate Program Manager for Lunar Formulation.
		Constellation Program Deputy for the Orion Project.
		Assistant to the Director for Constellation.
		Manager, Constellation Program.
		Director, Safety Reliability and Quality Assurance, Constellation.
	Flight Crew Operations	Deputy Director, Flight Crew Operations.
		Chief, Aircraft Operations Division.
		Director, Flight Crew Operations.
		Assistant Director, Flight Crew Operations.
		Chief, Astronaut Office.
	Engineering	Manager, Engineering Services and Management Integration Office.
		Chief, Crew and Thermal Systems Division.
		Director, Engineering.
		Chief, Structural Engineering Division.
		Manager, Program Engineering Integration Office.
		Deputy Director, Engineering.
		Manager, Systems Architecture and Integration Office.
	Space and Life Sciences	Deputy Director, Space and Life Sciences.
		Director, Space Life Sciences.
		Manager, Human Research Program.
	Information Resources	Director, Information Resources.
	Office of Procurement	Director, Office of Procurement.
	Center Operations	Director, Center Operations.
	Safety and Mission Assurance	Deputy Director, Safety and Mission Assurance.
		Assistant to the Director, Safety and Mission Assurance.
		Director, Safety and Mission Assurance.
	White Sands Test Facility	Manager, National Aeronautics and Space Administration White Sands Test Facility.
	Eva Project Office	Manager, Eva Project Office.
	Kennedy Space Center	Director, Constellation Project Office.
		Director, Center Operations.
		Chief Financial Officer.
		Special Assistant to the Director.
		Associate Director for Business Operations, John F Kennedy Space Center.
		Director, John F Kennedy Space Center.
		Deputy Director , International Space Station and Spacecraft Processing Directorate.
		Director, Public Affairs.
		Chairperson, Engineering Services Contract Source Evaluation Board.
		Manager, Flight and Ground Project Office, Constellation Space Transportation Planning Office.
		Manager, Launch Vehicle Project, Constellation Space Transportation Planning Office.
		Manager, Spacecraft Flight Hardware Project.
		Deputy Director, Constellation Space Transportation Planning Office.

Agency	Organization	Title
		Director, Constellation Space Transportation Planning Office.
		Deputy Director, Management, Constellation Project Office.
		Associate Director, International Space Station and Spacecraft Processing.
		Special Assistant to the Deputy Director.
		Special Assistant to the Deputy Director.
		Special Assistant for Engineering and Technical Operations.
		Associate Director for Engineering and Technical Operations.
		Deputy Director, Technical, Engineering and Technology Directorate.
		Director, Engineering and Technology Directorate.
		Deputy Director, Management, Engineering and Technology Directorate.
		Chief, Mechanical Division, Engineering Directorate.
		Manager, Constellation Ground System Project Office, Constellation Project Office.
		Director, Operational Systems Engineering Office, Engineering Directorate.
		Deputy Director, Design and Development, Engineering and Technology Directorate.
		Director, International Space Station and Spacecraft Processing Directorate.
		Deputy Director, Launch Vehicle Processing Directorate.
		Director, Launch Vehicle Processing Directorate.
		Chief Medical Officer.
		Deputy Director, Constellation Project Office.
	Procurement	Director, Procurement Office.
	Human Resources	Director, Human Resources Office.
	Information Technology and Communications Services.	Director, Information Technology and Communications Services.
	Shuttle Processing	Deputy Director, Shuttle Processing.
	Safety and Mission Assurance	Deputy Director, Safety and Mission Assurance.
		Director, Safety and Mission Assurance.
	External Relations	Director, External Relations.
		Deputy Director, External Relations and Business Development.
	Launch Services Program	Manager, Launch Services Program.
		Director, Expendable Launch Vehicle Launch Services.
		Deputy Manager, Launch Services Program.
	Marshall Space Flight Center	Assistant for Project Management and Development.
		Deputy Director, Flight Projects Office.
	Office of the Director	Deputy Manager, Constellation Program.
		Associate Director, Technical.
	Office of the Deputy Director	Senior Executive for Technology and Integration.
		Associate Program Manager, Constellation Program.
	Office of the Associate Director	Associate Director, Management.
	Michaud Assembly Facility	Deputy Director.
		Director, Michaud Assembly Facility.
		Chief Operating Officer, Michaud Assembly Facility.
	Engineering Directorate	Director, Test Laboratory.
		Deputy Director, Engineering Directorate.
		Deputy Director, Space Systems Department.
		Director, Space Systems Department.
		Director, Materials and Processes Laboratory.
		Director, Propulsion Systems Department.
		Deputy Director, Propulsion Systems Department.
		Director, Mission Operations Laboratory.
		Director, Spacecraft and Vehicle Systems Department.

Agency	Organization	Title
		Deputy Director, Spacecraft and Vehicle Systems Department.
		Associate Director for Technical Management.
		Assistant to the Chief Engineer.
		Deputy Manager, Office of the Chief Engineer.
		Manager, Office of the Chief Engineer.
		Associate Director for Operations.
		Chief Engineer, Space Launch System.
		Deputy Chief Engineer, Space Launch System Program.
	Office of the Chief Financial Officer	Chief Financial Officer (2).
		Deputy Chief Financial Officer.
	Office of Center Operations	Deputy Director, Office of Center Operations.
		Director, Office of Center Operations.
	Office of Procurement	Director, Office of Procurement.
	Shuttle Propulsion Office	Manager, Space Shuttle Main Engine Project, Shuttle Propulsion Office.
		Deputy Manager, Shuttle Propulsion Office.
		Manager, External Tank Project.
		Manager, Propulsion Systems Engineering and Integration Office.
		Manager, Shuttle Propulsion Office.
		Manager, Reusable Solid Rocket Booster Project.
	Safety and Mission Assurance Directorate	Deputy Director for Program Assurance.
		Chief Safety Officer.
		Director, Safety and Mission Assurance Directorate.
		Deputy Director, Safety and Mission Assurance Directorate.
	Science and Mission Systems Office	Chief Scientist (Aerospace Technology, Science Program Management).
		Manager, Science Programs and Projects Office.
		Deputy Manager, Science and Mission Systems Office.
		Manager, Science and Mission Systems Office.
		Manager, Lunar Program and Projects Office.
	Office of Strategic Analysis and Communications.	Director, Office of Strategic Analysis and Communications.
	Ares Projects Office	Deputy Manager, Ares Projects Office.
		Manager, Upper Stage Engine Office.
		Manager, Ares Projects Office.
		Manager, Upper Stage Office.
		Manager, Vehicle Integration Office.
		Manager, First Stage Office.
	Space Launch System Program Office	Associate Program Manager.
		Manager, Program Planning and Control Office, Space Launch System Program Office.
		Manager, Advanced Development Office, Space Launch System Office.
		Manager, Boosters Office.
		Manager, Stages Office.
		Manager, Engines Office.
		Deputy Manager.
		Manager.
		Manager, Program Planning and Control Office.
	Science and Technology Office	Manager.
		Deputy Manager.
		Senior Science Advisor.
	Shuttle-Ares Transition Office	Manager.
	Office of Chief Information Officer	Deputy Chief Information Officer.
	Flight Programs and Partnerships Office	Deputy Manager.
		Manager.
	Office of Human Capital	Director, Office of Human Capital.
		Special Assistant to Director, Office of Human Capital.
	Stennis Space Center	Director, Center Operations Directorate.
		Director, Engineering and Science Directorate.
		Deputy Director, Stennis Space Center.

Agency	Organization	Title
		Director, Office of Safety and Mission Assurance.
		Chief Financial Officer.
		Chair, Source Evaluation Board.
		Deputy Director, Engineering and Science Directorate.
		Director, Projects Directorate.
		Director, Business Management Directorate.
		Associate Director.
	Chief of Strategic Communications	Director, Business and Administration Operations.
	Ames Research Center	Associate Director for Institutions and Research.
		Deputy Director, Exploration Technology.
		Director of Engineering.
		Chief, Flight Vehicle Research and Technology Division.
		Human Capital Director.
		Deputy Associate Director for Institutions and Research.
		Procurement Officer.
		Ames Research Center Liaison for University Affiliated Research Center.
		Chief, Aviation Systems Division.
		Director, New Ventures and Communications Directorate.
		Chief Counsel.
		Director, Office of Safety, Environment and Mission Assurance.
		Chief, Computational Sciences Division.
		Deputy Director, Ames Research Center.
		Chief, Space Technology Division.
		Deputy Director, Center Operations.
		Deputy Director of Aeronautics.
		Deputy Director for Research.
		Special Assistant to the Director.
		Chief Financial Officer.
		Director of Center Operations.
		Director, Aeronautics Test Program.
		Director, Programs and Projects Directorate.
		Director, Astrobiology Institute.
		Chief, Intelligent Systems Division.
		Chief Information Officer.
		Director, Exploration Technology Directorate.
		Associate Director for Institutional Management and Engineering.
	Astrobiology and Space Research	Chief, Life Sciences Division.
		Director of Science.
	Dryden Flight Research Center	Chief Financial Officer (Financial Manager).
		Director, Flight Ops Directorate.
		Chief Counsel.
		Associate Director for Operations.
		Deputy Associate Director for Operations.
		Director for Programs.
		Deputy Associate Director for Programs.
		Director of Mission Information and Test Systems.
		Program Manager for Sofia.
		Director for Safety and Mission Assurance.
	Langley Research Center	Manager, Management and Technical Support Office.
		Director, National Aeronautics and Space Administration Engineering and Safety Center.
		Special Assistant to the Director.
		Chief Financial Officer.
		Director, Safety and Mission Assurance Office.
		Director, Office of Procurement.
		Director, Office of Strategic Analysis, Communications, and Business Development.
		Associate Director, Langley Research Center.
		Deputy Director, Safety and Mission Assurance Office.
		Deputy Director for Advanced Projects.

Agency	Organization	Title
		Chief Information Officer.
		Senior Advisor for Space Technology.
		Deputy Director, Facilities and Laboratory Operations.
		Senior Advisor for Center Revitalization.
		Deputy Director for Safety.
		Director, Ground Facilities and Testing Directorate.
		Director, Earth System Science Pathfinder Program Office.
		Director, Technology and Exploration Directorate.
		Director, Flight Projects Directorate.
		Deputy Director for Programs.
		Associate Director for Special Programs.
		Deputy Director, Research and Technology Test Operations.
		Deputy Director, Research Program Implementation.
		Deputy Director, National Aeronautics and Space Administration Engineering and Safety Center.
		Director, Research Services Directorate.
		Director, Systems Analysis and Advanced Concepts Directorate.
		Director, Science Directorate.
		Director, Aeronautics Research Directorate.
		Director, Center Operations Directorate.
		Deputy Director, Research Directorate.
		Director, Research Directorate.
		Deputy Director, Engineering Directorate.
		Director, Engineering Directorate.
		Manager, Systems Engineering Office.
		Director, Office of Human Capital Management.
	Glenn Research Center	Associate Director for Technical Planning, Policy, Analysis and Evaluation.
		Plum Brook Station Manager.
		Chief, Office of Acquisition.
		Director of Center Operations.
		Chief Financial Officer.
		Director, Systems Management Office.
	Facilities and Test Directorate	Deputy Director of Facilities and Test.
		Director of Facilities and Test.
		Chief Facilities and Test Engineering Division.
		Associate Director for Infrastructure Assessment.
	Research and Technology Directorate	Chief, Aero Propulsion Division.
		Chief, Structures and Materials Division.
		Chief, Power and On-Board Propulsion Division.
		Chief, Communications, Instrumentation and Controls Division.
		Chief, New Business and Partnership Office.
	Space Flight Systems Directorate	Deputy Director, Space Flight Systems.
		Chief, Advanced Flight Projects Office.
	Engineering Directorate	Chief, Systems Engineering and Analysis Division.
		Chief, Mechanical and Fluid Systems Division.
		Director of Engineering.
		Deputy Director of Engineering and Technical Services.
		Chief, Power and Avionics Division.
		Chief, Chief Engineer Office.
	Office of the Chief Information Officer	Chief, Computer Services Division.
	Safety and Mission Assurance Directorate	Director, Office of Safety, Environmental and Mission Assurance.
	NASA Safety Center	Director, Audits and Assessments.
		Director, Technical Excellence.
	Goddard Space Flight Center	Assistant Director for Advanced Concepts.
		Special Assistant to Deputy Director.
	Human Resources	Director of Human Capital Management.
	Comptroller	Chief Financial Officer/Comptroller.
		Deputy Chief Financial Officer.

Agency	Organization	Title
	Management Operations	Deputy Director of Management Operations.
		Associate Director for Acquisition.
	Flight Assurance	Director of Systems Safety and Mission Assurance.
		Deputy Director of Safety and Mission Assurance.
	Flight Projects	Associate Director for Earth Science Technology Office.
		Deputy Associate Director for Earth Science Projects Division.
		Associate Director for Earth Science Projects Division.
		Associate Director for Exploration and Space Communications Projects Division.
		Deputy Director for Planning and Business Management.
		Deputy Director of Flight Projects.
		Director of Flight Projects.
		Associate Director for Astrophysics Projects Division.
		Associate Director for Explorers and Heliophysics Projects Division.
		Deputy Associate Director for Explorers and Heliophysics Science Projects Division.
		Deputy Associate Director for Joint Polar Satellite System Program.
		Associate Director for Joint Polar Satellite System Program.
		Associate Director for Space Servicing Capabilities Project.
		Associate Director for Landsat Data Continuity Mission Project.
	Applied Engineering and Technology Directorate.	Deputy Director of Applied Engineering and Technology.
		Chief, Information Systems Division.
		Chief, Mechanical Systems Division.
		Chief, Mission Engineering and Systems Analysis Division.
		Chief, Electrical Systems Division.
		Chief, Instrument Systems and Technology Division.
		Deputy Director of Applied Engineering and Technology for Planning and Business Management.
	Sciences and Exploration	Deputy Director of Sciences and Exploration.
		Director, Earth Sciences Division.
		Chief, Laboratory for Atmospheres.
		Deputy Director of Sciences and Exploration for Planning and Business Management.
		Director, Heliophysics Science Division.
		Deputy Director, Solar System Exploration Division.
		Director, Solar System Exploration Division.
		Director, Astrophysics Science Division.
		Deputy Director, Earth Sciences Division.
		Chief, Goddard Institute for Space Studies.
		Director of Sciences and Exploration.
	Suborbital Projects and Operations	Special Assistant for Project Management Training.
	Office of Security Management and Safeguards.	Deputy Assistant Administrator for Security and Program Protection.
	Office of Chief Education Officer	Deputy Chief Education Officer.
		Director, Elementary and Secondary Education Division.
	Office of Security Management and Safeguards.	Assistant Administrator for Security Management.
		Deputy Assistant Administrator for Security Management and Safeguards.
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—OFFICE OF THE INSPECTOR GENERAL.	National Aeronautics and Space Administration—Office of the Inspector General.	Counsel to the Inspector General.
		Assistant Inspector General for Management and Planning.
		Deputy Inspector General.
		Assistant Inspector General for Investigations.
		Assistant Inspector General for Auditing.

Agency	Organization	Title
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.	Archivist of United States and Deputy Archivist of the United States.	Deputy Archivist of the United States.
	Office of the Chief Operating Officer	Chief Operating Officer.
	Agency Services	Chief Records Officer.
		Agency Services Executive.
	Business Support Services	Business Support Services Executive.
		Chief Financial Officer.
	Research Services	Research Services Executive.
	Office of the Federal Register	Director of the Federal Register.
	Information Services	Director, Information Technology Operations.
		Information Services Executive/CIO.
	Legislative Archives, Presidential Libraries and Museum Services.	Legislative Archives, Presidential Libraries and Museum Services Executive.
	Office of Presidential Libraries	Deputy for Presidential Libraries.
	Office of Human Capital	Chief Human Capital Officer.
	Office of Strategy and Communications	Chief Strategy and Communications Officer.
	Office of Innovation	Chief Innovation Officer.
NATIONAL ARCHIVES AND RECORDS ADMINISTRATION—OFFICE OF THE INSPECTOR GENERAL.	National Archives and Records Administration—Office of the Inspector General.	Inspector General.
NATIONAL CAPITAL PLANNING COMMISSION.	National Capital Planning Commission Staff	General Counsel.
		Deputy Executive Director.
		Chief Operating Officer.
		Executive Director.
NATIONAL ENDOWMENT FOR THE ARTS	National Endowment for the Arts	Chief Information Officer.
		Deputy Chairman for Programs and Partnerships.
		Director , Research and Analysis.
		Deputy Chairman for Management and Budget.
NATIONAL ENDOWMENT FOR THE ARTS—OFFICE OF THE INSPECTOR GENERAL.	National Endowment for the Arts—Office of the Inspector General.	Inspector General.
NATIONAL ENDOWMENT FOR THE HUMANITIES.	National Endowment for the Humanities	Assistant Chairman for Planning and Operations.
NATIONAL LABOR RELATIONS BOARD	National Labor Relations Board	Deputy Associate General Counsel, Division of Enforcement Litigation.
	Office of the Board Members	Inspector General.
		Chief Information Officer.
		Executive Secretary.
		Deputy Executive Secretary.
	Division of Enforcement Litigation	Deputy Associate General Counsel, Appellate Court Branch.
		Director, Office of Appeals.
	Division of Advice	Deputy Associate General Counsel, Division of Advice.
		Associate General Counsel, Division of Advice.
	Division of Administration	Deputy Director, Division of Administration.
		Director, Division of Administration.
	Division of Operations Management	Assistant to General Counsel.
		Deputy Associate General Counsel, Division of Operations-Management.
		Associate General Counsel, Division of Operations-Management.
		Assistant General Counsel (3).
	Regional Offices	Regional Director, Region 34, Hartford, Connecticut.
		Regional Director, Region 31, Los Angeles, California.
		Regional Director, Region 32, Oakland, California.
		Regional Director, Region 30, Milwaukee, Wisconsin.
		Regional Director, Region 29, Brooklyn, New York.
		Regional Director, Region 28, Phoenix, Arizona.
		Regional Director, Region 27, Denver, Colorado.
		Regional Director, Region 26, Memphis, Tennessee.
		Regional Director, Region 25, Indianapolis, Indiana.

Agency	Organization	Title
		Regional Director, Region 24, Hato Rey, Puerto Rico.
		Regional Director, Region 22, Newark, New Jersey.
		Regional Director, Region 21, Los Angeles, California.
		Regional Director, Region 20, San Francisco, California.
		Regional Director, Region 19, Seattle, Washington.
		Regional Director, Region 18, Minneapolis, Minnesota.
		Regional Director, Region 17, Kansas City, Kansas.
		Regional Director, Region 16, Fort Worth, Texas.
		Regional Director, Region 15, New Orleans, Louisiana.
		Regional Director, Region 14, Saint Louis, Missouri.
		Regional Director, Region 13, Chicago, Illinois.
		Regional Director, Region 12, Tampa, Florida.
		Regional Director, Region 11, Winston Salem, North Carolina.
		Regional Director, Region 10, Atlanta, Georgia.
		Regional Director, Region 9, Cincinnati, Ohio.
		Regional Director, Region 8, Cleveland, Ohio.
		Regional Director, Region 7, Detroit, Michigan.
		Regional Director, Region 6, Pittsburgh, Pennsylvania.
		Regional Director, Region 5, Baltimore, Maryland.
		Regional Director, Region 4, Philadelphia, Pennsylvania.
		Regional Director, Region 3, Buffalo, New York.
		Regional Director Region 2, New York.
		Regional Director, Region 1, Boston, Massachusetts.
NATIONAL SCIENCE FOUNDATION	Office of the Director	Chief Technology Officer.
	Office of Integrative Activities	Senior Advisor (3).
		Senior Scientist.
		Senior Advisor (Level -Ii).
	Office of Diversity and Inclusion	Office Head, Office of Diversity and Inclusion.
	Office of the General Counsel	Deputy General Counsel (2).
	Antarctic Infrastructure and Logistics Division	Division Director, Ail.
	Office of International Science and Engineering.	Senior Staff Associate.
		Deputy Office Head.
	Directorate for Geosciences	Senior Facilities Advisor.
	Division of Atmospheric and Geospace Sciences.	Section Head NCAR/Facilities Section.
	Division of Earth Sciences	Head, Deep Earth Processes Section.
	Division of Ocean Sciences	Section Head, Integrative Programs Section.
	Directorate for Engineering	Senior Advisor.
	Division of Engineering Education and Centers.	Deputy Division Director (Education).
		Senior Staff Associate.
	Division of Civil, Mechanical, and Manufacturing Innovation.	Deputy Division Director (2).
	Division of Industrial Innovation and Partnerships.	Senior Advisor.
	Division of Chemical, Bioengineering, Environmental, and Transport Systems.	Senior Advisor.
		Deputy Division Director.
	Division of Electrical, Communication and Cyber Systems.	Deputy Division Director.
	Directorate for Biological Sciences	Deputy Assistant Director.
	Division of Environmental Biology	Deputy Division Director.
	Division of Integrative Organismal Systems	Deputy Division Director.
	Directorate for Mathematical and Physical Sciences.	Senior Advisor (2).
		Deputy Assistant Director.
		Executive Officer.
		Senior Science Associate.

Agency	Organization	Title
	Division of Astronomical Sciences	Deputy Division Director.
	Division of Mathematical Sciences	Deputy Division Director.
	Division of Materials Research	Deputy Division Director.
	Directorate for Education and Human Resources.	Deputy Assistant Director for Integrative Activities.
	Division of Research on Learning in Formal and Informal Settings.	Senior Advisor for Research.
	Directorate for Social, Behavioral and Economic Sciences.	Deputy Assistant Director.
	Directorate for Computer and Information Science and Engineering.	Senior Staff Associate.
		Deputy Assistant Director (2).
		Executive Officer.
	Office of Budget, Finance and Award Management.	Deputy Director, Management, Operations and Policy.
		Deputy Director, Planning, Coordination and Analysis.
		Director, Budget, Finance and Award and Chief Financial Officer.
	Budget Division	Division Director.
		Deputy Director.
	Division of Financial Management	Division Director and Deputy Chief Financial Officer.
		Deputy Division Director, Division of Financial Management.
	Division of Grants and Agreements	Division Director.
	Division of Acquisition and Cooperative Support.	Division Director.
	Division of Institutional and Award Support	Deputy Division Director.
		Division Director.
	Office of Information and Resource Management.	Director.
		Senior Staff Associate.
		Senior Advisor.
		Head, Office of Information and Resource Management and Chief Human Capital Officer.
		Deputy Director.
	Division of Information Systems	Deputy Division Director.
	Division of Human Resource Management	Division Director.
		Deputy Division Director.
	Division of Administrative Services	Division Director.
		Deputy Division Director (2).
NATIONAL SCIENCE FOUNDATION—OFFICE OF THE INSPECTOR GENERAL.	National Science Foundation—Office of the Inspector General.	Assistant Inspector General for Legal, Legislative and External Affairs.
		Assistant Inspector General for Audit.
		Inspector General.
		Deputy Inspector General.
		Assistant Inspector General for Investigations.
NATIONAL TRANSPORTATION SAFETY BOARD.	Office of the Managing Director	Managing Director.
		Deputy Managing Director.
	Office of Administration	Director, Office of Administration.
	Office of Aviation Safety	Director, Bureau of Accident Investigation.
		Deputy Director, Office of Aviation Safety.
		Deputy Director, Regional Operations.
	Office of Research and Engineering	Director, Office of Research and Engineering.
		Deputy Director, Office of Research and Engineering.
	Office of Chief Financial Officer	Chief Financial Officer.
	Office of Railroad, Pipeline and Hazardous Materials Investigations.	Deputy Director, Office of Railroad, Pipeline and Hazardous Materials Safety.
		Director, Office of Railroad, Pipeline and Hazardous Materials Investigations.
	Office of Communications	Deputy Director, Office of Communications.
	Office of Highway Safety	Director, Office of Highway Safety.
	Office of Chief Information Officer	Chief Information Officer.
	Office of Marine Safety	Director, Office of Marine Safety.
NUCLEAR REGULATORY COMMISSION	Office of the Chief Financial Officer	Deputy Director, Division of Planning, Budget, and Analysis.
		Deputy Chief Financial Officer.
		Budget Director.
		Controller.
	Office of Commission Appellate Adjudication	Director, Office of Commission Appellate Adjudication.
	Office of Information Services	Director, Business Process Improvement and Applications Division.

Agency	Organization	Title
		Director, Infrastructure and Computer Operations Division.
		Director, Program Management, Policy Development and Analysis Staff.
		Director, Information and Records Services Division.
		Deputy Director, Office of Information Services.
	Computer Security Office	Chief Information Security Officer/Director, Computer Security Office.
	Office of Administration	Deputy Director, Office of Administration.
		Director, Division of Facilities and Security.
		Director, Division of Administrative Services.
		Director, Division of Contracts.
		Associate Director for Space Planning and Consolidation.
		Associate Director for Strategic Acquisitions.
	Office of Nuclear Security and Incident Response.	Deputy Director, Office of Nuclear Security and Incident Response.
		Director, Program Management, Policy Development, and Analysis Staff.
		Deputy Director, Division of Security Operations.
	Division of Security Policy	Deputy Director for Material Security.
		Deputy Director for Reactor Security and Rulemaking.
		Director, Division of Security Policy.
		Deputy Director, Division of Security Policy.
	Division of Preparedness and Response	Director, Division of Preparedness and Response.
		Deputy Director for Emergency Preparedness.
		Deputy Director for Incident Response.
	Division of Security Operations	Director, Division of Security Operations.
		Deputy Director for Security Oversight.
		Deputy Director for Security Programs.
	Office of Investigations	Deputy Director, Office of Investigations.
	Office of Small Business and Civil Rights	Director, Office of Small Business and Civil Rights.
	Office of New Reactors	Deputy Director, Office of New Reactors.
		Director, Division of Advanced Reactors and Rulemaking.
		Director, Division of Program Management, Policy Development and Analysis.
	Division of New Reactor Licensing	Director, Division of New Reactor Licensing.
		Deputy Director for Infrastructure and Policy.
		Deputy Director, Division of New Reactor Licensing (2).
		Deputy Director for Licensing Operations.
	Division of Site Safety and Environmental Analysis.	Director, Division of Site Safety and Environmental Analysis (2).
	Division of Safety Systems and Risk Assessment.	Deputy Director, Division of Safety Systems and Risk Assessment.
		Director, Division of Safety Systems and Risk Assessment.
	Division of Engineering	Director, Division of Engineering.
		Deputy Director, Division of Engineering.
	Division of Construction Inspection and Operational Programs.	Deputy Director, Division of Construction Inspection and Operational Programs.
		Director, Division of Construction Inspection and Operational Programs.
	Office of Nuclear Reactor Regulation	Deputy Director for Engineering and Corporate Support.
		Director, Program Management, Policy Development and Planning Staff.
		Director, Japan Lessons Learned Project Directorate.
		Deputy Director for Reactor Safety Programs.
		Associate Director, Japan Lessons Learned Project Directorate.
	Division of Safety Systems	Deputy Director, Division of Safety Systems.
		Director, Division of Safety Systems.
	Division of Component Integrity	Deputy Director, Division of Component Integrity.
	Division of Engineering	Director, Division of Engineering.

Agency	Organization	Title
		Deputy Director, Division of Engineering.
	Division of Risk Assessment	Director, Division of Risk Assessment.
		Deputy Director, Division of Risk Assessment.
	Deputy Director for Reactor Safety Programs	Deputy Director for Reactor Safety Programs.
	Division of License Renewal	Deputy Director, Division of License Renewal.
		Director, Division of License Renewal.
	Division of Operating Reactor Licensing	Director, Division of Operating Reactor Licensing.
		Deputy Director, Division of Operating Reactor Licensing (2).
	Division of Inspection and Regional Support	Deputy Director, Division of Inspection and Regional Support (2).
		Director, Division of Inspection and Regional Support.
	Division of Policy and Rulemaking	Director, Division of Policy and Rulemaking.
		Deputy Director, Division of Policy and Rulemaking (2).
	Office of Nuclear Material Safety and Safeguards.	Director, Program Planning, Budgeting, and Program Analysis Staff.
	Waste Confidence Directorate	Director, Waste Confidence Directorate.
	Division of Fuel Cycle Safety and Safeguards	Director, Division of Fuel Cycle Safety and Safeguards.
		Deputy Director, Fuel Facility Licensing Directorate.
		Deputy Director, Special Projects and Technical Support Directorate.
		Deputy Director, Division of Fuel Cycle Safety and Safeguards.
	Division of Spent Fuel Alternative Strategies	Deputy Director, Technical Review Directorate.
		Deputy Director, Licensing and Inspection Directorate.
		Deputy Director, Division of Spent Fuel Alternative Strategies.
		Director, Division of Spent Fuel Alternative Strategies.
	Division of Spent Fuel Storage and Transportation.	Deputy Director, Division of Spent Fuel Storage and Transportation.
		Director, Division of Spent Fuel Storage and Transportation.
		Deputy Director, Technical Review Directorate.
		Deputy Director, Licensing and Inspection Directorate.
	Office of Federal and State Materials and Environmental Management Programs.	Deputy Director, Office of Federal and State Materials and Environmental Management Programs.
		Director, Program Planning, Budgeting, and Program Analysis Staff.
	Division of Materials Safety and State Agreements.	Director, Division of Materials Safety and State Agreements.
		Deputy Director, National Materials Program Directorate.
		Deputy Director, Division of Materials Safety and State Agreements.
	Division of Intergovernmental Liaison and Rulemaking.	Director, Division of Intergovernmental Liaison and Rulemaking.
		Deputy Director, Division of Intergovernmental Liaison and Rulemaking.
	Division of Waste Management and Environmental Protection.	Director, Division of Waste Management and Environmental Protection.
		Deputy Director, Decommissioning and Uranium Recovery Licensing Directorate.
		Deputy Director, Environmental Protection and Performance Assessment Directorate.
	Office of Nuclear Regulatory Research	Director, Program Management, Policy Development and Analysis Staff.
	Division of Engineering	Deputy Director, Division of Engineering.
		Director, Division of Engineering.
	Division of Systems Analysis	Director, Division of Systems Analysis.
		Deputy Director, Division of Systems Analysis.
	Division of Risk Analysis	Director, Division of Risk Analysis.
		Deputy Director, Division of Risk Analysis.
	Region I	Deputy Director, Division of Reactor Projects.

Agency	Organization	Title
		Deputy Regional Administrator.
		Deputy Director, Division of Reactor Safety.
		Director, Division of Nuclear Materials Safety.
		Director, Division of Reactor Projects.
		Director, Division of Reactor Safety.
	Region II	Deputy Director, Division of Construction Projects.
		Director, Division of Construction Inspection.
		Deputy Director, Division of Construction Inspection.
		Deputy Director, Division of Fuel Facility Inspection.
		Deputy Director, Division of Reactor Safety.
		Director, Division of Construction Projects.
		Deputy Director, Division of Reactor Projects.
		Director, Division of Fuel Facility Inspection.
		Director, Division of Reactor Projects.
		Deputy Regional Administrator for Operations.
		Director, Division of Reactor Safety.
		Deputy Regional Administrator for Construction.
	Region III	Deputy Regional Administrator.
		Director, Division of Reactor Projects.
		Director, Division of Reactor Safety.
		Deputy Director, Division of Reactor Projects.
		Deputy Director, Division of Reactor Safety.
		Director, Division of Nuclear Materials Safety.
	Region IV	Deputy Director, Division of Reactor Projects.
		Deputy Regional Administrator.
		Director, Division of Nuclear Materials Safety.
		Director, Division of Reactor Projects.
		Director, Division of Reactor Safety.
		Deputy Director, Division of Reactor Safety.
NUCLEAR REGULATORY COMMISSION—OFFICE OF THE INSPECTOR GENERAL.	Nuclear Regulatory Commission—Office of the Inspector General.	Deputy Inspector General.
	Assistant Inspector General for Audits	Assistant Inspector General for Audits.
	Assistant Inspector General for Investigations	Assistant Inspector General for Investigations.
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.	Office of the Executive Director	Executive Director.
OFFICE OF GOVERNMENT ETHICS	Office of Government Ethics	Deputy Director for Administration and Information Management.
		Deputy Director for Agency Programs.
		Deputy Director for Government Relations and Special Projects.
		Deputy Director for Administration.
		Deputy General Counsel.
OFFICE OF MANAGEMENT AND BUDGET	Office of the Director	Associate Director for Management and Operations.
		Deputy Assistant Director for Management.
		Deputy Associate Director for Economic Policy.
		Senior Advisor to the Deputy Director for Management.
		Assistant Director for Management and Operations.
	Legislative Reference Division	Assistant Director, Legislative Reference.
		Chief, Labor, Welfare, Personnel Branch.
		Chief, Resources-Defense-International Branch.
		Chief, Economics, Science and Government Branch.
	Office of Federal Procurement Policy	Associate Administrator.
		Associate Administrator (Acquisition Policy).
		Associate Administrator for Procurement Law and Legislation.
		Associate Administrator for Acquisition Implementation.
		Deputy Administrator for Federal Procurement Policy.
		Associate Administrator.
	General Counsel	Associate General Counsel for Budget.
	Office of Information and Regulatory Affairs	Chief, Food, Health and Labor Branch.
		Chief, Statistical Policy Branch.
		Senior Advisor (2).

Agency	Organization	Title
		Chief, Health, Transportation and General Government.
		Chief, Natural Resources and Environment Branch.
		Chief, Information Policy Branch.
	Office of E-Government and Information Technology.	Chief Architect.
	Office of Federal Financial Management	Chief, Financial Integrity and Analysis Branch.
		Senior Advisor to the Director.
		Chief, Federal Financial Systems Branch.
		Chief, Financial Standards and Grants Branch.
		Chief, Accountability, Performance and Reporting Branch.
	Budget Review	Deputy Chief, Budget Review Branch.
		Chief, Budget Review Branch.
		Chief, Budget Systems Branch.
		Deputy Chief, Budget Analysis Branch.
		Deputy Assistant Director for Budget Review.
		Assistant Director for Budget Review.
		Deputy Assistant Director for Budget Analysis and Systems.
		Chief, Budget Concepts Branch.
		Chief, Budget Analysis Branch.
	International Affairs Division	Chief, State/United States International Affairs Branch.
		Deputy Associate Director for International Affairs.
		Chief, Economic Affairs Branch.
	National Security Division	Deputy Associate Director for National Security.
		Chief, Veterans Affairs and Defense Health Branch.
		Chief, Force Structure and Investment Branch.
		Chief, Command, Control, Communication, Computers and Intelligence Branch.
		Chief, Operations and Support Branch.
		Chief, Veteran Affairs Branch.
	Human Resource Programs	Senior Advisor.
		Chief, Personnel Policy Branch.
		Chief, Labor Branch.
		Deputy Associate Director for Education, Income Maintenance and Labor.
		Chief, Income Maintenance Branch.
		Deputy Associate Director, Education and Human Resources Division.
		Chief, Education Branch.
	Health Division	Chief, Health and Human Services Branch.
		Chief, Medicaid Branch.
		Chief, Health Insurance and Data Analysis Branch.
		Chief, Public Health Branch.
		Chief, Health and Financing Branch.
		Deputy Associate Director for Health.
		Chief, Medicare Branch.
	Transportation, Homeland, Justice and Services Division.	Chief, Transportation Branch.
		Chief, Justice Branch.
		Chief, Transportation/General Services Administration Branch.
		Deputy Associate Director, Transportation, Homeland, Justice and Services.
		Chief, Homeland Security Branch.
	Housing, Treasury and Commerce Division	Chief, Commerce Branch.
		Chief, Housing Branch.
		Chief, Treasury Branch.
		Deputy Associate Director for Housing, Treasury and Commerce.
	Natural Resource Programs	Senior Advisor.
	Natural Resources Division	Chief, Environment Branch.
		Chief, Interior Branch.
		Deputy Associate Director for Natural Resources.
		Chief, Agricultural Branch.

Agency	Organization	Title
	Energy, Science and Water Division	Chief, Energy Branch.
		Chief, Science and Space Programs Branch.
		Chief, Water and Power Branch.
		Deputy Associate Director for Energy and Science Division.
OFFICE OF NATIONAL DRUG CONTROL POLICY.	Office of Supply Reduction	Associate Director for Intelligence.
		Assistant Deputy Director of Supply Reduction.
	National Youth Anti-Drug Media Campaign	Associate Deputy Director for State, Local and Tribal Affairs (National Youth Anti-Drug Media Campaign).
OFFICE OF PERSONNEL MANAGEMENT	Planning and Policy Analysis	Deputy Director, Actuary.
	Facilities, Security and Contracting	Deputy Director, Facilities, Security and Contracting.
		Director, Facilities, Security and Contracting.
	Healthcare and Insurance	Assistant Director, Federal Employee Insurance Operations (2).
	Retirement Services	Deputy Associate Director, Retirement Operations.
		Associate Director, Retirement Services.
		Deputy Associate Director, Retirement Services.
	Merit System Audit and Compliance	Deputy Associate Director, Merit System Audit and Compliance.
	Federal Investigative Services	Deputy Associate Director, Operations.
	Office of the Chief Financial Officer	Associate Chief Financial Officer, Financial Services.
		Deputy Chief Financial Officer.
		Chief, Financial Officer.
	Chief Information Officer	Chief, Information Officer.
OFFICE OF PERSONNEL MANAGEMENT—OFFICE OF THE INSPECTOR GENERAL.	Office of the Inspector General	Deputy Inspector General.
	Office of Investigations	Deputy Assistant Inspector General for Investigations.
		Assistant Inspector General for Investigations.
	Office of Audits	Deputy Assistant Inspector General for Audits (2).
		Assistant Inspector General for Audits.
	Office of Legal Affairs	Assistant Inspector General for Legal Affairs.
	Office of Policy, Resources Management and Oversight.	Assistant Inspector General for Management.
OFFICE OF SPECIAL COUNSEL	Headquarters, Office of Special Counsel	Associate Special Counsel for Investigation and Prosecution.
		Chief Financial Officer and Director of Administrative Services.
		Director, Office of Planning and Analysis.
		Associate Special Counsel for Investigation and Prosecution.
		Director of Management and Budget.
		Associate Special Counsel for Planning and Oversight.
		Associate Special Counsel for Legal Counsel and Policy.
		Associate Special Counsel for Investigation and Prosecution.
		Senior Associate Special Counsel for Investigation and Prosecution.
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.	Labor	Assistant United States Trade Representative for Labor.
	Industry, Market Access and Telecommunications.	Assistant United States Trade Representative for Industry, Market Access and Telecommunications.
	South Asian Affairs	Assistant United States Trade Representative for South Asian Affairs.
RAILROAD RETIREMENT BOARD	Board Staff	Director of Policy and Systems.
		Director of Fiscal Operations.
		Chief Information Officer.
		Director of Programs.
		General Counsel.
		Assistant Inspector General for Audit.
		Chief Financial Officer.
		Assistant Inspector General for Investigations.
		Deputy General Counsel.

Agency	Organization	Title
		Director of Administration.
		Director of Field Service.
		Chief Actuary.
		Director of Hearings and Appeals.
		Chief of Technology Service.
		Director of Operations.
SELECTIVE SERVICE SYSTEM	Selective Service System	Associate Director for Operations.
	Office of the Director	Associate Director for Operations.
		Senior Advisor to the Director.
SMALL BUSINESS ADMINISTRATION	Office of the Inspector General	Counsel to the Inspector General.
		Deputy Inspector General.
	Management and Policy Division	Assistant Inspector General for Management and Policy.
	Auditing Division	Assistant Inspector General for Auditing.
	Investigations Division	Assistant Inspector General for Investigations.
	Office of the General Counsel	Associate General Counsel for Procurement Law.
		Associate General Counsel for Financial Law and Lender Oversight.
		Associate General Counsel for Litigation.
		Associate General Counsel for General Law.
	Office of Field Operations	District Director (4).
		Senior Advisor to the Deputy Associate Administrator for Field Operations.
		District Director (2).
	Office of Equal Employment Opportunity and Civil Rights Compliance.	Assistant Administrator for Equal Employment Opportunity and Civil Rights Compliance.
	Office of Hearings and Appeals	Assistant Administrator for Hearings and Appeals.
	Office of the Chief Financial Officer	Associate Administrator for Performance Management and Chief Financial Officer.
		Deputy Chief Financial Officer.
	Office of Capital Access	Deputy Associate Administrator for Capital Access.
	Office of Financial Assistance	Assistant Administrator for Portfolio Management.
		Deputy Associate Administrator for Financial Assistance.
		Director of Financial Assistance.
	Office of Surety Guarantees	Director for Surety Bonds and Guarantees Programs.
	Office of Entrepreneurial Development	Associate Administrator for Small Business Development Centers.
		Deputy Associate Administrator for Entrepreneurial Development.
	Office of Human Capital Management	Chief Human Capital Officer.
	Office of the Chief Information Officer	Deputy Chief Information Officer.
	Office of Government Contracting and Business Development.	Director of Business Development.
	Office of Hubzone Empowerment Contracting	Director of Hubzone.
	Office of Business Development	Associate Administrator for Business Development.
	Office of Policy, Planning and Liaison	Associate Administrator for Procurement Policy and Liaison.
SMALL BUSINESS ADMINISTRATION—OFFICE OF THE INSPECTOR GENERAL.	Small Business Administration—Office of the Inspector General.	Assistant Inspector General for Auditing.
		Counsel to the Inspector General.
		Assistant Inspector General for Management and Policy.
		Assistant Inspector General for Investigations.
		Assistant Inspector General for Auditing Division.
		Deputy Inspector General.
SOCIAL SECURITY ADMINISTRATION	Office of the Chief Information Officer	Deputy Chief Information Officer.
		Associate Chief Information Officer for Information Technology Investment Management.
	Office of Quality Performance	Deputy Commissioner for Quality Performance.
		Assistant Deputy Commissioner for Quality Performance.
	Office of Disability Adjudication and Review	Assistant Deputy Commissioner for Disability Adjudication and Review.
		Deputy Commissioner for Disability Adjudication and Review.

Agency	Organization	Title
	Office of Federal Reviewing Official	Chief Federal Reviewing Official.
	Office of Appellate Operations	Deputy Executive Director, Office of Appellate Operations.
		Executive Director, Office of Appellate Operations.
	Office of Medical and Vocational Expertise	Associate Commissioner for Medical and Vocational Expertise.
	Office of the Chief Actuary	Deputy Chief Actuary (Long-Range).
		Deputy Chief Actuary (Short-Range).
		Chief Actuary.
	Office of Disability Determinations	Associate Commissioner for Disability Determinations.
	Office of Personnel	Associate Commissioner for Personnel.
		Deputy Associate Commissioner for Personnel.
	Office of Civil Rights and Equal Opportunity	Associate Commissioner for Civil Rights and Equal Opportunity.
		Deputy Associate Commissioner for Civil Rights and Equal Opportunity.
	Office of Labor-Management and Employee Relations.	Associate Commissioner for Labor-Management and Employee Relations.
		Deputy Associate Commissioner for Labor-Management and Employee Relations.
	Office of Budget, Finance and Management	Assistant Deputy Commissioner for Budget, Finance and Management.
	Office of Financial Policy and Operations	Deputy Associate Commissioner for Financial Policy and Operations (Payments, Conference Management and Travel).
		Deputy Associate Commissioner, Financial Policy and Operations.
		Associate Commissioner, Office of Finance Policy and Operations.
	Office of Budget	Associate Commissioner for Budget.
		Deputy Associate Commissioner for Budget.
	Office of Acquisition and Grants	Deputy Associate Commissioner for Acquisition and Grants.
		Associate Commissioner for Acquisition and Grants.
	Office of Telecommunications and Systems Operations.	Deputy Associate Commissioner for Telecommunications and Systems Operations.
		Associate Commissioner for Telecommunications and Systems Operations.
		Assistant Associate Commissioner for Enterprise Information Technology Services Management.
	Office of Information Security	Associate Commissioner for Information Security.
	Office of General Law	Deputy Associate General Counsel for General Law.
		Associate General Counsel for General Law.
	Office of Program Law	Deputy Associate General Counsel for Program Law.
	Office of Public Disclosure	Executive Director for Public Disclosure.
SOCIAL SECURITY ADMINISTRATION—OFFICE OF THE INSPECTOR GENERAL.	Immediate Office of the Inspector General	Deputy Inspector General.
	Office of Counsel to the Inspector General	Counsel to the Inspector General.
	Office of External Relations	Assistant Inspector General for External Relations (2).
	Office of Audit	Deputy Assistant Inspector General for Audit (Program Audit and Evaluations).
		Deputy Assistant Inspector General for Audit (Financial Systems and Operations Audits).
		Assistant Inspector General for Audit.
	Office of Investigations	Assistant Inspector General for Investigations.
		Deputy Assistant Inspector General for Investigations (NIO) (2).
		Deputy Assistant Inspector General for Investigations (FO).
	Office of Technology and Resource Management.	Assistant Inspector General for Technology and Resource Management.
		Deputy Assistant Inspector General for Technology and Resource Management.
DEPARTMENT OF STATE	Office of the Legal Adviser	Assistant Legal Adviser.
	Office of the Inspector General	General Counsel to the Inspector General.
		Assistant Inspector General for Investigations.

Agency	Organization	Title
		Assistant Inspector General for Audits.
		Deputy Inspector General.
		Assistant Inspector General for Audits.
		Assistant Inspector General for Management.
		Deputy Inspector General (2).
		Deputy Assistant Inspector General for Investigations.
		Deputy Assistant Inspector General for Audits.
	Bureau of Intelligence and Research	Executive Director.
	Office of the Under Secretary for Management.	Ombudsman.
		Managing Director.
	Bureau of Administration	Director, Office of Acquisitions.
	Bureau of Human Resources	Human Resources Officer.
		Principal Deputy Assistant Secretary.
	Bureau of Consular Affairs	Director for Consular Technology.
	Bureau of International Security and Nonproliferation.	Office Director (2).
	Bureau of Political and Military Affairs	Managing Director.
		Political Advisor.
	Bureau of Arms Control, Verification, and Compliance.	Director, Office of Strategic Negotiations and Implementation.
DEPARTMENT OF STATE—OFFICE OF THE INSPECTOR GENERAL.	Office of Inspector General	General Counsel to the Inspector General.
		Assistant Inspector General for Investigations.
		Deputy Assistant Inspector General for Audits.
		Deputy Assistant Inspector General for Middle East Regional Office.
		Deputy Inspector General.
		Assistant Inspector General for Management.
		Assistant Inspector General for Audits (2).
		Deputy Assistant Inspector General for Investigations.
TRADE AND DEVELOPMENT AGENCY	Office of the Director	Assistant Director for Policy and Programs.
DEPARTMENT OF TRANSPORTATION	Office of Intelligence, Security and Emergency Response.	Director, Office of Intelligence, Security and Emergency Response.
		Deputy Director.
	Chief Information Officer	Chief Information Security Officer.
	Office of Safety, Energy and Environment	Director.
	Assistant Secretary for Budget and Programs	Chief Financial Officer.
		Deputy Chief Financial Officer.
	Assistant Secretary for Administration	Assistant Secretary for Administration.
	Office of the Senior Procurement Executive	Senior Procurement Executive.
	Administrator	Chief Financial Officer.
		Executive Director.
	Associate Administrator for Railroad Safety	Associate Administrator for Railroad Safety/Chief Safety Officer.
	Administrator	Executive Director.
	Associate Administrator for Environment and Compliance.	Associate Administrator for Environment and Compliance.
		Deputy Associate Administrator for Environment and Compliance.
	Administrator	Director of Innovative Program Delivery.
		Executive Director.
	Office of the Chief Financial Officer	Chief Financial Officer.
		Deputy Chief Financial Officer and Chief Budget Officer.
	Office of Real Estate Services	Director, Office of Real Estate Services.
	Associate Administrator for Safety	Associate Administrator for Safety.
	Office of Acquisition Management	Director, Office of Acquisition Management.
	Office of Safety Research and Development	Director, Office of Safety Research, Development and Technology.
	Administrator	Chief Financial Officer.
		Assistant Administrator/Chief Safety Officer.
	Office of Licensing and Safety Information	Director, Office for Licensing and Safety Information.
	Office of Bus and Truck Standards and Operations.	Director, Office of Bus and Truck Standards and Operations.
	Office of Enforcement and Compliance	Director, Office of Enforcement and Compliance.
	Associate Administrator for Enforcement	Associate Administrator for Enforcement.
		Director, Office of Defects Investigation.
		Director, Office of Vehicle Safety Compliance.
	Proceedings	Deputy Director, Legal Analysis.
	Office of Economic, Environmental Analysis and Administration.	Director of Economic, Environmental Analysis and Administration.

Agency	Organization	Title
	Office of Chief Safety Officer	Assistant Administrator and Chief Safety Officer.
	Office of Pipeline Safety	Deputy Associate Administrator for Field Operations.
		Deputy Associate Administrator for Policy and Programs.
		Associate Administrator for Pipeline Safety.
DEPARTMENT OF TRANSPORTATION—OFFICE OF THE INSPECTOR GENERAL.	Deputy Inspector General	Deputy Inspector General.
	Principal Assistant Inspector General for Auditing and Evaluation.	Principal Assistant Inspector General for Auditing and Evaluation.
	Assistant Inspector General for Financial and Information Technology Audits.	Assistant Inspector General for Financial and Information Technology Audits.
	Assistant Inspector General for Acquisition and Procurement Audits.	Assistant Inspector General for Acquisition and Procurement Audits.
	Assistant Inspector General for Aviation and Special Program Audits.	Assistant Inspector General for Aviation and Special Program Audits.
	Assistant Inspector General for Surface and Maritime Program Audits.	Assistant Inspector General for Highway and Transit Audits.
	Assistant Inspector General for Amtrak, High Speed Rail and Economic Analysis.	Assistant Inspector General for Amtrak, High Speed Rail and Economic Analysis.
	Deputy Assistant Inspector General for Aviation and Special Program Audits.	Deputy Assistant Inspector General for Aviation and Special Program Audits.
	Deputy Assistant Inspector General for Surface and Maritime Program Audits.	Deputy Assistant Inspector General for Highway and Transit Audits.
	Principal Assistant Inspector General for Investigations.	Principal Assistant Inspector General for Investigations.
	Assistant Inspector General for Investigations	Deputy Assistant Inspector General for Investigations.
	Assistant Inspector General for Administration	Assistant Inspector General for Administration.
	Assistant Inspector General for Legal, Legislative and External Affairs.	Assistant Inspector General for Legal, Legislative and External Affairs.
DEPARTMENT OF THE TREASURY	Fiscal Assistant Secretary	Fiscal Assistant Secretary.
		Deputy Assistant Secretary for Fiscal Operations and Policy.
		Deputy Assistant Secretary, Accounting Policy.
	Financial Management Service	Senior Advisor.
		Director, Debt Management Services Operations, West.
		Assistant Commissioner, Business Architecture.
		Deputy Assistant Commissioner, Payment Management.
		Director, Cash Management Infrastructure Group.
		Assistant Commissioner, Payment Management.
		Comptroller/Deputy Chief Financial Officer.
		Senior Advisor.
		Deputy Commissioner, Financial Services and Operations.
		Commissioner, Bureau of the Fiscal Service.
		Assistant Commissioner, Federal Finance.
		Deputy Assistant Commissioner, Debt Management Services.
		Director, Regional Financial Center (Kansas City).
		Director, Regional Financial Center (Philadelphia).
		Assistant Commissioner, Governmentwide Accounting.
		Assistant Commissioner, Financial Operations.
		Assistant Commissioner, Debt Management Services.
		Assistant Commissioner, Regional Operations.
		Assistant Commissioner, Management, Chief Financial Officer.
		Director, Revenue Collection Group.
		Deputy Commissioner, Financial Management Service.

Agency	Organization	Title
		Commissioner, Financial Management Service.
		Assistant Commissioner, Information Resources.
		Director, Regional Financial Center (San Francisco).
		Director, Regional Financial Center (Austin).
		Assistant Commissioner, Governmentwide Accounting Operations.
		Deputy Chief Information Officer.
		Director, Cash Management Enterprise Architecture.
		Deputy Assistant Commissioner, Governmentwide Accounting.
		Director, Information Services Directorate.
	Bureau of the Public Debt	Deputy Assistant Commissioner, Financing.
		Assistant Commissioner, Office of Management Services.
		Deputy Commissioner, Finance and Administration.
		Deputy Commissioner, Accounting and Shared Services.
		Executive Director, Do Not Pay Staff.
		Deputy Assistant Commissioner, Office of Retail Securities.
		Deputy Assistant Commissioner, Office of Information and Security Services.
		Assistant Commissioner, Office of Retail Securities.
		Senior Advisor.
		Deputy Executive Director, Administrative Resources Center.
		Assistant Commissioner, Public Debt Accounting.
		Assistant Commissioner, Office of Information Technology.
		Executive Director, Government Securities Regulations.
		Commissioner of the Public Debt.
		Deputy Commissioner of the Public Debt.
		Executive Director, Administrative Resource Center.
		Assistant Commissioner, Financing.
	Assistant Secretary for Financial Institutions	Deputy Director, Federal Insurance Office.
		Director, Federal Insurance Office.
	Assistant Secretary for Terrorist Financing	Director, Executive Office for Asset Forfeiture.
	Financial Crimes Enforcement Network	Executive Advisor.
		Director, Financial Crimes Enforcement Network.
		Deputy Director.
		Associate Director, Analysis and Liaison Division.
		Chief Counsel, Financial Crimes Enforcement Network.
		Deputy Associate Director, Compliance and Enforcement Programs.
		Associate Director, International.
		Associate Director, Management Programs Division.
		Associate Director, Technology Solutions and Services Division/Chief Information Officer.
		Associate Director, Regulatory Policy and Programs Division.
	Assistant Secretary for Intelligence and Analysis.	Deputy Assistant Secretary for Security.
	Inspector General	Deputy Assistant Inspector General for Audit (Program Audits).
		Deputy Assistant Inspector General for Investigations.
		Counsel to the Inspector General.
		Deputy Assistant Inspector General for Audit (Financial Management).
		Assistant Inspector General for Management Services.

Agency	Organization	Title
	Treasury Inspector General for Tax Administration.	Assistant Inspector General for Audit.
		Assistant Inspector General for Investigations.
		Senior Technical Advisor to the Inspector General.
		Assistant Inspector General for Investigations (Field Operations).
		Assistant Inspector General for Audit (Wage and Investment).
		Assistant Inspector General for Audit (Small Business and Corporate Entities).
		Assistant Inspector General for Investigation.
		Assistant Inspector General for Audit (Headquarters Operations).
		Deputy Inspector General for Audit.
		Counsel to the Treasury Inspector General for Tax Administration.
		Deputy Assistant Inspector General for Investigations.
		Deputy Inspector General for Inspections and Evaluations.
		Deputy Inspector General.
		Associate Inspector General for Mission Support.
		Deputy Inspector General for Investigations.
		Assistant Inspector General for Audit (Information Systems Programs).
	Assistant Secretary (Tax Policy)	Deputy Director and Chief Economist.
		Director, Economic Modeling and Computer Applications.
	Alcohol and Tobacco Tax and Trade Bureau	Deputy Administrator, Alcohol and Tobacco Tax and Trade Bureau.
		Assistant Administrator, Field Operations.
		Assistant Administrator, Headquarter Operations.
		Assistant Administrator, Management/Chief Financial Officer.
		Administrator, Alcohol and Tobacco Tax and Trade Bureau.
		Assistant Administrator, Information Resources/Chief Information Officer.
	Assistant Secretary for Management	Director, Office of Minority and Women Inclusion.
		Director, Office of Procurement.
		Deputy Chief Financial Officer.
	Internal Revenue Service	Director, Exempt Organizations Examinations.
		Director, Communications, Technology and Media Industry—Large and Mid-Size Business.
		Director, Personnel Policy.
		Director, Field Operations, Communications, Technology and Media—Northwest.
		Special Agent In-Charge, Los Angeles.
		Commissioner, Wage and Investment.
		Director, Human Resources—Small Business and Self Employed.
		Senior Counselor to the Commissioner (Tax Administration, Practice and Professional Responsibility).
		Area Director, Stakeholder Partnership Education and Communication.
		Director, Field Specialists—Large and Mid-size Business.
		Director, Field Operations, Special—Wage and Investment.
		Director, Real Estate and Facilities Management.
		Project Director (42).
		Director of Research.
		Director, Compliance Systems Division.
		Director, Program Analysis Customer Account Services—Wage and Investment.
		Director, Compliance Area.
		Division Information Officer—Large and Mid-Size Business.

Agency	Organization	Title
		Director, Operations.
		Area Director, Field Assistance (San Francisco)—Wage and Investment.
		Director, Exempt Organizations, Rulings and Agreements.
		Director, Detroit Computing Center.
		Director, Portfolio Management.
		Director of Compliance, Atlanta—Wage and Investment.
		Deputy Director, Procurement.
		Director, Taxpayer Education and Communication Area, St Louis—Small Business and Self Employed.
		Area Director, Stakeholder, Partnership, Education, and Communication, Dallas—Wage and Investment.
		Director, Compliance Area, Baltimore—Small Business and Self Employed.
		Director, Procurement.
		Director, Taxpayer Education Area, Chicago—Small Business and Self Employed.
		Deputy Associate Commissioner, Systems Integration.
		Director, Compliance Area, Dallas—Small Business and Self Employed.
		Director, Media and Publications.
		Project Director.
		Director, Internet Development Services.
		Director, Strategic Services.
		Director, Compliance Area.
		Director, Compliance Area, Oakland—Small Business and Self-Employed.
		Director, Statistics of Income.
		Executive Director, Systemic Advocacy—National Taxpayer Advocate.
		Director, Mission Assurance.
		Compliance Service Field Director, Andover—Wage and Investment.
		Director, Security Policy, Support and Oversight.
		Director, Field Assistance Area.
		Accounts Management Field Director, Fresno—Wage and Investment.
		Director of Field Operations, New York—Large and Mid-Size Business.
		Associate Chief Financial Officer for Internal Financial Management—National Headquarters.
		Director, Pre-Filing and Technical Guidance.
		Director, Compliance Area—Denver, Small Business and Self Employed.
		Submission Processing Field Director—Fresno, California.
		Area Director, Stakeholder, Partnership, Education and Communication.
		Associate Chief Financial Officer for Corporate Strategy.
		Director, Strategic Planning and Program Management.
		Accounts Management Field Director.
		Director, Customer Account Manager.
		Director, Safety and Security.
		Deputy Director, Enterprise Operations Services.
		Director, Enterprise Operations Services.
		Director, Corporate Data and Systems Management Division.
		Deputy Director, Business Systems Development Division.
		Director, Management Services.
		Director, Change Management and Release Management.
		Director, Professional Responsibility.
		Director, Strategy and Finance, Appeals.

Agency	Organization	Title
		Compliance Service, Field Director—Atlanta.
		Director, Strategy and Finance.
		Director, Management and Support.
		Director, Product Assurance.
		Submission Processing Field Director—Austin.
		Deputy Chief, Appeals.
		Deputy Director, Submission Processing, Cincinnati—Small Business and Self Employed.
		Chief, Information Technology Services.
		Director, Strategy, Research and Performance Management.
		Area Director, Stakeholder, Partnership, Education and Communications—New Orleans.
		Director, Compliance , Detroit—Small Business and Self Employed.
		Director, Business Systems Planning—Large and Mid-Size Business.
		Project Director—Appeals.
		Industry Director—Financial Services—Large and Mid-Size Business.
		Director, Performance, Quality and Innovation—Large and Mid-Size Business.
		Deputy Director, Pre-filing and Technical Guidance.
		Director, Equal Employment Opportunity and Diversity.
		Director, Tax Exempt Bonds.
		Compliance Service Field Director, Austin—Wage and Investment.
		Director, Taxpayer Education and Communication—Small Business and Self Employed.
		Director, Government Entities.
		Accounts Management Field Director, Austin—Wage and Investment.
		Deputy Director, Submission Processing.
		Deputy Division Commissioner, Tax Exempt and Government Entities.
		Compliance Service Field Director—Kansas City.
		Director, Personnel Services.
		Executive Director, Equity, Diversity, and Inclusion.
		Director, Legislative Affairs Division.
		Area Director, Western.
		National Director of Appeals.
		Compliance Service Field Director—Philadelphia.
		Submission Processing Field Director—Andover.
		Submission Processing Field Director—Atlanta.
		Director, Field Operations (Financial Services), Laguna Niguel.
		Director, Research, Analysis and Statistics of Income.
		Director, Field Assistance—Wage and Investment.
		Director, Strategy and Finance—Wage and Investment.
		Director, Field Assistance Area (Phoenix)—Wage and Investment.
		Director, Communication, Assistance, Research and Education.
		Director, Customer Account Services—Wage and Investment.
		Director, Submission Processing (Cincinnati)—Wage and Investment.
		Accounts Management Field Director—Andover.
		Accounts Management Field Director, Fresno.

Agency	Organization	Title
		Submission Processing Field Director—Philadelphia.
		Deputy National Taxpayer Advocate.
		Commissioner, Tax Exempt and Government Entities Division.
		Deputy Chief, Agencywide Shared Services.
		Industry Director, Heavy Manufacturing and Pharmaceuticals.
		Chief, Management and Finance—Large and Mid-Size Business.
		Director, Exempt Organizations.
		Director, Human Resources—Wage and Investment.
		Director, Employee Plans.
		Director of Field Operations (Southeast Area)—Criminal Investigation.
		Associate Chief Information Officer for Management and Finance.
		Area Director, Field Assistance.
		Director, Office of Information Technology Acquisition.
		Deputy Director, Enterprise Operations Services.
		Director, Financial Management Services.
		Assistant Deputy Commissioner for Services and Enforcement.
		Director, Internal Management Systems Development Division.
		Deputy Chief Financial Officer.
		Project Director, Employee Tax Compliance.
		Director, Business Systems Planning.
		Deputy Associate Chief Information Officer, Business Systems Development.
		Project Director, Office of Professional Responsibility.
		Chief, Communications and Liaison.
		Director of Field Operations.
		Associate Chief Information Officer for Information Technology Services.
		Director, Employment, Talent and Security.
		Director, Operational Readiness.
		Director, Technical Systems Software.
		Director, Tax Forms and Publications.
		Director, Development Services.
		Director, Compliance Area.
		Director, Compliance Area.
		Director, Technical Services.
		Area Director, Field Assistance.
		Director, Enterprise Operations Services.
		Director, Research.
		Director, Employee Plan Determination Letter Redesign.
		Director, Regulatory Compliance.
		Chief, Criminal Investigation.
		Director, Strategy, Program Management and Personnel Security.
		Chief Financial Officer, Internal Revenue Service.
		Chief, Mission Assurance and Security Services.
		Director, Operations Policy and Support.
		Director, Stakeholder, Partnership, Education and Communications.
		Director, Competitive Sourcing.
		Assistant Deputy Commissioner for Operations Support.
		Chief Human Capital Officer, Internal Revenue Service.
		Director, Financial Management Services.
		Director, Strategy, Criminal Investigations.
		Assistant to Director, Real Estate and Facilities Management.
		Information Technology Manager, Policy and Planning.

Agency	Organization	Title
		Chief Information Officer.
		Commissioner, Large and Mid-Sized Business Division.
		Commissioner, Small Business and Self Employed.
		Compliance Service Field Director.
		Project Manager.
		Deputy Commissioner, Operations Support.
		Chief of Staff, Internal Revenue Service.
		Field Director, Accounts Management, Wage and Investment.
		Director, Reporting Compliance.
		Deputy Director, Office of Professional Responsibility.
		Director, Accounts Management, Wage and Investment.
		Director, Media and Publications Distribution Division.
		Director, Field Operations, East, Appeals.
		Director, Field Operations, West, Appeals.
		Area Director, Information Technology.
		Director, Business Systems Planning.
		Deputy Director, Taxpayer Education and Communication.
		Deputy Chief, Criminal Investigation.
		Director, Taxpayer Education Area—Los Angeles.
		Director, Field Operations.
		Director, Abusive Transactions.
		Director, Examination Policy.
		Director, Examination Area.
		Director, Collection Area (6).
		Director, Collection Business Reengineering.
		Director, Planning and Analysis.
		Director, Collection Policy.
		Modernization Executive.
		Director, Taxpayer Education and Communication Field Operations.
		Director, Criminal Investigation Technology Operations and Investigative Services.
		Director, Collection.
		Director, Workforce Relations.
		Submission Processing Field Director.
		Director, Collection Area.
		Deputy Chief Human Capital Officer, Internal Revenue Service.
		Director, Compliance Services Campus Operations.
		Area Director of Information Technology.
		Submission Processing Field Director.
		Director, Media and Publications Distribution Division.
		Director, Office of Privacy and Information Protection.
		Director, Refund Crimes.
		Accounts Management Field Director.
		Director, Filing and Payment Compliance.
		Director, Joint Operations Center.
		Director, Examination Operations Support.
		Senior Advisor, Information Systems Current Processing Environment Security.
		Director, Emergency Management Programs.
		Director of Field Operations (2).
		Director, Advisory, Insolvency and Quality.
		Director, Field Operations.
		Director, Employee Support Services.
		Deputy Commissioner, Small Business/Self-Employed.
		Associate Chief Financial Officer for Revenue and Financial Management.
		Project Director (Business Requirements).
		Director, Operational Assurance.
		Deputy Division Commissioner.
		Deputy Director, Field Specialists.

Agency	Organization	Title
		Director, Leadership and Education.
		Accounts Management Field Director.
		Director, Filing Systems.
		Deputy Director, Procurement.
		Special Agent In-Charge.
		Project Director—Small Business and Self Employed.
		Director, Internet Development Services.
		Deputy Director, Office of Professional Responsibility.
		Deputy Director, Operation Standards.
		Director, Field Operations-Heavy Manufacturing and Transportation.
		Director, Product Assurance.
		Compliance Service Field Director.
		Project Director, Small Business and Self Employed—Transition Executive.
		Submission Processing Field Director.
		Accounts Management Field Director.
		Compliance Service Field Director.
		Director, Field Operations-Natural Resources and Construction.
		Director, Field Operations-Financial Services.
		Director, Program Control and Process Management.
		Deputy Director, Electronic Tax Administration.
		Business Modernization Executive.
		Accounts Management Field Director.
		Deputy Commissioner, Large and Mid-Size Business, International.
		Director, Field Operations.
		Director, Contact Center Support Division.
		Director, Network Architecture, Engineering and Voice.
		Director, Capital Planning and Investment.
		Project Director, Technology Operations and Investigative Services.
		Director, E-File Systems.
		Director, Cyber Security Operations.
		Deputy Director, Field Assistance.
		Industry Director, Natural Resources and Construction.
		Director, Examination Planning and Delivery.
		Associate Chief Financial Officer for Corporate Planning and Internal Control.
		Associate Chief Financial Officer for Corporate Budget.
		Deputy Chief, Mission Assurance and Security Services.
		Director, Workforce Progression and Management.
		Director, Customer Relationship and Integration.
		Director, Emergency Management Programs.
		Director, Fraud/Bank Secrecy Act.
		Director, Burden Reduction and Compliance Strategies.
		Special Agent In-Charge.
		Director, Strategy, Research and Program Planning.
		Director, Field Operations.
		Project Director, Collection.
		Director, Stakeholder Liaison Field.
		Director, Research.
		Director, Communications and Stakeholder Outreach.
		Director, Correspondence Production Services.
		Area Director, Southeast.
		Director, Data Management.
		Director, Field Operations.
		Deputy Director, Accounts Management.
		Chief, Agency-Wide Shared Services.

Agency	Organization	Title
		Director, Employee Plans, Rulings and Agreements.
		Director, Campus Collection Compliance.
		Director, Examination Area (6).
		Accounts Management Field Director (4).
		Submission Processing Field Director.
		Director, Special Programs and Oversight.
		Director, Strategy and Resource Management.
		Director, Compliance Campus Operations (5).
		Director, Specialty Programs.
		Director, Technical Services.
		Deputy Commissioner (Domestic), Large Business and International.
		Executive Director, Case Advocacy.
		Director, Campus Compliance Services.
		Project Director, Security and Law Enforcement.
		Director, Online Fraud Detection and Prevention.
		Deputy Associate Chief Information Officer, End User Equipment and Services.
		Project Director, Private Debt Collection.
		Associate Chief Information Officer, Enterprise Networks.
		Field Director, Accounts Management.
		Director, Office of Privacy, Information Protection and Data Security.
		Director, Operational Security Program.
		Senior Advisor, Operational Information.
		Director, Enterprise Networks Operations.
		Associate Chief Information Officer, Cybersecurity.
		Submission Processing Field Director.
		Director, Earned Income and Health Coverage Tax Credits.
		Director, Office of Taxpayer Burden.
		Director, Personnel Security.
		Director, Treaty Administration and Tax Advisory Services.
		Director, Office of Program Evaluation and Risk Analysis.
		Accounts Management Field Director.
		Director, Information Technology Security Engineering.
		Director, Information Technology Infrastructure.
		Director, Examination Area, Boston.
		Associate Chief Information Officer, Applications Development.
		Director, Field Operations.
		Supervisory Criminal Investigator (Project Director).
		Director, Office of Professional Responsibility.
		Director, Office of Communications.
		Director, Field Operations.
		Director, Whistleblower Office.
		Director, Program Management and Technology.
		Director, Product and Partnership Development.
		Director, Portal Program Management.
		Director, Business Systems Planning.
		Special Agent In-Charge.
		Director, International Compliance, Strategy and Policy.
		Director, Management Services and Security.
		Director, Reporting Compliance.
		Deputy Commissioner, Services and Enforcement.
		Director, Enterprise Systems Testing.
		Deputy Associate Chief Information Officer, Applications Development.
		Director, Corporate Data.

Agency	Organization	Title
		Director, Individual Master File.
		Director, Project Services.
		Director, Internal Management.
		Director, Submission Processing.
		Deputy Director, Submission Processing.
		Director, Client Services Division.
		Director, Customer Applications Development.
		Accounts Management Field Director.
		Director, Earned Income and Health Coverage Tax Credits.
		Director, Centers of Excellence.
		Deputy Director, Customer Relationships and Integration.
		Deputy Commissioner for Support, Wage and Investment.
		Director, Global High Wealth Industry.
		Associate Chief Information Officer for Enterprise Operations.
		Director, Management Services.
		Director, Business Systems Planning.
		Director, Compliance Campus Operations.
		Deputy Director, Enterprise Systems Testing.
		Deputy Director, Employment, Talent and Security.
		Associate Chief Information Officer, Strategy and Planning.
		Deputy Commissioner for Operations, Wage and Investment.
		Director, Individual Master Files.
		Director, Strategy and Capital Planning.
		Senior Advisor to the Deputy Commissioner (Operations Support).
		Director, Appeals Policy and Valuation.
		Deputy Associate Chief Information Officer for Cybersecurity.
		Counselor.
		Director, Capital Planning and Investment.
		Project Director, Customer Account Data Engine.
		Director, Planning, Research and Analysis.
		Deputy Director, Submission Processing.
		Special Assistant to the Associate Chief Information Officer for Applications Development.
		Deputy Director, Program Management.
		Director, Collection Policy.
		Deputy Division Counsel #2 (Operations)/Small Business and Self Employed.
		Director, Service Delivery Management.
		Project Director, Taxpayer Communication.
		Director, Program Integration.
		Deputy Associate Chief Information Officer.
		Project Director, Workforce of Tomorrow.
		Director, Enterprise Voice Networks.
		Director, Continuity Operations.
		Deputy Director, Electronic Tax Administration and Refund Credits.
		Special Assistant to the Deputy Commissioner for Services and Enforcement.
		Deputy Chief of Staff.
		Director, Filing and Payment Compliance.
		Submission Processing Field Director.
		Director, Enforcement.
		Director, Collection Area.
		Senior Advisor to Associate Chief Information Officer (Enterprise Network).
		Director, Business Rules and Requirements Management.
		Deputy Chief Information Officer for Operations.
		Director, Field Operations (East).
		Director, Retail, Food, Pharmaceutical and Health Care.

Agency	Organization	Title
		Deputy Director, Customer Account Data Engine.
		Special Agent In-Charge—Criminal Investigation.
		Director, Development Services.
		Field Director, Accounts Management.
		Director, Stakeholder, Partnerships, Education and Communications.
		Director, Reporting Compliance.
		Director, Infrastructure Architecture and Engineering.
		Director, Data Strategy Implementation.
		Director, Cyber Security Policy and Programs.
		Associate Chief Information Officer, End User Equipment and Services.
		Project Director.
		Deputy Associate Chief Information Officer, Enterprise Operations.
		Director, Electronic Tax Administration.
		Director, Program Management.
		Director, Business Modernization.
		Director, Examination Area.
		Director, Implementation Oversight.
		Director, Information Technology Technical Director.
		Director, Campus Compliance Operations.
		Director, Examination Area.
		Director, Enterprise Collection Strategy.
		Director, Transition State 2 Program Management.
		Director, Field Operations, International Business Compliance (West).
		Director, Field Operations, Field Specialists (East).
		Compliance Services Field Director.
		Director, Return Preparer Office.
		Deputy Director, Pre-Filing and Technical Guidance.
		Deputy Director, Strategy and Finance.
		Director, Examination Operations Support.
		Director, Operations Service Support.
		Deputy Commissioner, Operations Support.
		Associate Chief Information Officer, Affordable Care Act—Program Management Office.
		Chief Engineer.
		Deputy Associate Chief Information Officer for Applications.
		Deputy Associate Chief Information Officer for Enterprise Networks.
		Director, Examination Policy.
		Area Director, Stakeholder Partnership, Education and Communication (2).
		Director, Refund Crimes.
		Area Director, Field Assistance.
		Director, Transfer Pricing Operations.
		Director, International Operations.
		Deputy Director, Research, Analysis and Statistics.
		Director, Program Strategy and Integration.
		Director, Field Operations, Retailers, Food, Transportation and Healthcare (East).
		Director, International Business Compliance.
		Director, Collection Area.
		Deputy Associate Chief Information Officer for Enterprise Services.
		Director, Field Operations, Field Specialists (West).
		Director, Cade 2 Database.
		Director, Accounts Management Services.
		Deputy Director, Portal Program Management.
		Director, Filing and Payment Compliance.
		Director, Large Systems and Storage Infrastructure Division.

Agency	Organization	Title
		Director, Business Performance Solutions.
		Director, Earned Income Tax Credit.
		Director, E-File Systems.
		Director, Real Estate and Facilities Operations.
		Accounts Management Field Director.
		Director, Customer Service.
		Director, Telecommunications Center of Excellence.
		Director, Examination Area.
		Area Director, Field Assistance.
		Director, Server, Middleware and Test Systems Infrastructure Division.
		Director, Requirements and Demand Management.
		Field Director, Compliance Services.
		Director, Headquarters Operations.
		Deputy Director, Enterprise Architecture.
		Field Director, Compliance Services (Atlanta).
		Director, Collection Area, Gulf States.
		Director, Financial Management Services.
		Deputy Chief of Staff.
		Director, Delivery Management.
		Senior Advisor to the Deputy Commissioner for Services and Enforcement.
		Director, Privacy and Information Protection.
		Director, International Data Management.
		Director, Customer Service Support.
		Director, Strategy, Research and Program Planning.
		Area Director, Stakeholder, Partnerships, Education and Communication.
		Director, Program Strategy and Integration.
		Director, Compliance Strategy and Policy.
		Director, Technical Services.
		Director, Data Delivery Services.
		Deputy Associate Chief Information Officer, Affordable Care Act Program Management Office.
		Director, Examination Policy.
		Director, Strategic Supplier Management.
		Director, Transfer Pricing Operations.
		Director, Infrastructure and Portal Programs.
		Director, Collection Area (California).
		Director, Exempt Organizations Examination.
		Director, Leadership, Education and Development.
		Director, Business Relationship and Service Delivery.
		Director, Examination Area (North Atlantic).
		Executive Director, Investigative and Enforcement Services.
		Executive Director, Investigative and Enforcement Operations.
		Director, Large Systems and Storage Infrastructure Division.
		Director, Filing and Payment Compliance.
		Director, Contact Center Support Division.
		Director, Field Operations, Retail Food, Pharmaceuticals and Healthcare (West).
		Director, Cybersecurity Policy and Programs.
		Director, Return Integrity and Correspondence Services.
		Director, Advanced Pricing and Mutual Agreement.
		Director, Product Management.
		Associate Chief Financial Officer, Corporate Planning and Internal Control.
		Director, International Individual Compliance.
		Director, Customer Service Support.
		Director, Abusive Transactions and Technical Issues.
		Deputy Director, Office of Professional Responsibility Operations.

Agency	Organization	Title
		Director, Examination Area.
		Accounts Management Field Director.
		Director, Campus Compliance Operations.
		Director, Collection Area.
		Director, Field Operations, Natural Resources and Construction (West).
		Field Director, Submission Processing.
		Director, Information Technology Transition Initiatives.
		Assistant Deputy Commissioner (International).
		Director, Filing and Premium Tax Credit.
		Director, Field Operations, International Business Compliance.
		Accounts Management Field Director.
		Deputy Director, Return Preparer Office.
		Director, Compliance Campus Operations.
		Deputy Commissioner for Support, Wage and Investment.
		Director, Filing and Payment Compliance.
		Director, Tax Forms and Publications.
		Director, Customer Service and Stakeholders.
		Deputy Associate Chief Financial Officer for Financial Management.
		Director, Business Services and Management.
		Director, Portfolio Control and Performance.
		Director, Real Estate and Facilities Operations.
		Executive Director, Systems Advocacy.
		Area Director, Field Assistance (Area 1).
		Area Director, Field Assistance (Area 2).
		Director, Network Engineering.
		Director, Enforcement.
		Director, Shared Support.
		Director, Field Operations, Engineering.
		Director of Field Operations, Heavy Manufacturing and Pharmaceuticals (Southeast).
		Director, Collection Strategy and Organization.
		Executive Director, Business Modernization.
		Area Director, Stakeholder, Partnership, Education and Communication.
		Director, Business Planning and Risk Management.
		Director, Implementation and Testing.
		Director, Campus Operations.
		Director, Business Reengineering.
		Director, Campus Compliance Operations.
		Project Director, Extension Legislation.
		Compliance Services Field Director.
		Submission Processing Field Director.
		Director, Service Delivery Management.
		Director, Detroit Program Management Office.
	Internal Revenue Service Chief Counsel	Deputy Division Counsel (Technical), Large Business and International.
		Deputy Associate Chief Counsel (International Field Service and Litigation).
		Senior Counsel to the Chief Counsel (Legislation).
		Director, Employee Plans Examinations.
		Special Counsel to the Chief Counsel.
		Deputy Division Counsel and Deputy Associate Chief Counsel (Tax Exempt and Government Entities).
		Deputy Division Counsel/Deputy Associate Chief Counsel.
		Assistant Chief Counsel (International), Litigation.
		Associate Chief Counsel (Financial Institutions and Products).
		Associate Chief Counsel (Finance and Management).
		Associate Chief Counsel (International).
		Deputy Chief Counsel (Operations).

Agency	Organization	Title
		Deputy Chief Counsel (Technical).
		Associate Chief Counsel/Operating Division Counsel (Tax Exempt and Government Entities).
		Deputy Associate Chief Counsel (International Technical).
		Special Counsel to the National Taxpayer Advocate.
		Associate Chief Counsel (General Legal Services).
		Deputy Associate Chief Counsel (General Legal Services).
		Assistant Chief Counsel (Administrative Provisions and Judicial Practice).
		Associate Chief Counsel (Corporate).
		Associate Chief Counsel (Procedure and Administration).
		Assistant Chief Counsel (Disclosure and Privacy Law).
		Assistant Chief Counsel (Collection, Bankruptcy and Summonses).
		Deputy Division Counsel/Deputy Assistant Chief Counsel (Criminal Tax).
		Associate Chief Counsel (Income Tax and Accounting).
		Deputy Associate Chief Counsel (Procedure and Administration).
		Associate Chief Counsel (Pass-through and Special Industries).
		Deputy Division Counsel (Large and Mid-Size Business).
		Deputy Associate Chief Counsel (Corporate).
		Deputy Associate Chief Counsel #2 (Pass-through and Special Industries).
		Division Counsel (Large and Mid-Size Business).
		Deputy Associate Chief Counsel #2 (Income Tax and Accounting).
		Area Counsel (Large and Mid-Size Business—Area 3, Food, Mass Retailers and Pharmaceuticals).
		Division Counsel (Small Business and Self Employed).
		Division Counsel/Associate Chief Counsel (Criminal Tax).
		Deputy Associate Chief Counsel #1 (Income Tax and Accounting).
		Area Counsel (Small Business and Self Employed, Area 7).
		Area Counsel (Small Business and Self Employed—Los Angeles).
		Area Counsel (Small Business and Self Employed—Denver).
		Area Counsel (Small Business and Self Employed).
		Area Counsel (Small Business and Self Employed—Chicago).
		Area Counsel (Small Business and Self Employed—Jacksonville).
		Area Counsel (Small Business and Self Employed—Philadelphia).
		Area Counsel (Small Business and Self Employed)—New York.
		Deputy Division Counsel (Small Business and Self Employed).
		Area Counsel (Large and Mid-Size Business—Area 5, Communications, Technology and Media).
		Area Counsel (Large and Mid-Size Business—Area 4, Natural Resources).
		Area Counsel (Large and Mid-Size Business—Area 2, Heavy Manufacturing, Construction and Transportation).

Agency	Organization	Title
		Deputy Associate Chief Counsel (Finance and Management).
		Deputy Associate Chief Counsel #1 (Pass-through and Special Industries).
		Area Counsel (Large and Mid-Size Business—Area 1, Financial Services and Health Care).
		Deputy Division Counsel/Deputy Associate Chief Counsel (Tax Exempt and Government Entities).
		Deputy Associate Chief Counsel (General Legal Services—Labor and Personnel Law).
		Deputy Associate Chief Counsel (Strategic International Programs).
		Division Counsel (Wage and Investment).
		Deputy Associate Chief Counsel (Financial Institutions and Products).
		Deputy to the Special Counsel to the Chief Counsel.
		Special Counsel to the Chief Counsel.
		Area Counsel, (Small Business and Self Employed, Area 9).
	United States Mint	Chief Administrative Officer.
		Associate Director for Systems Integration.
		Associate Director for Workforce Solutions.
		Plant Manager, Philadelphia.
		Associate Director for Information Technology (Chief Information Officer).
		Senior Advisor.
		Associate Director for Manufacturing.
		Associate Director for Sales and Marketing.
		Associate Director for Financial Management/Chief Financial Officer.
		Plant Manager.
DEPARTMENT OF THE TREASURY—OFFICE OF THE INSPECTOR GENERAL.	Immediate Office	Special Deputy Inspector General for Small Business Lending Fund.
		Deputy Inspector General.
	Office of Counsel	Counsel to the Inspector General.
	Office of Management	Assistant Inspector General for Management.
	Office of Audit	Deputy Assistant Inspector General for Audit (Program Audits).
		Deputy Assistant Inspector General for Audit (Financial Management).
		Assistant Inspector General for Audit.
	Office of Investigations	Deputy Assistant Inspector General for Investigations.
		Chief Investigative Counsel.
DEPARTMENT OF THE TREASURY, SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.	Department of the Treasury, Special Inspector General for the Troubled Asset Relief Program.	Assistant Deputy Special Inspector General for Audit and Evaluation.
		Deputy Special Inspector General, Operations.
		Deputy Special Inspector General, Audit.
		Chief Counsel for SIGTARP.
		Deputy Special Inspector General for Investigations.
		Assistant Deputy Special Inspector General for Investigations.
DEPARTMENT OF THE TREASURY, TAX ADMINISTRATION—OFFICE OF THE INSPECTOR GENERAL.	Department of the Treasury, Tax Administration—Office of the Inspector General.	Chief Counsel.
		Associate Inspector General for Mission Support.
		Assistant Inspector General for Investigations (2).
		Deputy Inspector General for Investigations.
		Assistant Inspector General Compliance and Enforcement Operations.
		Assistant Inspector General, Management Planning and Workforce Development.
		Assistant Inspector General, Returns Processing and Accounting Services.
		Assistant Inspector General for Audit, Management Services and Exempt Organizations.
		Deputy Inspector General for Audit.
		Deputy Counsel to the Inspector General.

Agency	Organization	Title
		Assistant Inspector General for Investigations.
		Deputy Assistant Inspector General for Investigations.
		Chief Information Officer.
		Assistant Inspector General for Management, Planning and Workforce Development.
		Chief Information Officer.
		Assistant Inspector General for Audit, Compliance and Enforcement Organizations.
		Deputy Assistant Inspector General for Investigations.
		Deputy Inspector General for Inspections and Evaluations.
		Principal Deputy Inspector General.
		Assistant Inspector General for Investigations.
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.	United States Agency for International Development.	Assistant General Counsel for Democracy, Conflict and Humanitarian Assistance.
	Office of the Inspector General	Deputy Inspector General.
		Deputy Assistant Inspector General for Audit.
		Counselor to the Inspector General.
		Assistant Inspector General for Management.
		Supervisory Criminal Investigator.
		Assistant Inspector General for Millennium Challenge Corporation.
	Office of Security	Director, Office of Security.
	Office of Small and Disadvantaged Business Utilization.	Director, Office of Small and Disadvantage Business Utilization.
	Office of Civil Rights and Diversity	Equal Opportunity Officer.
	Bureau for Democracy, Conflict and Humanitarian Assistance.	Deputy Assistant Administrator.
		Deputy Director, Office of Foreign Disaster Assistance.
		Deputy Director, OMA.
	Bureau for Global Health	Deputy Assistant Administrator of Bureau for Global Health.
		Deputy Assistant Administrator.
	Bureau for Africa	Deputy Assistant Administrator, Bureau for Africa.
	Bureau for Management	Deputy Director for OAA Policy, Support and Evaluation.
		Deputy Director, OAA Operations.
		Director, Office of Administrative Service.
		Deputy Director, Office of Management, Policy, Budget and Performance.
		Chief Information Officer.
		Deputy Assistant Administrator.
		Director, Office of Management, Policy, Budget and Performance.
		Deputy Chief Financial Officer (2).
		Deputy Controller.
	Bureau for Foreign Assistance	Senior Coordinator.
UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT—OFFICE OF THE INSPECTOR GENERAL.	United States Agency for International Development—Office of the Inspector General.	Deputy Inspector General.
UNITED STATES INTERNATIONAL TRADE COMMISSION.	Office of External Relations	Director, Office of External Relations.
	Office of Industries	Director, Office of Industries.
	Office of Investigations	Director, Office of Investigations.
DEPARTMENT OF VETERANS AFFAIRS	Office of the Secretary and Deputy	Director, Office of Employment Discrimination Complaint Adjudication.
		Executive Director.
	Office of Acquisitions, Logistics and Construction.	Associate Chief Facilities Management Officer for Strategic Management.
		Executive Director, Construction and Facilities Management.
		Associate Chief Facilities Management Officer for Service Delivery.
		Director, Facilities Engineering Operations and Support.
		Associate Chief Facilities Management Officer for Resource Management.
		Director, Facilities, Programs and Plans.
		Director, Facilities Acquisition Support.
		Executive Director.

Agency	Organization	Title
		Associate Executive Director, Strategic Acquisition Center.
	Office of Acquisition and Material Management.	Deputy Assistant Secretary for Acquisition and Material Management.
		Associate Deputy Assistant Secretary for Acquisition Program Support.
		Associate Deputy Assistant Secretary for Acquisitions.
		Executive Director, Center for Acquisition Innovation.
	Board of Veterans' Appeals	Director, Management, Planning and Analysis.
		Principal Deputy Vice Chairman.
		Vice Chairman.
	Office of the General Counsel	Regional Counsel (22).
	Office of the Assistant Secretary for Management.	Program Manager (Financial Systems).
		Principal Deputy Assistant Secretary for Management.
		Deputy Program Manager (Financial Systems).
	Office of Finance	Associate Deputy Assistant Secretary for Finance.
		Director, Financial Services Center.
		Associate Deputy Assistant Secretary for Financial Business Operations.
		Director, Debt Management Center.
	Office of Acquisition and Material Management.	Associate Deputy Assistant Secretary for Acquisitions.
	Office of Asset Enterprise Management	Deputy Director, Asset Enterprise Management.
	Office of Business Oversight	Director, Office of Business Oversight.
	Office of the Assistant Secretary for Policy and Planning.	Senior Advisor.
	Office of Human Resources Management	Associate Deputy Assistant Secretary for Human Resources Management.
	Office of the Assistant Secretary for Information and Technology.	Associate Deputy Assistant Secretary for Human Resources Career Development.
		Executive Director for Quality and Performance.
		Deputy Assistant Secretary for Information Technology Resource Management.
		Executive Director for Business Operations.
		Executive Director, Budget and Finance.
		Associate Deputy Assistant Secretary for Information Technology Operations.
		Associate Deputy Assistant Secretary for Privacy and Records Management.
		Executive Director (Enterprise Operations).
		Associate Deputy Assistant Secretary for Policy, Portfolio Oversight and Execution.
		Associate Deputy Assistant Secretary for Security Operations.
	National Cemetery Administration	Director, Office of Finance and Planning.
	Veterans Benefits Administration	Deputy Director for Policy and Procedures.
		Deputy Director for Operations.
		Deputy Chief Financial Officer.
		Chief Financial Officer.
	Veterans Health Administration	Associate Chief Financial Officer.
		Director, Acquisition Service Area Organization (West).
		Director, Service Area Office.
		Deputy Chief Procurement Officer.
		Deputy Chief Financial Officer.
		Director, Veterans Canteen Service.
		Associate Chief Financial Officer for Core Financial and Logistics System and Decision Support Systems.
		Chief Compliance and Business Integrity Officer.
		Chief Operating Officer.
		Financial Manager.
		Chief Procurement and Logistics Officer.
		Associate Chief Information Officer, Implementation and Training Services.
		Chief Financial Officer.

Agency	Organization	Title
	Office of Emergency Management	Deputy Assistant Secretary for Emergency Management.
	Office of Operations, Security and Preparedness.	Director for Security and Law Enforcement.
DEPARTMENT OF VETERANS AFFAIRS—OFFICE OF THE INSPECTOR GENERAL.	Immediate Office of the Inspector General	Counselor to the Inspector General.
		Deputy Inspector General.
	Office of the Assistant Inspector General for Investigations.	Deputy Assistant Inspector General for Investigations (Headquarters Operations).
		Deputy Inspector General for Investigations (Field Operations).
		Assistant Inspector General for Investigations.
	Office of the Assistant Inspector General for Audits and Evaluations.	Deputy Assistant Inspector General for Audits and Evaluations (Headquarters Management and Inspections).
		Deputy Assistant Inspector General for Audits and Evaluations (Field Operations).
		Assistant Inspector General for Audits and Evaluations.
	Office of the Assistant Inspector General for Management and Administration.	Deputy Assistant Inspector General for Management and Administration.
		Assistant Inspector General for Management and Administration.
	Office of the Assistant Inspector General for Healthcare Inspections.	Medical Officer (Deputy Director of Medical Consultation and Review).
		Medical Officer (Director of Medical Consultation and Review).
		Deputy Assistant Inspector General for Healthcare Inspections.
		Assistant Inspector General for Healthcare Inspections.

Authority: 5 U.S.C. 3132.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–11220 Filed 5–13–13; 8:45 am]

BILLING CODE 6325–39–P

FEDERAL REGISTER

Vol. 78 Tuesday,

No. 93 May 14, 2013

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Seismic Survey in the Chukchi Sea, Alaska; Notice

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC562

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Seismic Survey in the Chukchi Sea, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS received an application from Shell Gulf of Mexico Inc. (Shell) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment only, incidental to a marine surveys program in the Chukchi Sea, Alaska, during the open water season of 2013. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to Shell to take, by Level B harassment, 13 species of marine mammals during the specified activity.

DATES: Comments and information must be received no later than June 13, 2013.

ADDRESSES: Comments on the application should be addressed to P. Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.guan@noaa.gov*. NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

The application used in this document may be obtained by visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the U.S. can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [''Level A harassment'']; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [''Level B harassment''].

Summary of Request

NMFS received an application on January 2, 2013, from Shell for the taking, by harassment, of marine mammals incidental to a marine surveys program in the Beaufort and Chukchi seas, Alaska, during the open-water season of 2013. Subsequently, Shell revised its proposed marine surveys program and limited its proposed activities to the Chukchi Sea, and resubmitted an IHA application on March 25, 2013. Based on NMFS comments, Shell further revised its IHA application and submitted its final IHA application on April 2, 2013. Shell's proposed activities discussed here are based on its April 2, 2013, IHA application.

Description of the Specified Activity

Shell plans to complete a marine surveys program and conduct its equipment recovery and maintenance activity, during the 2013 open-water season in the Chukchi Sea. A total of three vessels would be utilized for the proposed open-water activities: the proposed marine surveys would be conducted from a single vessel, a second vessel would be used for equipment recovery and maintenance activity at Burger A, and a third vessel may be used to provide logistical support to either and/or both operations. Overall, Shell's proposed 2013 open-water marine surveys program includes the following three components:

- Chukchi Sea Offshore Ice Gouge Surveys;
- Chukchi Sea Offshore Site Clearance and Shallow Hazards Survey; and
- Equipment Recovery and Maintenance

Detailed locations of these activities are shown in Figures 1–1 through 1–3 of Shell's IHA application.

Ice and weather conditions will influence when and where the open-water marine surveys will be conducted. For initial planning purposes, Shell states that the offshore marine surveys and equipment recovery and maintenance would be conducted within the time frame of July through October 2013.

Chukchi Sea Offshore Ice Gouge Surveys

Ice gouge information is required for the design of potential pipelines and pipeline trenching and installation equipment. Ice gouges are created by ice keels that project from the bottom of ice, and gouge the seafloor sediment as the ice moves with the wind or currents. Ice gouge features can be mapped and surveyed, and by surveying the same

locations from year to year, new gouges can be identified and the rate of ice gouging can be estimated. The resulting ice gouge information would assist Shell in predicting the probability, frequency, orientation, and depth of future ice gouges.

Shell plans to conduct ice gouge surveys along approximately 621 mi (1,000 km) of tracklines in the Chukchi Sea in 2013, within the area denoted in Figure 1–1 of the IHA application. These surveys will: (a) resurvey selected tracklines for ice gouge features to determine the rate or frequency of new ice gouges; and (b) map seafloor topography and characterize the upper 34 ft (10 m) of the seabed (seafloor and sub-seafloor) using acoustic methods. The ice gouge surveys will be conducted using the conventional survey method where the acoustic instrumentation will be towed behind the survey vessel. These acoustic instrumentation includes dual-frequency side scan sonar, single-beam bathymetric sonar, multi-beam bathymetric sonar, shallow sub-bottom profiler, and magnetometer.

Due to the low intensity and high frequency acoustic sources being used for the proposed ice gouge surveys (see below), this activity is not expected to result in takes of marine mammals.

Chukchi Sea Site Clearance and Shallow Hazards Surveys

The proposed site clearance and shallow hazards surveys are to gather data on: (1) Bathymetry, (2) seabed topography and other seabed characteristics (e.g., ice gouges), (3) potential shallow geohazards (e.g., shallow faults and shallow gas zones), and (4) the presence of any possible archeological features (prehistoric or historic, e.g., middens, shipwrecks). Marine surveys for site clearance and shallow hazard surveys can be accomplished by one vessel with acoustic sources.

Shell plans to conduct site clearance and shallow hazards surveys along approximately 3,200 kilometers (km) of tracklines in the Chukchi Sea in 2013 (see Figure 1–2 of the IHA application). These surveys would characterize the upper 1,000 meters (m) (3,128 feet [ft]) of the seabed and sub seafloor topography and measure water depths of potential exploratory drilling locations using acoustic methods. The site clearance and shallow hazard surveys would be conducted using the conventional survey method where the acoustic instrumentation will be towed behind the survey vessel. The acoustic instrumentation used in site clearance and shallow hazards surveys is largely the same as those for the offshore ice gouge surveys, but also includes a 4 × 10 cubic inch (in^3) airgun array.

Equipment Recovery and Maintenance

Shell's proposed equipment recovery and maintenance activities would occur at the Burger A well site in the Chukchi Sea (see Figure 1–3 of the IHA application). The equipment recovery and maintenance activity would be accomplished by one vessel operating in dynamic positioning (DP) mode for an extended period over the drilling site. The vessel may be resupplied during the activity by vessel or aircraft.

Work would be conducted subsea within the mudline cellar (MLC; ~ 20 ft wide by 40 ft. deep excavation dug for the Burger A wellhead during 2012 drilling at this well site) with a suite of Remotely Operated Vehicles (ROV) and divers that would recover equipment left sub-mudline on the well head during the 2012 open water drilling season. The survey vessel would be dynamically positioned at the well site for up to ~28 days while subsurface equipment recovery and maintenance occurs, however Shell anticipates this work being accomplished in less than 28 days. During this planned work scope the state and integrity of the well would not be changed since no form of entry will be made into the well.

Acoustic Equipment and Vessels Planned to be Used

For the proposed site clearance and shallow hazards surveys, Shell plans to use the same 4 × 10 in^3 airgun array configuration that was used during site clearance and shallow hazards surveys in the Chukchi Sea in 2008 and 2009. Measurements during these two years occurred at three locations: Honeyguide (west of the Crackerjack prospect), Crackerjack, and Burger. The distances to various threshold radii from those measurements are shown in Table 1. The 160 dB (rms) re 1 μPa radius that was measured at the Burger location was the largest of the three sites.

TABLE 1—MEASURED DISTANCES IN (METERS) TO RECEIVED SOUND LEVELS FROM A 4 × 10^3 AIRGUN ARRAY AT THREE LOCATIONS IN THE ALASKAN CHUKCHI SEA

Location	Received Sound Level (dB re 1 μPa rms)			
	190	180	160	120
Honeyguide	41	100	600	22,000
Crackerjack	50	160	1,400	24,000
Burger	39	150	1,800	31,000

Sound source characteristics that would be used during the site clearance and shallow hazard surveys and ice gouge surveys include single-beam bathymetric sonar, multi-beam bathymetric sonar, dual frequency side-scan sonar, shallow sub-bottom profiler, and an ultra-short baseline acoustic positioning system. Representative source characteristics of these acoustic instrumentation were measured during Statoil's 2011 marine survey program in the Chukchi Sea (Warner and McCrodan 2011), and are listed in Table 2.

TABLE 2—SOURCE CHARACTERISTICS AND DISTANCES TO 160 dB (rms) re 1 μPa SOUND LEVELS FROM ACOUSTIC INSTRUMENTATION MEASURED IN THE CHUKCHI SEA

Instrument type	Model	Center frequency	Frequency range	Beam width	Nominal source level (dB re 1 μPa rms)	In-beam 160 dB distance	Out-of-beam 160 dB distance
Single-beam sonar.	Simrad EA502	12 kHz	8–20 kHz	<10°	218.0	40 m	40 m

TABLE 2—SOURCE CHARACTERISTICS AND DISTANCES TO 160 dB (rms) re 1 μPa SOUND LEVELS FROM ACOUSTIC INSTRUMENTATION MEASURED IN THE CHUKCHI SEA—Continued

Instrument type	Model	Center frequency	Frequency range	Beam width	Nominal source level (dB re 1 μPa rms)	In-beam 160 dB distance	Out-of-beam 160 dB distance
Multi-beam bathymetric sonar.	Kongsberg EM2040.	220 kHz	200–240 kHz	<2°	187.4	0 m	0 m
Side-scan sonar	GeoAcoustics 159D.	110 kHz	100–120 kHz	<2°	211.5	230 m	NA
Sub-bottom profiler.	Kongsberg SBP300.	3–7 kHz	3–7 kHz	15°	195.9	30 m	3 m
Ultra-short baseline acoustic positioning system.	SonarDyne Ranger Pro.	27 kHz	20–30 kHz	NA	215.1	47 m	8 m

For Shell's proposed equipment recovery and maintenance at the Burger A well site where drilling took place in 2012, a vessel would be deployed at or near the well site using dynamic positioning thrusters while remotely operated vehicles or divers are used to perform the required activities. Sounds produced by the vessel while in dynamic positioning mode would be non-impulsive in nature and are thus evaluated at the ≥120 dB (rms) re 1 μPa.

In 2011, Statoil conducted geotechnical coring operations in the Chukchi Sea using the vessel *Fugro Synergy*. Measurements were taken using bottom founded recorders at 50 m (164 ft), 100 m (328 ft), and 1 km (0.6 mi) away from the borehole while the vessel was in dynamic positioning mode (Warner and McCrodan 2011). Sound levels measured at the recorder 1 km (0.6 mi) away ranged from 119 dB (rms) to 129 dB (rms) re 1 μPa. A propagation curve fit to the data and encompassing 90 percent of all measured values during the period of strongest sound emissions estimated sound levels would drop below 120 dB (rms) re 1 μPa at 2.3 km (1.4 mi).

Acoustic measurements of the *Nordica* in dynamic positioning mode while supporting Shell's 2012 drilling operation in the Chukchi Sea were made from multiple recorders deployed to monitor sounds from the overall drilling operation. Distances to these recorders ranged from 1.3 km (0.8 mi) to 7.9 km (4.9 mi) and maximum sound pressure levels ranged from 112.7 dB (rms) to 129.9 dB (rms) re 1 μPa. Preliminary analyses of these data indicate the maximum 120 dB (rms) re 1 μPa distance was approximately 4 km (2.5 mi) from the vessel. These same recorders measured sounds produced by the *Tor Viking II* while it operated near the Discoverer drill rig in 2012. The nature of the operations conducted by the *Tor Viking II* during the reported measurement periods varied and included activities such as anchor handling, circling, and possibly holding position using dynamic positioning thrusters. Distances to the 120 dB (rms) re 1 μPa level were estimated at 10 km (6 mi), 13 km (8 mi), and 25 km (15.5 mi) during these various measurement periods.

The vessel from which equipment recovery and maintenance would be conducted has not yet been determined. Under most circumstances, sounds from dynamic positioning thrusters are expected to be well below 120 dB (rms) re 1 μPa at distances greater than 10 km (6 mi). However, since some of the activities conducted by the *Tor Viking II* at the Burger A well site in 2012 may have included dynamic positioning, the 13 km (8 mi) distance has been selected as the estimated ≥120 dB (rms) re 1 μPa distance used in the calculations of potential Level B harassment below. A circle with a radius of 13 km (8 mi) results in an estimated area of 531 km^2 (205 mi^2) that may be exposed to continuous sounds ≥120 dB (rms) re 1 μPa.

Dates, Duration and Action Area

The schedule for the activities in the Chukchi Sea will depend on ice conditions and other factors. The vessels will sail from south of the Chukchi Sea and transit through the Bering Strait into the Chukchi Sea on or after 1 July or later depending on ice conditions. The July entry is responsive to concerns voiced by the local communities of Wainwright and Point Lay; these communities have requested that entry into the Chukchi Sea be delayed until after the walrus and beluga whale hunts.

Given that access to the proposed areas where Shell plans to conduct activities is dependent on ice, weather, and coordinated avoidance of potential impacts to subsistence activities, Shell has estimated a broader range of time to conduct these activities than if the activities were not constrained. For example, without any of the above constraints to conducting the proposed activities, the duration of time necessary to complete offshore ice gouge surveys could be as few as 13 days in the Chukchi Sea. Likewise, the duration of time necessary to complete site clearance and shallow hazard surveys in the Chukchi Sea could be on the order of over 50 days. However, these time estimates do not include transit between survey locations, potential stand-by time due to ice and/or weather, or crew changes and re-supply. Therefore, Shell requests an IHA to cover its incidental take between July 1 and October 31, 2013.

Description of Marine Mammals in the Area of the Specified Activity

The marine mammal species under NMFS jurisdiction most likely to occur in the seismic survey area include nine cetacean species, beluga whale (*Delphinapterus leucas*), harbor porpoise (*Phocoena phocoena*), killer whale (*Orcinus orca*), narwhal (*Monodon monoceros*), bowhead whale (*Balaena mysticetus*), gray whale (*Eschrichtius robustus*), minke whale (*Balaenoptera acutorostrata*), fin whale (*B. physalus*), and humpback whale (*Megaptera novaeangliae*), and four pinniped species, ringed (*Phoca hispida*), spotted (*P. largha*), bearded (*Erignathus barbatus*), and ribbon seals (*Histriophoca fasciata*).

The bowhead, fin, and humpback whales are listed as ''endangered'', and the ringed and bearded seals are listed as ''threatened'' under the Endangered Species Act (ESA) and as depleted under the MMPA. Certain stocks or populations of gray and beluga whales and spotted seals are also listed under the ESA, however, none of those stocks

or populations occur in the proposed activity area.

Shell's application contains information on the status, distribution, seasonal distribution, and abundance of each of the species under NMFS jurisdiction mentioned in this document. Please refer to the application for that information (see **ADDRESSES**). Additional information can also be found in the NMFS Stock Assessment Reports (SAR). The Alaska 2012 SAR is available at: *http://www.nmfs.noaa.gov/pr/sars/pdf/ak2012.pdf*.

Potential Effects of the Specified Activity on Marine Mammals

Operating active acoustic sources such as airgun arrays, pinger systems, and vessel activities have the potential for adverse effects on marine mammals.

Potential Effects of Airgun Sounds on Marine Mammals

The effects of sounds from airgun pulses might include one or more of the following: tolerance, masking of natural sounds, behavioral disturbance, and temporary or permanent hearing impairment or non-auditory effects (Richardson *et al.* 1995). As outlined in previous NMFS documents, the effects of noise on marine mammals are highly variable, and can be categorized as follows (based on Richardson *et al.* 1995):

(1) Behavioral Disturbance

Marine mammals may behaviorally react to sound when exposed to anthropogenic noise. These behavioral reactions are often shown as: changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where noise sources are located; and/or flight responses (e.g., pinnipeds flushing into water from haulouts or rookeries).

The biological significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, and reproduction. Some of these potential significant behavioral modifications include:

- Drastic change in diving/surfacing patterns (such as those thought to be causing beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cease feeding or social interaction.

For example, at the Guerreo Negro Lagoon in Baja California, Mexico, which is one of the important breeding grounds for Pacific gray whales, shipping and dredging associated with a salt works may have induced gray whales to abandon the area through most of the 1960s (Bryant *et al.* 1984). After these activities stopped, the lagoon was reoccupied, first by single whales and later by cow-calf pairs.

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Southall *et al.* 2007).

Currently NMFS uses 160 dB re 1 μPa (rms) at received level for impulse noises (such as airgun pulses) as the threshold for the onset of marine mammal behavioral harassment.

In addition, behavioral disturbance is also expressed as the change in vocal activities of animals. For example, there is one recent summary report indicating that calling fin whales distributed in one part of the North Atlantic went silent for an extended period starting soon after the onset of a seismic survey in the area (Clark and Gagnon 2006). It is not clear from that preliminary paper whether the whales ceased calling because of masking, or whether this was a behavioral response not directly involving masking (i.e., important biological signals for marine mammals being ''masked'' by anthropogenic noise; see below). Also, bowhead whales in the Beaufort Sea may decrease their call rates in response to seismic operations, although movement out of the area might also have contributed to the lower call detection rate (Blackwell *et al.* 2009a; 2009b). Some of the changes in marine mammal vocal communication are thought to be used to compensate for acoustic masking resulting from increased anthropogenic noise (see below). For example, blue whales are found to increase call rates when exposed to seismic survey noise in the St. Lawrence Estuary (Di Iorio and Clark 2009). The North Atlantic right whales (*Eubalaena glacialis*) exposed to high shipping noise increase call frequency (Parks *et al.* 2007) and intensity (Parks *et al.* 2010), while some humpback whales respond to low-frequency active sonar playbacks by increasing song length (Miller *el al.* 2000). These behavioral responses could also have adverse effects on marine mammals.

Mysticete: Baleen whales generally tend to avoid operating airguns, but avoidance radii are quite variable. Whales are often reported to show no overt reactions to airgun pulses at distances beyond a few kilometers, even though the airgun pulses remain well above ambient noise levels out to much longer distances (reviewed in Richardson *et al.* 1995; Gordon *et al.* 2004). However, studies done since the late 1990s of migrating humpback and migrating bowhead whales show reactions, including avoidance, that sometimes extend to greater distances than documented earlier. Therefore, it appears that behavioral disturbance can vary greatly depending on context, and not just received levels alone. Avoidance distances often exceed the distances at which boat-based observers can see whales, so observations from the source vessel can be biased. Observations over broader areas may be needed to determine the range of potential effects of some large-source seismic surveys where effects on cetaceans may extend to considerable distances (Richardson *et al.* 1999; Moore and Angliss 2006). Longer-range observations, when required, can sometimes be obtained via systematic aerial surveys or aircraft-based observations of behavior (e.g., Richardson *et al.* 1986, 1999; Miller *et al.* 1999, 2005; Yazvenko *et al.* 2007a, 2007b) or by use of observers on one or more support vessels operating in coordination with the seismic vessel (e.g., Smultea *et al.* 2004; Johnson *et al.* 2007). However, the presence of other vessels near the source vessel can, at least at times, reduce sightability of cetaceans from the source vessel (Beland *et al.* 2009), thus complicating interpretation of sighting data.

Some baleen whales show considerable tolerance of seismic pulses. However, when the pulses are strong enough, avoidance or other behavioral changes become evident. Because the responses become less obvious with diminishing received sound level, it has been difficult to determine the maximum distance (or minimum received sound level) at which reactions to seismic activity become evident and, hence, how many whales are affected.

Studies of gray, bowhead, and humpback whales have determined that received levels of pulses in the 160–170 dB re 1 μPa (rms) range seem to cause obvious avoidance behavior in a substantial fraction of the animals exposed (McCauley *et al.* 1998, 1999, 2000). In many areas, seismic pulses

diminish to these levels at distances ranging from 4–15 km from the source. A substantial proportion of the baleen whales within such distances may show avoidance or other strong disturbance reactions to the operating airgun array. Some extreme examples including migrating bowhead whales avoiding considerably larger distances (20–30 km) and lower received sound levels (120–130 dB re 1 μPa (rms)) when exposed to airguns from seismic surveys. Also, even in cases where there is no conspicuous avoidance or change in activity upon exposure to sound pulses from distant seismic operations, there are sometimes subtle changes in behavior (e.g., surfacing–respiration–dive cycles) that are only evident through detailed statistical analysis (e.g., Richardson *et al.* 1986; Gailey *et al.* 2007).

Data on short-term reactions by cetaceans to impulsive noises are not necessarily indicative of long-term or biologically significant effects. It is not known whether impulsive sounds affect reproductive rate or distribution and habitat use in subsequent days or years. However, gray whales have continued to migrate annually along the west coast of North America despite intermittent seismic exploration (and much ship traffic) in that area for decades (Appendix A in Malme *et al.* 1984; Richardson *et al.* 1995), and there has been a substantial increase in the population over recent decades (Allen and Angliss 2010). The western Pacific gray whale population did not seem affected by a seismic survey in its feeding ground during a prior year (Johnson *et al.* 2007). Similarly, bowhead whales have continued to travel to the eastern Beaufort Sea each summer despite seismic exploration in their summer and autumn range for many years (Richardson *et al.* 1987), and their numbers have increased notably (Allen and Angliss 2010). Bowheads also have been observed over periods of days or weeks in areas ensonified repeatedly by seismic pulses (Richardson *et al.* 1987; Harris *et al.* 2007). However, it is generally not known whether the same individual bowheads were involved in these repeated observations (within and between years) in strongly ensonified areas.

Odontocete: Relatively little systematic information is available about reactions of toothed whales to airgun pulses. A few studies similar to the more extensive baleen whale/seismic pulse work summarized above have been reported for toothed whales. However, there are recent systematic data on sperm whales (e.g., Gordon *et al.* 2006; Madsen *et al.* 2006; Winsor and Mate 2006; Jochens *et al.* 2008; Miller *et al.* 2009) and beluga whales (e.g., Miller *et al.* 2005). There is also an increasing amount of information about responses of various odontocetes to seismic surveys based on monitoring studies (e.g., Stone 2003; Smultea *et al.* 2004; Moulton and Miller 2005; Holst *et al.* 2006; Stone and Tasker 2006; Potter *et al.* 2007; Hauser *et al.* 2008; Holst and Smultea 2008; Weir 2008; Barkaszi *et al.* 2009; Richardson *et al.* 2009).

Dolphins and porpoises are often seen by observers on active seismic vessels, occasionally at close distances (e.g., bow riding). Marine mammal monitoring data during seismic surveys often show that animal detection rates drop during the firing of seismic airguns, indicating that animals may be avoiding the vicinity of the seismic area (Smultea *et al.* 2004; Holst *et al.* 2006; Hauser *et al.* 2008; Holst and Smultea 2008; Richardson *et al.* 2009). Also, belugas summering in the Canadian Beaufort Sea showed larger-scale avoidance, tending to avoid waters out to 10–20 km from operating seismic vessels (Miller *et al.* 2005). In contrast, recent studies show little evidence of conspicuous reactions by sperm whales to airgun pulses, contrary to earlier indications (e.g., Gordon *et al.* 2006; Stone and Tasker 2006; Winsor and Mate 2006; Jochens *et al.* 2008), except the lower buzz (echolocation signals) rates that were detected during exposure of airgun pulses (Miller *et al.* 2009).

There are almost no specific data on responses of beaked whales to seismic surveys, but it is likely that most if not all species show strong avoidance. There is increasing evidence that some beaked whales may strand after exposure to strong noise from tactical military mid-frequency sonars. Whether they ever do so in response to seismic survey noise is unknown. Northern bottlenose whales seem to continue to call when exposed to pulses from distant seismic vessels.

For delphinids, and possibly the Dall's porpoise, the available data suggest that a ≥170 dB re 1 μPa (rms) disturbance criterion (rather than ≥160 dB) would be appropriate. With a medium-to-large airgun array, received levels typically diminish to 170 dB within 1–4 km, whereas levels typically remain above 160 dB out to 4–15 km (e.g., Tolstoy *et al.* 2009). Reaction distances for delphinids are more consistent with the typical 170 dB re 1 μPa (rms) distances. Stone (2003) and Stone and Tasker (2006) reported that all small odontocetes (including killer whales) observed during seismic surveys in UK waters remained significantly further from the source during periods of shooting on surveys with large volume airgun arrays than during periods without airgun shooting.

Due to their relatively higher frequency hearing ranges when compared to mysticetes, odontocetes may have stronger responses to mid- and high-frequency sources such as sub-bottom profilers, side scan sonar, and echo sounders than mysticetes (Richardson *et al.* 1995; Southall *et al.* 2007).

Pinnipeds: Few studies of the reactions of pinnipeds to noise from open-water seismic exploration have been published (for review of the early literature, see Richardson *et al.* 1995). However, pinnipeds have been observed during a number of seismic monitoring studies. Monitoring in the Beaufort Sea during 1996–2002 provided a substantial amount of information on avoidance responses (or lack thereof) and associated behavior. Additional monitoring of that type has been done in the Beaufort and Chukchi Seas in 2006–2009. Pinnipeds exposed to seismic surveys have also been observed during seismic surveys along the U.S. west coast. Also, there are data on the reactions of pinnipeds to various other related types of impulsive sounds.

Early observations provided considerable evidence that pinnipeds are often quite tolerant of strong pulsed sounds. During seismic exploration off Nova Scotia, gray seals exposed to noise from airguns and linear explosive charges reportedly did not react strongly (J. Parsons in Greene *et al.* 1985). An airgun caused an initial startle reaction among South African fur seals but was ineffective in scaring them away from fishing gear. Pinnipeds in both water and air sometimes tolerate strong noise pulses from non-explosive and explosive scaring devices, especially if attracted to the area for feeding or reproduction (Mate and Harvey 1987; Reeves *et al.* 1996). Thus, pinnipeds are expected to be rather tolerant of, or to habituate to, repeated underwater sounds from distant seismic sources, at least when the animals are strongly attracted to the area.

In summary, visual monitoring from seismic vessels has shown only slight (if any) avoidance of airguns by pinnipeds, and only slight (if any) changes in behavior. These studies show that many pinnipeds do not avoid the area within a few hundred meters of an operating airgun array. However, based on the studies with large sample size, or observations from a separate monitoring vessel, or radio telemetry, it is apparent that some phocid seals do show localized avoidance of operating

airguns. The limited nature of this tendency for avoidance is a concern. It suggests that one cannot rely on pinnipeds to move away, or to move very far away, before received levels of sound from an approaching seismic survey vessel approach those that may cause hearing impairment.

(2) Masking

Masking occurs when noise and signals (that animal utilizes) overlap at both spectral and temporal scales. Chronic exposure to elevated sound levels could cause masking at particular frequencies for marine mammals, which utilize sound for important biological functions. Masking can interfere with detection of acoustic signals used for orientation, communication, finding prey, and avoiding predators. Marine mammals that experience severe (high intensity and extended duration) acoustic masking could potentially suffer reduced fitness, which could lead to adverse effects on survival and reproduction.

For the airgun noise generated from the proposed marine seismic survey, these are low frequency (under 1 kHz) pulses with extremely short durations (in the scale of milliseconds). Lower frequency man-made noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. There is little concern regarding masking due to the brief duration of these pulses and relatively longer silence between airgun shots (9–12 seconds) near the noise source, however, at long distances (over tens of kilometers away) in deep water, due to multipath propagation and reverberation, the durations of airgun pulses can be ''stretched'' to seconds with long decays (Madsen *et al.* 2006; Clark and Gagnon 2006). Therefore it could affect communication signals used by low frequency mysticetes when they occur near the noise band and thus reduce the communication space of animals (e.g., Clark *et al.* 2009a, 2009b) and affect their vocal behavior (e.g., Foote *et al.* 2004; Holt *et al.* 2009). Further, in areas of shallow water, multipath propagation of airgun pulses could be more profound, thus affecting communication signals from marine mammals even at close distances. Average ambient noise in areas where received seismic noises are heard can be elevated. At long distances, however, the intensity of the noise is greatly reduced. Nevertheless, partial informational and energetic masking of different degrees could affect signal receiving in some marine mammals within the ensonified areas. Additional research is needed to further address these effects.

Although masking effects of pulsed sounds on marine mammal calls and other natural sounds are expected to be limited, there are few specific studies on this. Some whales continue calling in the presence of seismic pulses and whale calls often can be heard between the seismic pulses (e.g., Richardson *et al.* 1986; McDonald *et al.* 1995; Greene *et al.* 1999a, 1999b; Nieukirk *et al.* 2004; Smultea *et al.* 2004; Holst *et al.* 2005a, 2005b, 2006; Dunn and Hernandez 2009).

Among the odontocetes, there has been one report that sperm whales ceased calling when exposed to pulses from a very distant seismic ship (Bowles *et al.* 1994). However, more recent studies of sperm whales found that they continued calling in the presence of seismic pulses (Madsen *et al.* 2002; Tyack *et al.* 2003; Smultea *et al.* 2004; Holst *et al.* 2006; Jochens *et al.* 2008). Madsen *et al.* (2006) noted that airgun sounds would not be expected to mask sperm whale calls given the intermittent nature of airgun pulses. Dolphins and porpoises are also commonly heard calling while airguns are operating (Gordon *et al.* 2004; Smultea *et al.* 2004; Holst *et al.* 2005a, 2005b; Potter *et al.* 2007). Masking effects of seismic pulses are expected to be negligible in the case of the smaller odontocetes, given the intermittent nature of seismic pulses plus the fact that sounds important to them are predominantly at much higher frequencies than are the dominant components of airgun sounds.

Pinnipeds have best hearing sensitivity and/or produce most of their sounds at frequencies higher than the dominant components of airgun sound, but there is some overlap in the frequencies of the airgun pulses and the calls. However, the intermittent nature of airgun pulses presumably reduces the potential for masking.

Marine mammals are thought to be able to compensate for masking by adjusting their acoustic behavior such as shifting call frequencies, and increasing call volume and vocalization rates, as discussed earlier (e.g., Miller et al. 2000; Parks *et al.* 2007; Di Iorio and Clark 2009; Parks *et al.* 2010); the biological significance of these modifications is still unknown.

(3) Hearing Impairment

Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Kastak *et al.* 1999; Schlundt *et al.* 2000; Finneran *et al.* 2002; 2005). TS can be permanent (PTS), in which case the loss of hearing sensitivity is unrecoverable, or temporary (TTS), in which case the animal's hearing threshold will recover over time (Southall *et al.* 2007). Marine mammals that experience TTS or PTS will have reduced sensitivity at the frequency band of the TS, which may affect their capability of communication, orientation, or prey detection. The degree of TS depends on the intensity of the received levels the animal is exposed to, and the frequency at which TS occurs depends on the frequency of the received noise. It has been shown that in most cases, TS occurs at the frequencies approximately one-octave above that of the received noise. Repeated noise exposure that leads to TTS could cause PTS. For transient sounds, the sound level necessary to cause TTS is inversely related to the duration of the sound.

TTS:

TTS is the mildest form of hearing impairment that can occur during exposure to a strong sound (Kryter 1985). While experiencing TTS, the hearing threshold rises and a sound must be stronger in order to be heard. It is a temporary phenomenon, and (especially when mild) is not considered to represent physical damage or ''injury'' (Southall *et al.* 2007). Rather, the onset of TTS is an indicator that, if the animal is exposed to higher levels of that sound, physical damage is ultimately a possibility.

The magnitude of TTS depends on the level and duration of noise exposure, and to some degree on frequency, among other considerations (Kryter 1985; Richardson *et al.* 1995; Southall *et al.* 2007). For sound exposures at or somewhat above the TTS threshold, hearing sensitivity recovers rapidly after exposure to the noise ends. In terrestrial mammals, TTS can last from minutes or hours to (in cases of strong TTS) days. Only a few data have been obtained on sound levels and durations necessary to elicit mild TTS in marine mammals (none in mysticetes), and none of the published data concern TTS elicited by exposure to multiple pulses of sound during operational seismic surveys (Southall *et al.* 2007).

For toothed whales, experiments on a bottlenose dolphin (*Tursiops truncates*) and beluga whale showed that exposure to a single watergun impulse at a received level of 207 kPa (or 30 psi) peak-to-peak (p-p), which is equivalent to 228 dB re 1 μPa (p-p), resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within 4 minutes

of the exposure (Finneran *et al.* 2002). No TTS was observed in the bottlenose dolphin.

Finneran *et al.* (2005) further examined the effects of tone duration on TTS in bottlenose dolphins. Bottlenose dolphins were exposed to 3 kHz tones (non-impulsive) for periods of 1, 2, 4 or 8 seconds (s), with hearing tested at 4.5 kHz. For 1-s exposures, TTS occurred with SELs of 197 dB, and for exposures >1 s, SEL >195 dB resulted in TTS (SEL is equivalent to energy flux, in dB re 1 μPa^2-s). At an SEL of 195 dB, the mean TTS (4 min after exposure) was 2.8 dB. Finneran *et al.* (2005) suggested that an SEL of 195 dB is the likely threshold for the onset of TTS in dolphins and belugas exposed to tones of durations 1–8 s (i.e., TTS onset occurs at a near-constant SEL, independent of exposure duration). That implies that, at least for non-impulsive tones, a doubling of exposure time results in a 3 dB lower TTS threshold.

However, the assumption that, in marine mammals, the occurrence and magnitude of TTS is a function of cumulative acoustic energy (SEL) is probably an oversimplification. Kastak *et al.* (2005) reported preliminary evidence from pinnipeds that, for prolonged non-impulse noise, higher SELs were required to elicit a given TTS if exposure duration was short than if it was longer, i.e., the results were not fully consistent with an equal-energy model to predict TTS onset. Mooney *et al.* (2009a) showed this in a bottlenose dolphin exposed to octave-band non-impulse noise ranging from 4 to 8 kHz at SPLs of 130 to 178 dB re 1 μPa for periods of 1.88 to 30 minutes (min). Higher SELs were required to induce a given TTS if exposure duration was short than if it was longer. Exposure of the aforementioned bottlenose dolphin to a sequence of brief sonar signals showed that, with those brief (but non-impulse) sounds, the received energy (SEL) necessary to elicit TTS was higher than was the case with exposure to the more prolonged octave-band noise (Mooney *et al.* 2009b). Those authors concluded that, when using (non-impulse) acoustic signals of duration ~0.5 s, SEL must be at least 210–214 dB re 1 μPa^2-s to induce TTS in the bottlenose dolphin. The most recent studies conducted by Finneran *et al.* also support the notion that exposure duration has a more significant influence compared to SPL as the duration increases, and that TTS growth data are better represented as functions of SPL and duration rather than SEL alone (Finneran *et al.* 2010a, 2010b). In addition, Finneran *et al.* (2010b) conclude that when animals are exposed to intermittent noises, there is recovery of hearing during the quiet intervals between exposures through the accumulation of TTS across multiple exposures. Such findings suggest that when exposed to multiple seismic pulses, partial hearing recovery also occurs during the seismic pulse intervals.

For baleen whales, there are no data, direct or indirect, on levels or properties of sound that are required to induce TTS. The frequencies to which baleen whales are most sensitive are lower than those to which odontocetes are most sensitive, and natural ambient noise levels at those low frequencies tend to be higher (Urick 1983). As a result, auditory thresholds of baleen whales within their frequency band of best hearing are believed to be higher (less sensitive) than are those of odontocetes at their best frequencies (Clark and Ellison 2004). From this, it is suspected that received levels causing TTS onset may also be higher in baleen whales. However, no cases of TTS are expected given the small size of the airguns proposed to be used and the strong likelihood that baleen whales (especially migrating bowheads) would avoid the approaching airguns (or vessel) before being exposed to levels high enough for there to be any possibility of TTS.

In pinnipeds, TTS thresholds associated with exposure to brief pulses (single or multiple) of underwater sound have not been measured. Initial evidence from prolonged exposures suggested that some pinnipeds may incur TTS at somewhat lower received levels than do small odontocetes exposed for similar durations (Kastak *et al.* 1999; 2005). However, more recent indications are that TTS onset in the most sensitive pinniped species studied (harbor seal, which is closely related to the ringed seal) may occur at a similar SEL as in odontocetes (Kastak *et al.* 2004).

Most cetaceans show some degree of avoidance of seismic vessels operating an airgun array (see above). It is unlikely that these cetaceans would be exposed to airgun pulses at a sufficiently high level for a sufficiently long period to cause more than mild TTS, given the relative movement of the vessel and the marine mammal. TTS would be more likely in any odontocetes that bow- or wake-ride or otherwise linger near the airguns. However, while bow- or wake-riding, odontocetes would be at the surface and thus not exposed to strong sound pulses given the pressure release and Lloyd Mirror effects at the surface. But if bow- or wake-riding animals were to dive intermittently near airguns, they would be exposed to strong sound pulses, possibly repeatedly.

If some cetaceans did incur mild or moderate TTS through exposure to airgun sounds in this manner, this would very likely be a temporary and reversible phenomenon. However, even a temporary reduction in hearing sensitivity could be deleterious in the event that, during that period of reduced sensitivity, a marine mammal needed its full hearing sensitivity to detect approaching predators, or for some other reason.

Some pinnipeds show avoidance reactions to airguns, but their avoidance reactions are generally not as strong or consistent as those of cetaceans. Pinnipeds occasionally seem to be attracted to operating seismic vessels. There are no specific data on TTS thresholds of pinnipeds exposed to single or multiple low-frequency pulses. However, given the indirect indications of a lower TTS threshold for the harbor seal than for odontocetes exposed to impulse sound (see above), it is possible that some pinnipeds close to a large airgun array could incur TTS.

NMFS currently typically includes mitigation requirements to ensure that cetaceans and pinnipeds are not exposed to pulsed underwater noise at received levels exceeding, respectively, 180 and 190 dB re 1 μPa (rms). The 180/190 dB acoustic criteria were taken from recommendations by an expert panel of the High Energy Seismic Survey (HESS) Team that performed an assessment on noise impacts by seismic airguns to marine mammals in 1997, although the HESS Team recommended a 180-dB limit for pinnipeds in California (HESS 1999). The 180 and 190 dB re 1 μPa (rms) levels have not been considered to be the levels above which TTS might occur. Rather, they were the received levels above which, in the view of a panel of bioacoustics specialists convened by NMFS before TTS measurements for marine mammals started to become available, one could not be certain that there would be no injurious effects, auditory or otherwise, to marine mammals. As summarized above, data that are now available imply that TTS is unlikely to occur in various odontocetes (and probably mysticetes as well) unless they are exposed to a sequence of several airgun pulses stronger than 190 dB re 1 μPa (rms). On the other hand, for the harbor seal, harbor porpoise, and perhaps some other species, TTS may occur upon exposure to one or more airgun pulses whose received level equals the NMFS ''do not exceed'' value of 190 dB re 1 μPa (rms). That criterion corresponds to a single-pulse SEL of 175–180 dB re 1

μPa²-s in typical conditions, whereas TTS is suspected to be possible in harbor seals and harbor porpoises with a cumulative SEL of ~171 and ~164 dB re 1 μPa²-s, respectively.

It has been shown that most large whales and many smaller odontocetes (especially the harbor porpoise) show at least localized avoidance of ships and/or seismic operations. Even when avoidance is limited to the area within a few hundred meters of an airgun array, that should usually be sufficient to avoid TTS based on what is currently known about thresholds for TTS onset in cetaceans. In addition, ramping up airgun arrays, which is standard operational protocol for many seismic operators, may allow cetaceans near the airguns at the time of startup (if the sounds are aversive) to move away from the seismic source and to avoid being exposed to the full acoustic output of the airgun array. Thus, most baleen whales likely will not be exposed to high levels of airgun sounds provided the ramp-up procedure is applied. Likewise, many odontocetes close to the trackline are likely to move away before the sounds from an approaching seismic vessel become sufficiently strong for there to be any potential for TTS or other hearing impairment. Hence, there is little potential for baleen whales or odontocetes that show avoidance of ships or airguns to be close enough to an airgun array to experience TTS. Nevertheless, even if marine mammals were to experience TTS, the magnitude of the TTS is expected to be mild and brief, only in a few decibels for minutes.

PTS:

When PTS occurs, there is physical damage to the sound receptors in the ear. In some cases, there can be total or partial deafness, whereas in other cases, the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter 1985). Physical damage to a mammal's hearing apparatus can occur if it is exposed to sound impulses that have very high peak pressures, especially if they have very short rise times. (Rise time is the interval required for sound pressure to increase from the baseline pressure to peak pressure.)

There is no specific evidence that exposure to pulses of airgun sound can cause PTS in any marine mammal, even with large arrays of airguns. However, given the likelihood that some mammals close to an airgun array might incur at least mild TTS (see above), there has been further speculation about the possibility that some individuals occurring very close to airguns might incur PTS (e.g., Richardson *et al.* 1995; Gedamke *et al.* 2008). Single or occasional occurrences of mild TTS are not indicative of permanent auditory damage, but repeated or (in some cases) single exposures to a level well above that causing TTS onset might elicit PTS.

Relationships between TTS and PTS thresholds have not been studied in marine mammals, but are assumed to be similar to those in humans and other terrestrial mammals (Southall *et al.* 2007). Based on data from terrestrial mammals, a precautionary assumption is that the PTS threshold for impulse sounds (such as airgun pulses as received close to the source) is at least 6 dB higher than the TTS threshold on a peak-pressure basis, and probably >6 dB higher (Southall *et al.* 2007). The low-to-moderate levels of TTS that have been induced in captive odontocetes and pinnipeds during controlled studies of TTS have been confirmed to be temporary, with no measurable residual PTS (Kastak *et al.* 1999; Schlundt *et al.* 2000; Finneran *et al.* 2002; 2005; Nachtigall *et al.* 2003; 2004). However, very prolonged exposure to sound strong enough to elicit TTS, or shorter-term exposure to sound levels well above the TTS threshold, can cause PTS, at least in terrestrial mammals (Kryter 1985). In terrestrial mammals, the received sound level from a single non-impulsive sound exposure must be far above the TTS threshold for any risk of permanent hearing damage (Kryter 1994; Richardson *et al.* 1995; Southall *et al.* 2007). However, there is special concern about strong sounds whose pulses have very rapid rise times. In terrestrial mammals, there are situations when pulses with rapid rise times (e.g., from explosions) can result in PTS even though their peak levels are only a few dB higher than the level causing slight TTS. The rise time of airgun pulses is fast, but not as fast as that of an explosion.

Some factors that contribute to onset of PTS, at least in terrestrial mammals, are as follows:

- exposure to a single very intense sound,
- fast rise time from baseline to peak pressure,
- repetitive exposure to intense sounds that individually cause TTS but not PTS, and
- recurrent ear infections or (in captive animals) exposure to certain drugs.

Cavanagh (2000) reviewed the thresholds used to define TTS and PTS. Based on this review and SACLANT (1998), it is reasonable to assume that PTS might occur at a received sound level 20 dB or more above that inducing mild TTS. However, for PTS to occur at a received level only 20 dB above the TTS threshold, the animal probably would have to be exposed to a strong sound for an extended period, or to a strong sound with a rather rapid rise time.

More recently, Southall *et al.* (2007) estimated that received levels would need to exceed the TTS threshold by at least 15 dB, on an SEL basis, for there to be risk of PTS. Thus, for cetaceans exposed to a sequence of sound pulses, they estimate that the PTS threshold might be an M-weighted SEL (for the sequence of received pulses) of ~198 dB re 1 μPa²-s. Additional assumptions had to be made to derive a corresponding estimate for pinnipeds, as the only available data on TTS-thresholds in pinnipeds pertained to nonimpulse sound (see above). Southall *et al.* (2007) estimated that the PTS threshold could be a cumulative SEL of ~186 dB re 1 μPa²-s in the case of a harbor seal exposed to impulse sound. The PTS threshold for the California sea lion and northern elephant seal would probably be higher given the higher TTS thresholds in those species. Southall *et al.* (2007) also note that, regardless of the SEL, there is concern about the possibility of PTS if a cetacean or pinniped received one or more pulses with peak pressure exceeding 230 or 218 dB re 1 μPa, respectively. Thus, PTS might be expected upon exposure of cetaceans to either SEL ≥198 dB re 1 μPa²-s or peak pressure ≥230 dB re 1 μPa. Corresponding proposed dual criteria for pinnipeds (at least harbor seals) are ≥186 dB SEL and ≥218 dB peak pressure (Southall *et al.* 2007). These estimates are all first approximations, given the limited underlying data, assumptions, species differences, and evidence that the ''equal energy'' model may not be entirely correct.

Sound impulse duration, peak amplitude, rise time, number of pulses, and inter-pulse interval are the main factors thought to determine the onset and extent of PTS. Ketten (1994) has noted that the criteria for differentiating the sound pressure levels that result in PTS (or TTS) are location and species specific. PTS effects may also be influenced strongly by the health of the receiver's ear.

As described above for TTS, in estimating the amount of sound energy required to elicit the onset of TTS (and PTS), it is assumed that the auditory effect of a given cumulative SEL from a series of pulses is the same as if that amount of sound energy were received as a single strong sound. There are no data from marine mammals concerning the occurrence or magnitude of a potential partial recovery effect between pulses. In deriving the estimates of PTS

(and TTS) thresholds quoted here, Southall *et al.* (2007) made the precautionary assumption that no recovery would occur between pulses.

It is unlikely that an odontocete would remain close enough to a large airgun array for sufficiently long to incur PTS. There is some concern about bowriding odontocetes, but for animals at or near the surface, auditory effects are reduced by Lloyd's mirror and surface release effects. The presence of the vessel between the airgun array and bow-riding odontocetes could also, in some but probably not all cases, reduce the levels received by bow-riding animals (e.g., Gabriele and Kipple 2009). The TTS (and thus PTS) thresholds of baleen whales are unknown but, as an interim measure, assumed to be no lower than those of odontocetes. Also, baleen whales generally avoid the immediate area around operating seismic vessels, so it is unlikely that a baleen whale could incur PTS from exposure to airgun pulses. The TTS (and thus PTS) thresholds of some pinnipeds (e.g., harbor seal) as well as the harbor porpoise may be lower (Kastak *et al.* 2005; Southall *et al.* 2007; Lucke *et al.* 2009). If so, TTS and potentially PTS may extend to a somewhat greater distance for those animals. Again, Lloyd's mirror and surface release effects will ameliorate the effects for animals at or near the surface.

(4) Non-auditory Physical Effects

Non-auditory physical effects might occur in marine mammals exposed to strong underwater pulsed sound. Possible types of non-auditory physiological effects or injuries that theoretically might occur in mammals close to a strong sound source include neurological effects, bubble formation, and other types of organ or tissue damage. Some marine mammal species (i.e., beaked whales) may be especially susceptible to injury and/or stranding when exposed to intense sounds. However, there is no definitive evidence that any of these effects occur even for marine mammals in close proximity to large arrays of airguns, and beaked whales do not occur in the proposed project area. In addition, marine mammals that show behavioral avoidance of seismic vessels, including most baleen whales, some odontocetes (including belugas), and some pinnipeds, are especially unlikely to incur non-auditory impairment or other physical effects.

Therefore, it is unlikely that such effects would occur during Shell's proposed marine surveys given the brief duration of exposure, the small sound sources, and the planned monitoring and mitigation measures described later in this document.

Additional non-auditory effects include elevated levels of stress response (Wright *et al.* 2007; Wright and Highfill 2007). Although not many studies have been done on noise-induced stress in marine mammals, extrapolation of information regarding stress responses in other species seems applicable because the responses are highly consistent among all species in which they have been examined to date (Wright *et al.* 2007). Therefore, it is reasonable to conclude that noise acts as a stressor to marine mammals. Furthermore, given that marine mammals will likely respond in a manner consistent with other species studied, repeated and prolonged exposures to stressors (including or induced by noise) could potentially be problematic for marine mammals of all ages. Wright *et al.* (2007) state that a range of issues may arise from an extended stress response including, but not limited to, suppression of reproduction (physiologically and behaviorally), accelerated aging and sickness-like symptoms. However, as mentioned above, Shell's proposed activity is not expected to result in these severe effects due to the nature of the potential sound exposure.

(5) Stranding and Mortality

Marine mammals close to underwater detonations can be killed or severely injured, and the auditory organs are especially susceptible to injury (Ketten *et al.* 1993; Ketten 1995). Airgun pulses are less energetic and their peak amplitudes have slower rise times, while stranding and mortality events would include other energy sources (acoustical or shock wave) far beyond just seismic airguns. To date, there is no evidence that serious injury, death, or stranding by marine mammals can occur from exposure to airgun pulses, even in the case of large airgun arrays.

However, in numerous past IHA notices for seismic surveys, commenters have referenced two stranding events allegedly associated with seismic activities, one off Baja California and a second off Brazil. NMFS has addressed this concern several times, and, without new information, does not believe that this issue warrants further discussion. For information relevant to strandings of marine mammals, readers are encouraged to review NMFS' response to comments on this matter found in 69 FR 74906 (December 14, 2004), 71 FR 43112 (July 31, 2006), 71 FR 50027 (August 24, 2006), and 71 FR 49418 (August 23, 2006).

It should be noted that strandings related to sound exposure have not been recorded for marine mammal species in the Chukchi or Beaufort seas. NMFS notes that in the Beaufort and Chukchi seas, aerial surveys have been conducted by BOEM (previously MMS) and industry during periods of industrial activity (and by BOEM during times with no activity). No strandings or marine mammals in distress have been observed during these surveys and none have been reported by North Slope Borough inhabitants. In addition, there are very few instances that seismic surveys in general have been linked to marine mammal strandings, other than those mentioned above. As a result, NMFS does not expect any marine mammals will incur serious injury or mortality in the Arctic Ocean or strand as a result of the proposed marine survey.

Potential Effects of Sonar Signals

A variety of active acoustic instrumentation would be used during Shell's proposed marine surveys program. Source characteristics and propagation distances to 160 (rms) dB re 1 μPa by comparable instruments are listed in Table 2. In general, the potential effects of this equipment on marine mammals are similar to those from the airgun, except the magnitude of the impacts is expected to be much less due to the lower intensity and higher frequencies. In some cases, due to the fact that the operating frequencies of some of this equipment (e.g., Multi-beam bathymetric sonar: frequency at 220–240 kHz) are above the hearing ranges of marine mammals, they are not expected to have any impacts to marine mammals.

Vessel Sounds

In addition to the noise generated from seismic airguns and active sonar systems, various types of vessels will be used in the operations, including source vessel and vessels used for equipment recovery and maintenance and logistic support. Sounds from boats and vessels have been reported extensively (Greene and Moore 1995; Blackwell and Greene 2002; 2005; 2006). Numerous measurements of underwater vessel sound have been performed in support of recent industry activity in the Chukchi and Beaufort Seas. Results of these measurements were reported in various 90-day and comprehensive reports since 2007 (e.g., Aerts *et al.* 2008; Hauser *et al.* 2008; Brueggeman 2009; Ireland *et al.* 2009; O'Neill and McCrodan 2011; Chorney *et al.* 2011; McPherson and Warner 2012). For example, Garner and Hannay (2009)

estimated sound pressure levels of 100 dB at distances ranging from approximately 1.5 to 2.3 mi (2.4 to 3.7 km) from various types of barges. MacDonald *et al.* (2008) estimated higher underwater SPLs from the seismic vessel *Gilavar* of 120 dB at approximately 13 mi (21 km) from the source, although the sound level was only 150 dB at 85 ft (26 m) from the vessel. Compared to airgun pulses, underwater sound from vessels is generally at relatively low frequencies. However, noise from the vessel during equipment recovery and maintenance while operating the DP system using thrusters as well as the primary propeller(s) could produce noise levels higher than during normal operation of the vessel. Measurements of a vessel in DP mode with an active bow thruster were made in the Chukchi Sea in 2010 (Chorney *et al.* 2011). The resulting source level estimate was 175.9 dB (rms) re 1 μPa-m. Acoustic measurements of the Nordica in DP mode while supporting Shell's 2012 drilling operation in the Chukchi Sea showed that the 120 dB re 1 μ Pa radius was at approximately 4 km (2.5 mi) (Bisson *et al.* 2013).

The primary sources of sounds from all vessel classes are propeller cavitation, propeller singing, and propulsion or other machinery. Propeller cavitation is usually the dominant noise source for vessels (Ross 1976). Propeller cavitation and singing are produced outside the hull, whereas propulsion or other machinery noise originates inside the hull. There are additional sounds produced by vessel activity, such as pumps, generators, flow noise from water passing over the hull, and bubbles breaking in the wake. Source levels from various vessels would be empirically measured before the start of marine surveys, and during equipment recovery and maintenance while operating the DP system.

Anticipated Effects on Habitat

The primary potential impacts to marine mammals and other marine species are associated with elevated sound levels produced by airguns and vessels operating in the area. However, other potential impacts to the surrounding habitat from physical disturbance are also possible.

Potential Impacts on Prey Species

With regard to fish as a prey source for cetaceans and pinnipeds, fish are known to hear and react to sounds and to use sound to communicate (Tavolga *et al.* 1981) and possibly avoid predators (Wilson and Dill 2002). Experiments have shown that fish can sense both the strength and direction of sound (Hawkins 1981). Primary factors determining whether a fish can sense a sound signal, and potentially react to it, are the frequency of the signal and the strength of the signal in relation to the natural background noise level.

The level of sound at which a fish will react or alter its behavior is usually well above the detection level. Fish have been found to react to sounds when the sound level increased to about 20 dB above the detection level of 120 dB (Ona 1988); however, the response threshold can depend on the time of year and the fish's physiological condition (Engas *et al.* 1993). In general, fish react more strongly to pulses of sound rather than non-pulse signals (such as noise from vessels) (Blaxter *et al.* 1981), and a quicker alarm response is elicited when the sound signal intensity rises rapidly compared to sound rising more slowly to the same level.

Investigations of fish behavior in relation to vessel noise (Olsen *et al.* 1983; Ona 1988; Ona and Godo 1990) have shown that fish react when the sound from the engines and propeller exceeds a certain level. Avoidance reactions have been observed in fish such as cod and herring when vessels approached close enough that received sound levels are 110 dB to 130 dB (Nakken 1992; Olsen 1979; Ona and Godo 1990; Ona and Toresen 1988). However, other researchers have found that fish such as polar cod, herring, and capeline are often attracted to vessels (apparently by the noise) and swim toward the vessel (Rostad *et al.* 2006). Typical sound source levels of vessel noise in the audible range for fish are 150 dB to 170 dB (Richardson *et al.* 1995).

Further, during the seismic survey only a small fraction of the available habitat would be ensonified at any given time. Disturbance to fish species would be short-term and fish would return to their pre-disturbance behavior once the seismic activity ceases (McCauley *et al.* 2000a, 2000b; Santulli *et al.* 1999; Pearson *et al.* 1992). Thus, the proposed survey would have little, if any, impact on the abilities of marine mammals to feed in the area where seismic work is planned.

Some mysticetes, including bowhead whales, feed on concentrations of zooplankton. Some feeding bowhead whales may occur in the Alaskan Beaufort Sea in July and August, and others feed intermittently during their westward migration in September and October (Richardson and Thomson [eds.] 2002; Lowry *et al.* 2004). A reaction by zooplankton to a seismic impulse would only be relevant to whales if it caused concentrations of zooplankton to scatter. Pressure changes of sufficient magnitude to cause that type of reaction would probably occur only very close to the source. Impacts on zooplankton behavior are predicted to be negligible, and that would translate into negligible impacts on feeding mysticetes. Thus, the proposed activity is not expected to have any habitat-related effects on prey species that could cause significant or long-term consequences for individual marine mammals or their populations.

Potential Impacts on Availability of Affected Species or Stock for Taking for Subsistence Uses

Subsistence hunting is an essential aspect of Inupiat Native life, especially in rural coastal villages. The Inupiat participate in subsistence hunting activities in and around the Chukchi Sea. The animals taken for subsistence provide a significant portion of the food that will last the community through the year. Marine mammals represent on the order of 60–80% of the total subsistence harvest. Along with the nourishment necessary for survival, the subsistence activities strengthen bonds within the culture, provide a means for educating the young, provide supplies for artistic expression, and allow for important celebratory events.

The communities closest to the project area are the villages of Wainwright and Barrow. Shell's proposed ice gouge surveys would occur offshore Wainwright but would be approximately 30 km from Barrow and 48 km from Point Lay. The closest point for Shell's proposed site clearance and shallow hazards surveys and equipment recovery and maintenance activities would be approximately 120 km to Wainwright and 150 km to Point Lay, and much farther away to Barrow.

Potential Impacts to Subsistence Uses

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: ''. . . an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.''

(1) Bowhead Whales

Shell's planned surveys would have no or negligible effects on bowhead whale harvest activities. Noise and general activity associated with marine surveys and operation of vessels has the potential to harass bowhead whales. However, though temporary diversions of the swim path of migrating whales have been documented, the whales have generally been observed to resume their initial migratory route. The proposed open-water marine surveys and vessel noise could in some circumstances affect subsistence hunts by placing the animals further offshore or otherwise at a greater distance from villages thereby increasing the difficulty of the hunt or retrieval of the harvest, or creating a safety risk to the whalers. Residents of Barrow hunt bowheads during the spring and fall migration. However, bowhead hunts by residents of Wainwright, Point Lay and Point Hope take place almost exclusively in the spring and are typically curtailed when ice begins to break up which is prior to the date Shell would commence the 2013 activities. From 1974 through 2009, bowhead harvests by these Chukchi Sea villages occurred only in the spring between early April and mid-June (Suydam and George, 2012). A Wainwright whaling crew harvested the first fall bowhead in 90 years or more on October 8, 2010, and again in October of 2011. Fall whaling by Chukchi Sea villages may occur in the future, particularly if bowhead quotas are not completely filled during the spring hunt, and fall weather is accommodating.

During the survey period most marine mammals are expected to be dispersed throughout the area, except during the peak of the bowhead whale migration through the Chukchi Seas, which occurs from late August into October. Bowhead whales are expected to be in the Canadian Beaufort Sea during much of the time, and therefore are not expected to be affected by the proposed marine surveys and vessel noise prior to the start of the fall subsistence hunt. After the conclusion of the subsistence hunt, bowheads may travel in proximity to the survey area and hear sounds from sonar, high resolution profilers, and associated vessel sounds; and may be displaced by these activities.

(2) Beluga Whales

Belugas typically do not represent a large proportion of the subsistence harvests by weight in the communities of Wainwright and Barrow, the nearest communities to Shell's planned 2013 activities in the Chukchi Sea. Barrow residents hunt beluga in the spring normally after the bowhead hunt) in leads between Point Barrow and Skull Cliffs in the Chukchi Sea primarily in April-June, and later in the summer (July-August) on both sides of the barrier island in Elson Lagoon/Beaufort Sea (MMS 2008), but harvest rates indicate the hunts are not frequent. Wainwright residents hunt beluga in April-June in the spring lead system, but this hunt typically occurs only if there are no bowheads in the area. Communal hunts for beluga are conducted along the coastal lagoon system later in July-August.

Belugas typically represent a much greater proportion of the subsistence harvest in Point Lay and Point Hope. Point Lay's primary beluga hunt occurs from mid-June through mid-July, but can sometimes continue into August if early success is not sufficient. Point Hope residents hunt beluga primarily in the lead system during the spring (late March to early June) bowhead hunt, but also in open water along the coastline in July and August. Belugas are harvested in coastal waters near these villages, generally within a few miles from shore. The southern extent of Shell's proposed surveys is Icy Cape which lies over 30 miles (48 km) to the north of Point Lay, and therefore NMFS considers that the surveys would have no or negligible effect on beluga hunts.

The survey vessel may be resupplied via another vessel from onshore support facilities and may traverse areas that are sometimes used for subsistence hunting of belugas. Disturbance associated with vessel and potential aircraft traffic could therefore potentially affect beluga hunts. However, all of the beluga hunt by Barrow residents in the Chukchi Sea, and much of the hunt by Wainwright residents would likely be completed before Shell activities would commence.

(3) Seals

Seals are an important subsistence resource and ringed seals make up the bulk of the seal harvest. Most ringed and bearded seals are harvested in the winter or in the spring before Shell's 2013 activities would commence, but some harvest continues during open water and could possibly be affected by Shell's planned activities. Spotted seals are also harvested during the summer. Most seals are harvested in coastal waters, with available maps of recent and past subsistence use areas indicating seal harvests have occurred only within 30–40 mi (48–64 km) off the coastline. Shells planned offshore surveys, equipment recovery and maintenance would occur outside state waters and are not likely to have an impact on subsistence hunting for seals. Resupply vessel and air traffic between land and the operations vessels could potentially disturb seals and, therefore, subsistence hunts for seals, but any such effects would be minor due to the small number of supporting vessels and the fact that most seal hunting is done during the winter and spring.

As stated earlier, the proposed seismic survey would take place between July and October. The closest extension of the proposed site clearance and shallow hazards surveys located approximately 120 km to Wainwright and 150 km to Point Lay, and much farther to Barrow. Potential impact from the planned activities is expected mainly from sounds generated by the vessel and during active airgun deployment. Due to the timing of the project and the distance from the surrounding communities, it is anticipated to have no effects on spring harvesting and little or no effects on the occasional summer harvest of beluga whale, subsistence seal hunts (ringed and spotted seals are primarily harvested in winter while bearded seals are hunted during July—September in the Beaufort Sea), or the fall bowhead hunt.

In addition, Shell has developed and proposes to implement a number of mitigation measures which include a proposed Marine Mammal Monitoring and Mitigation Plan (4MP), employment of subsistence advisors in the villages, and implementation of a Communications Plan (with operation of Communication Centers). Shell is also preparing a Plan of Cooperation (POC) under 50 CFR 216.104 Article 12 of the MMPA to address potential impacts on subsistent seal hunting activities. Shell will meet with the Alaska Eskimo Whaling Commission (AEWC) and communities' Whaling Captains' Associations as part of the POC development, to establish avoidance guidelines and other mitigation measures to be followed where the proposed activities may have an impact on subsistence.

Finally, to ensure that there will be no conflict from Shell's proposed open-water marine surveys and equipment recovery and maintenance to subsistence activities, NMFS encourages Shell to sign a Conflict Avoidance Agreement with the local subsistence communities. The CAA identifies what measures have been or will be taken to minimize adverse impacts of the planned activities on subsistence harvesting.

Proposed Mitigation

In order to issue an incidental take authorization under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses.

For the proposed Shell open-water marine surveys and equipment recovery and maintenance activities in the Chukchi Sea, Shell worked with NMFS and proposed the following mitigation measures to minimize the potential impacts to marine mammals in the project vicinity as a result of the marine seismic survey activities. The primary purpose of these mitigation measures is to detect marine mammals within, or about to enter designated exclusion zones and to initiate immediate shutdown or power down of the airgun(s), therefore it's very unlikely potential injury or TTS to marine mammals would occur, and Level B behavioral of marine mammals would be reduced to the lowest level practicable.

(1) Establishing Exclusion and Disturbance Zones

Under current NMFS guidelines, the ''exclusion zone'' for marine mammal exposure to impulse sources is customarily defined as the area within which received sound levels are ≥180 dB (rms) re 1 μPa for cetaceans and ≥190 dB (rms) re 1 μPa for pinnipeds. These safety criteria are based on an assumption that SPL received at levels lower than these will not injure these animals or impair their hearing abilities, but that at higher levels might have some such effects. Disturbance or behavioral effects to marine mammals from underwater sound may occur after exposure to sound at distances greater than the exclusion zones (Richarcdson *et al.* 1995). Currently, NMFS uses 160 dB (rms) re 1 μPa as the threshold for Level B behavioral harassment from impulses noise, and 120 dB (rms) re 1 μPa for Level B behavioral harassment from non-impulse noise.

Exclusion and disturbance radii for the sound levels produced by the 40 in^3 array and the single mitigation airgun (10 cubic inches) to be used during the 2013 site clearance and shallow hazards survey activities were measured at the Honeyguide and Burger prospect areas a total of three separate times between 2008 and 2009. The largest radii from these measurements will be implemented at the commencement of 2013 airgun operations to establish marine mammal exclusion zones used for mitigation (Table 3). Shell will conduct sound source measurements of the airgun array at the beginning of survey operations in 2013 to verify the size of the various marine mammal exclusion zones (see above). The acoustic data will be analyzed as quickly as reasonably practicable in the field and used to verify and adjust the marine mammal exclusion zone distances. The mitigation measures to be implemented at the 190 and 180 dB (rms) sound levels will include power downs and shut downs as described below.

TABLE 3—DISTANCES OF THE 190 AND 180 DB (RMS) RE 1 μPA ISOLPETHS (IN M) TO BE USED FOR MITIGATION PURPOSES AT THE BEGINNING OF 2013 AIRGUN OPERATIONS IN THE CHUKCHI SEAL UNTIL SSV RESULTS ARE AVAILABLE

Received levels (dB re 1 μPa rms)	4-Airgun array (40 in^3)	Single airgun (10 in^3)
190	50	23
180	160	52

(2) Vessel and Helicopter Related Mitigation Measures

This proposed mitigation measures apply to all vessels that are part of the Chukchi Sea marine surveys and equipment recovery and maintenance activities, including crew transfer vessels.

- Avoid concentrations or groups of whales by all vessels under the direction of Shell. Operators of support vessels should, at all times, conduct their activities at the maximum distance possible from such concentrations of whales.
- Vessels in transit shall be operated at speeds necessary to ensure no physical contact with whales occurs. If any vessel approaches within 1.6 km (1 mi) of observed bowhead whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the bowhead whales by taking one or more of the following actions, as appropriate:
  - Reducing vessel speed to less than 5 knots within 300 yards (900 feet or 274 m) of the whale(s);
  - Steering around the whale(s) if possible;
  - Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;
  - Operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and
  - Checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.
- When weather conditions require, such as when visibility drops, adjust vessel speed accordingly to avoid the likelihood of injury to whales.
- In the event that any aircraft (such as helicopters) are used to support the planned survey, the mitigation measures below would apply:
  - Under no circumstances, other than an emergency, shall aircraft be operated at an altitude lower than 1,000 feet above sea level (ASL) when within 0.3 mile (0.5 km) of groups of whales.
  - Helicopters shall not hover or circle above or within 0.3 mile (0.5 km) of groups of whales.

(3) Mitigation Measures for Airgun Operations

The primary role for airgun mitigation during the site clearance and shallow hazards surveys is to monitor marine mammals near the airgun array during all daylight airgun operations and during any nighttime start-up of the airguns. During the site clearance and shallow hazards surveys PSOs will monitor the pre-established exclusion zones for the presence of marine mammals. When marine mammals are observed within, or about to enter, designated safety zones, PSOs have the authority to call for immediate power down (or shutdown) of airgun operations as required by the situation. A summary of the procedures associated with each mitigation measure is provided below.

Ramp Up Procedure

A ramp up of an airgun array provides a gradual increase in sound levels, and

involves a step-wise increase in the number and total volume of airguns firing until the full volume is achieved. The purpose of a ramp up (or ''soft start'') is to ''warn'' cetaceans and pinnipeds in the vicinity of the airguns and to provide time for them to leave the area and thus avoid any potential injury or impairment of their hearing abilities.

During the proposed shallow hazards survey program, the seismic operator will ramp up the airgun arrays slowly. Full ramp ups (i.e., from a cold start after a shut down, when no airguns have been firing) will begin by firing a single airgun in the array (i.e., the mitigation airgun). A full ramp up, after a shut down, will not begin until there has been a minimum of 30 min of observation of the safety zone by PSOs to assure that no marine mammals are present. The entire safety zone must be visible during the 30-minute lead-in to a full ramp up. If the entire safety zone is not visible, then ramp up from a cold start cannot begin. If a marine mammal(s) is sighted within the safety zone during the 30-minute watch prior to ramp up, ramp up will be delayed until the marine mammal(s) is sighted outside of the safety zone or the animal(s) is not sighted for at least 15–30 minutes: 15 minutes for small odontocetes (harbor porpoise) and pinnipeds, or 30 minutes for baleen whales and large odontocetes (including beluga and killer whales and narwhal).

Use of a Small-Volume Airgun During Turns and Transits

Throughout the seismic survey, particularly during turning movements, and short transits, Shell will employ the use of a small-volume airgun (i.e., 10 in^3 ''mitigation airgun'') to deter marine mammals from being within the immediate area of the seismic operations. The mitigation airgun would be operated at approximately one shot per minute and would not be operated for longer than three hours in duration (turns may last two to three hours for the proposed project).

During turns or brief transits (e.g., less than three hours) between seismic tracklines, one mitigation airgun will continue operating. The ramp-up procedure will still be followed when increasing the source levels from one airgun to the full airgun array. However, keeping one airgun firing will avoid the prohibition of a ''cold start'' during darkness or other periods of poor visibility. Through use of this approach, site clearance and shallow hazards surveys using the full array may resume without the 30 minute observation period of the full exclusion zone required for a ''cold start''. PSOs will be on duty whenever the airguns are firing during daylight, during the 30 minute periods prior to ramp-ups.

Power-down and Shut Down Procedures

A power down is the immediate reduction in the number of operating energy sources from all firing to some smaller number (e.g., single mitigation airgun). A shut down is the immediate cessation of firing of all energy sources. The array will be immediately powered down whenever a marine mammal is sighted approaching close to or within the applicable safety zone of the full array, but is outside the applicable safety zone of the single mitigation source. If a marine mammal is sighted within or about to enter the applicable safety zone of the single mitigation airgun, the entire array will be shut down (i.e., no sources firing).

Poor Visibility Conditions

Shell plans to conduct 24-hour operations. PSOs will not be on duty during ongoing seismic operations during darkness, given the very limited effectiveness of visual observation at night (there will be no periods of darkness in the survey area until mid-August). The proposed provisions associated with operations at night or in periods of poor visibility include the following:

- If during foggy conditions, heavy snow or rain, or darkness (which may be encountered starting in late August), the full 180 dB exclusion zone is not visible, the airguns cannot commence a ramp-up procedure from a full shut-down.
- If one or more airguns have been operational before nightfall or before the onset of poor visibility conditions, they can remain operational throughout the night or poor visibility conditions. In this case ramp-up procedures can be initiated, even though the exclusion zone may not be visible, on the assumption that marine mammals will be alerted by the sounds from the single airgun and have moved away.

(4) Mitigation Measures for Subsistence Activities

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation (POC) or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes.

Shell is preparing a POC, which relies upon the Chukchi Sea Communication Plans to identify the measures that Shell has developed in consultation with North Slope subsistence communities and will implement during its planned 2013 activities to minimize any adverse effects on the availability of marine mammals for subsistence uses. In addition, the POC will detail Shell's communications and consultations with local subsistence communities concerning its planned 2013 program, potential conflicts with subsistence activities, and means of resolving any such conflicts. Shell states that it continues to document its contacts with the North Slope subsistence communities, as well as the substance of its communications with subsistence stakeholder groups.

The POC will be, and has been in the past, the result of numerous meetings and consultations between Shell, affected subsistence communities and stakeholders, and federal agencies. The POC identifies and documents potential conflicts and associated measures that will be taken to minimize any adverse effects on the availability of marine mammals for subsistence use. Outcomes of POC meetings are typically included in updates attached to the POC as addenda and distributed to federal, state, and local agencies as well as local stakeholder groups that either adjudicate or influence mitigation approaches for Shell's open-water programs.

Meetings for Shell's 2013 drilling and open-water marine surveys programs in the Beaufort and Chukchi Seas occurred in Kaktovik, Nuiqsut Barrow, Wainwright, and Point Lay, during October of 2012. Shell met with the marine mammal commissions and committees including the Alaska Eskimo Whaling Commission (AEWC), Eskimo Walrus Commission (EWC), Alaska Beluga Whale Committee (ABWC), Alaska Ice Seal Committee (AISC), and the Alaska Nanuuq Commission (ANC) on December 17 and 18, 2012 in a co-management meeting. In March 2013, Shell revised its 2013 program to suspend plans for drilling, delete the proposed geotechnical program entirely, and remove survey activities from the Beaufort Sea. As a result, Shell has revised the proposed open-water marine surveys program for 2013, thereby necessitating the additional community meetings that must be held this spring in Chukchi Sea villages to present changes to the 2013 season. Shell plans to conduct POC meetings in Chukchi Sea villages May 20–23 and May 29–31, 2013, dependent on abilities to schedule meetings around subsistence activities. Shell will update NMFS promptly after completing the village POC visits.

Following the 2013 season, Shell intends to have a post-season co-management meeting with the commissioners and committee heads to discuss results of mitigation measures and outcomes of the preceding season. The goal of the post-season meeting is to build upon the knowledge base, discuss successful or unsuccessful outcomes of mitigation measures, and possibly refine plans or mitigation measures if necessary.

In addition, Shell indicated that it will continue to attend 2013 Conflict Avoidance Agreement (CAA) negotiation meetings in support of its 2013 activities in the Chukchi Sea.

Mitigation Conclusions

NMFS has carefully evaluated the applicant's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- the manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals; and
- the practicability of the measure for applicant implementation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking''. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area.

I. Proposed Monitoring Measures

The monitoring plan proposed by Shell can be found in its Marine Mammal Monitoring and Mitigation Plan (4MP). The plan may be modified or supplemented based on comments or new information received from the public during the public comment period. A summary of the primary components of the plan follows.

Monitoring will provide information on the numbers of marine mammals potentially affected by the exploration operations and facilitate real time mitigation to prevent injury of marine mammals by industrial sounds or activities. These goals will be accomplished in the Chukchi Sea during 2013 by conducting vessel-based monitoring from all ships with sound sources and an acoustic monitoring program to document underwater sounds and the vocalizations of marine mammals in the region.

Visual monitoring by Protected Species Observers (PSOs) during active marine survey operations, and periods when these surveys are not occurring, will provide information on the numbers of marine mammals potentially affected by these activities and facilitate real time mitigation to prevent impacts to marine mammals by industrial sounds or operations. Vessel-based PSOs onboard the survey vessel will record the numbers and species of marine mammals observed in the area and any observable reaction of marine mammals to the survey activities in the Chukchi Sea. Additionally, monitoring by PSOs aboard the vessel utilized for equipment recovery and maintenance activities at the Burger A well site will ensure that there are no interactions between marine mammals and these operations. PSOs aboard the vessel will monitor adjacent areas while the vessel operates from a stationary position in DP mode.

The acoustics monitoring program will characterize the sounds produced by marine surveys and will document the potential reactions of marine mammals in the area to those sounds and activities. Recordings of ambient sound levels and vocalizations of marine mammals along the Chukchi Sea coast and offshore will also be used to interpret potential impacts to marine mammals around the marine survey and equipment recovery and maintenance activity, in addition to subsistence use areas closer to shore. Although these monitoring programs were designed primarily to understand the impacts of exploratory drilling in the Chukchi Sea they will also provide valuable information about the potential impacts of the 2013 marine surveys on marine mammals in the area.

Visual-Based Protected Species Observers (PSOs)

The visual-based marine mammal monitoring will be implemented by a team of experienced PSOs, including both biologists and Inupiat personnel. PSOs will be stationed aboard the marine survey vessel and the vessel used to facilitate equipment recovery and maintenance work at the Burger A exploratory well site through the duration of the projects. The vessel-based marine mammal monitoring will provide the basis for real-time mitigation measures as discussed in the Proposed Mitigation section. In addition, monitoring results of the vessel-based monitoring program will include the estimation of the number of ''takes'' as stipulated in the IHA.

(1) Protected Species Observers

Vessel-based monitoring for marine mammals will be done by trained PSOs throughout the period of survey activities. The observers will monitor the occurrence of marine mammals near the survey vessel during all daylight periods during operation, and during most daylight periods when operations are not occurring. PSO duties will include watching for and identifying marine mammals; recording their numbers, distances, and reactions to the survey operations; and documenting ''take by harassment''.

A sufficient number of PSOs will be required onboard the survey vessel to meet the following criteria:

- 100% monitoring coverage during all periods of survey operations in daylight;
- maximum of 4 consecutive hours on watch per PSO; and
- maximum of ~12 hours of watch time per day per PSO.

PSO teams will consist of Inupiat observers and experienced field biologists. An experienced field crew leader will supervise the PSO team onboard the survey vessel. The total number of PSOs may decrease later in the season as the duration of daylight decreases.

(2) Observer Qualifications and Training

Crew leaders and most PSOs will be individuals with experience as observers during recent seismic, site clearance and shallow hazards, and other monitoring projects in Alaska or other offshore areas in recent years.

Biologist-observers will have previous marine mammal observation experience, and field crew leaders will be highly

experienced with previous vessel-based marine mammal monitoring and mitigation projects. Resumes for those individuals will be provided to NMFS for review and acceptance of their qualifications. Inupiat observers will be experienced in the region and familiar with the marine mammals of the area. All observers will complete a NMFS-approved observer training course designed to familiarize individuals with monitoring and data collection procedures. A marine mammal observers' handbook, adapted for the specifics of the planned survey program will be prepared and distributed beforehand to all PSOs (see below).

PSOs will complete a two or three-day training and refresher session on marine mammal monitoring, to be conducted shortly before the anticipated start of the 2013 open-water season. Any exceptions will have or receive equivalent experience or training. The training session(s) will be conducted by qualified marine mammalogists with extensive crew-leader experience during previous vessel-based seismic monitoring programs.

(3) PSO Handbook

A PSO's Handbook will be prepared for Shell's 2013 vessel-based monitoring program. Handbooks contain maps, illustrations, and photographs, as well as text, and are intended to provide guidance and reference information to trained individuals who will participate as PSOs. The following topics will be covered in the PSO Handbook for the Shell project:

- summary overview descriptions of the project, marine mammals and underwater noise, the marine mammal monitoring program (vessel roles, responsibilities), and the Marine Mammal Protection Act;
- monitoring and mitigation objectives and procedures, including radii for exclusion zones;
- responsibilities of staff and crew regarding the marine mammal monitoring plan;
- instructions for ship crew regarding the marine mammal monitoring plan;
- data recording procedures: codes and coding instructions, PSO coding mistakes, electronic database; navigational, marine physical, field data sheet;
- list of species that might be encountered: identification, natural history;
- use of specialized field equipment (reticle binoculars, NVDs, etc.);
- reticle binocular distance scale;
- table of wind speed, Beaufort wind force, and sea state codes; and
- data quality-assurance/quality-control, delivery, storage, and backup procedures.

Marine Mammal Observer Protocol

The PSOs will watch for marine mammals from the best available vantage point on the survey vessels, typically the bridge. The PSOs will scan systematically with the unaided eye and 7×50 reticle binoculars, supplemented with 20×60 image-stabilized Zeiss Binoculars or Fujinon 25×150 ''Big-eye'' binoculars, and night-vision equipment when needed. Personnel on the bridge will assist the marine mammal observer(s) in watching for marine mammals.

PSOs aboard the stationary vessel used to conduct equipment recovery and maintenance activity will focus their attention on areas immediately adjacent to the vessel and where active operations are occurring to ensure these areas are clear of marine mammals and that there are no direct interactions between animals and equipment or project personnel. The observer(s) aboard the marine survey vessel will give particular attention to the areas within the marine mammal exclusion zones around the source vessel. These zones are the maximum distances within which received levels may exceed 180 dB (rms) re 1 μPa (rms) for cetaceans, or 190 dB (rms) re 1 μPa for other marine mammals. Information to be recorded by PSOs will include the same types of information that were recorded during recent monitoring programs associated with Industry activity in the Arctic (e.g., Ireland *et al.* 2009; Reiser *et al.* 2010, 2011). When a mammal sighting is made, the following information about the sighting will be recorded:

- Species, group size, age/size/sex categories, behavior when first sighted and after initial sighting, heading, bearing and distance from observer, apparent reaction to activities (e.g., none, avoidance, approach, paralleling, etc.), closest point of approach, and pace.
- Time, location, speed, and activity of the vessel, sea state, ice cover, visibility, and sun glare.
- The positions of other vessel(s) in the vicinity of the observer location.

Distances to nearby marine mammals will be estimated with binoculars (Fujinon 7×50 binoculars) containing a reticle to measure the vertical angle of the line of sight to the animal relative to the horizon. Observers may use a laser rangefinder to test and improve their abilities for visually estimating distances to objects in the water.

When a marine mammal is seen approaching or within the exclusion zone applicable to that species, the marine survey crew will be notified immediately so that mitigation measures called for in the applicable authorization(s) can be implemented.

Night-vision equipment (Generation 3 binocular image intensifiers or equivalent units) will be available for use when/if needed. Past experience with night-vision devices (NVDs) in the Chukchi Sea and elsewhere has indicated that NVDs are not nearly as effective as visual observation during daylight hours (e.g., Harris et al. 1997, 1998; Moulton and Lawson 2002).

Field Data-Recording, Verification, Handling, and Security

PSOs will record their observations directly into computers running a custom designed software package. Paper datasheets will be available as backup if necessary. The accuracy of the data entry will be verified in the field by computerized validity checks as the data are entered, and by subsequent manual checking of the database printouts. These procedures will allow initial summaries of data to be prepared during and shortly after the field season, and will facilitate transfer of the data to statistical, graphical or other programs for further processing. Quality control of the data will be facilitated by (1) The start-of-season training session, (2) subsequent supervision by the onboard field crew leader, and (3) ongoing data checks during the field season.

The data will be sent off of the ship to Anchorage each day (if possible) and backed up regularly onto CDs and/or USB disks, and stored at separate locations on the vessel. If possible, data sheets will be photocopied daily during the field season. Data will be secured further by having data sheets and backup data CDs carried back to the Anchorage office during crew rotations.

Passive Acoustic Monitoring

(1) Sound Source Measurements

The objectives of the sound source measurements planned for 2013 will be (1) to measure the distances at which broadband received levels reach 190, 180, 170, 160, and 120 dB (rms) re 1 μPa during marine surveys and equipment recovery and maintenance activity at the Burger A exploratory well site, and from vessels used during these activities. The measurements of airguns and other marine survey equipment will be made by an acoustics contractor at the beginning of the surveys. Data from survey equipment will be previewed in the field immediately after download

from the hydrophone instruments. An initial sound source analysis will be supplied to NMFS and the vessel within 120 hours of completion of the measurements, if possible. The report will indicate the distances to sound levels based on fits of empirical transmission loss formulae to data in the endfire and broadside directions. A more detailed report will be provided to NMFS as part of the 90-day report following completion of the acoustic program.

(2) Long-term Acoustic Monitoring

Acoustic studies that were undertaken from 2006 through 2012 in the Chukchi Sea as part of the Joint Monitoring Program will be continued by Shell during its proposed open-water marine survey and equipment recovery and maintenance activity in 2013. The acoustic ''net'' array used during the 2006–2012 field seasons in the Chukchi Sea was designed to accomplish two main objectives. The first was to collect information on the occurrence and distribution of marine mammals (including beluga whale, bowhead whale, walrus and other species) that may be available to subsistence hunters near villages located on the Chukchi Sea coast and to document their relative abundance, habitat use, and migratory patterns. The second objective was to measure the ambient soundscape throughout the eastern Chukchi Sea and to record received levels of sounds from industry and other activities further offshore in the Chukchi Sea.

The basic components of this effort consist of autonomous acoustic recorders deployed widely across the US Chukchi Sea through the open water season and then the winter season. These precisely calibrated systems will sample at 16 kHz with 24-bit resolution, and are capable of recording marine mammal sounds and making anthropogenic noise measurements. The net array configuration will include a regional array of 24 Autonomous Multichannel Acoustic Recorders (AMAR) deployed July–October off the four main transect locations: Cape Lisburne, Point Hope, Wainwright and Barrow. These will be augmented by six AMARs deployed August 2013–August 2014 at Hanna Shoal. Six additional AMAR recorders will be deployed in a hexagonal geometry at 16 km from the nominal Burger A exploratory well location to monitor directional variations of equipment recovery/maintenance and support vessel sounds in addition to examining marine mammal vocalization patterns in the vicinity of these activities. One new recorder will be placed 32 km northwest of the Burger A well site to monitor for sound propagation toward the south side of Hanna Shoal, which acoustic and satellite tag monitoring has identified as frequented by walrus in August. Marine survey activities will occur in areas within the coverage of the net array. All of these offshore systems will capture marine survey and equipment recovery/maintenance sounds, where present, over large distances to help characterize the sound transmission properties in the Chukchi Sea. They will continue to provide a large amount of information related to marine mammal distributions in the Chukchi Sea.

In early October, all of the regional recorders will be retrieved except for the six Hanna Shoal recorders, which will continue to record on a duty cycle until August 2014. An additional set of nine Aural winter recorders will be deployed at the same time at the same locations that were instrumented in winter 2012–2013. These recorders will sample at 16 kHz on a 17% duty cycle (40 minutes every 4 hours). The winter recorders deployed in previous years have provided important information about bowhead, beluga, walrus and several seal species migrations in fall and spring.

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed ''where the proposed activity may affect the availability of a species or stock for taking for subsistence uses'' (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Regarding this requirement, NMFS' implementing regulations state, ''Upon receipt of a complete monitoring plan, and at its discretion, [NMFS] will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan'' (50 CFR 216.108(d)).

NMFS convened an independent peer review panel to review Shell's mitigation and monitoring plan in its IHA application for taking marine mammals incidental to the proposed open-water marine surveys and equipment recovery and maintenance in the Chukchi Sea during 2013. The panel met on January 8 and 9, 2013, and provided their final report to NMFS on March 5, 2013. The full panel report can be viewed at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications.*

NMFS provided the panel with Shell's monitoring and mitigation plan and asked the panel to address the following questions and issues for Shell's plan:

- Will the applicant's stated objectives effectively further the understanding of the impacts of their activities on marine mammals and otherwise accomplish the goals stated below? If not, how should the objectives be modified to better accomplish the goals above?
- Can the applicant achieve the stated objectives based on the methods described in the plan?
- Are there technical modifications to the proposed monitoring techniques and methodologies proposed by the applicant that should be considered to better accomplish their stated objectives?
- Are there techniques not proposed by the applicant (i.e., additional monitoring techniques or methodologies) that should be considered for inclusion in the applicant's monitoring program to better accomplish their stated objectives?
- What is the best way for an applicant to present their data and results (formatting, metrics, graphics, etc.) in the required reports that are to be submitted to NMFS (i.e., 90-day report and comprehensive report)?

The peer review panel report contains recommendations that the panel members felt were applicable to the Shell's monitoring plans. Overall the panel feels that the proposed methods for visual monitoring are adequate and appropriate as the primary means of assessing the acute near-field impacts of the proposed marine surveys. The panel also cautions that there should be realistic expectations regarding the limitations of these surveys to provide scientific-level measurements of distribution and density, but in terms of meeting the monitoring requirements, the panel finds the proposed methods adequate and appreciate the improvements and modifications (e.g., in terms of PSO training, field data collection methods) made over the past few years. Nevertheless, the panel also provides several recommendations concerning improving night-time monitoring, passive acoustic monitoring, and data analysis and presentation.

NMFS has reviewed the report and evaluated all recommendations made by the panel. NMFS has determined that there are several measures that Shell can incorporate into its 2013 open-water marine surveys and equipment recovery and maintenance program. Additionally, there are other recommendations that NMFS has determined would also result in better data collection, and could potentially be implemented by oil and gas industry applicants, but which likely could not

be implemented for the 2013 open-water season due to time constrains for this season. While it may not be possible to implement those changes this year, NMFS believes that they are worthwhile and appropriate suggestions that may require a bit more time to implement, and Shell should consider incorporating them into future monitoring plans should Shell decide to apply for IHAs in the future.

The following subsections lay out measures that NMFS recommends for implementation as part of the 2013 open-water marine surveys and equipment recovery and maintenance program by Shell and those that are recommended for future programs.

Recommendations for Inclusion in the 2013 Monitoring Plan

The peer review panel's report contains several recommendations regarding visual monitoring during low-visibility and presentation of data in reports, which NMFS agrees that Shell should incorporate:

(1) Visual monitoring during low-visibility

• Shell should use the best available technology to improve detection capability during periods of fog and other types of inclement weather. Such technology might include night-vision goggles or binoculars as well as other instruments that incorporate infrared technology; presently the efficacy of these technologies appears limited but the panel and NMFS encourage continued consideration of their applicability as it continues to evolve.

(2) Data analysis and presentation

• Shell should apply appropriate statistical procedures for probability estimation of marine mammals missed, based on observational data acquired during some period of time before and after night or fog events.

• Shell should provide useful summaries and interpretations of results of the various elements of the monitoring results. A clear timeline and spatial (map) representation/summary of operations and important observations should be given. Any and all mitigation measures (e.g., vessel course deviations for animal avoidance, operational shut down) should be summarized. Additionally, an assessment of the efficacy of monitoring methods should be provided.

In addition to these recommendations, Shell also agrees to produce a weekly GIS application that would be available on the web for regulators to view for every observation and mitigation measure implemented.

Recommendations to be Partially Implemented or Considered for Future Monitoring Plans

In addition, the panelists recommended that

• Shell should integrate the acoustic information from the net array to the greatest extent possible to assess the aggregate known activities, at least those from Shell operations but more broadly as possible, to assess patterns of marine mammal vocal activities and how that might be used to investigate potentially broader impacts from overlapping/interacting activities.

• Shell should consider integration of visual and acoustic data from the Chukchi monitoring program and the Joint Monitoring Program to produce estimates of bowhead, beluga, and walrus density using methods developed in the Density Estimation for Cetacean from Passive Acoustic Fixed Sensors (DECAF) project by the Center for Research into Ecological and Environmental Modeling (CREEM) at the University of St. Andrews in Scotland.

After discussion with Shell, NMFS decided not to implement these two recommendations in full during Shell's 2013 open-water marine surveys and equipment recovery and maintenance program because the systematic and comprehensive analyses of these acoustic datasets would require far more time and effort than what would be needed to assess marine mammal takes under the MMPA. However, Shell agrees that it will provide data from net arrays supported in part, or in whole, by Shell and will participate in the integration of acoustic arrays to assess the sound field of the lease areas in the Chukchi and Beaufort seas for the purposes of assessing patterns of marine mammal distribution and behavior and for assessing the impacts of multiple activities/factors. In addition, Shell will evaluate the potential of the DECAF project and efforts will be made to assess the applicability of the data collection infrastructure established in the Shell monitoring program to these and similar studies.

II. Reporting Measures

Sound Source Verification Reports

A report on the preliminary results of the sound source verification measurements, including the measured 190, 180, 160, and 120 dB (rms) radii of the airgun sources, would be submitted within 14 days after collection of those measurements at the start of the field season. This report will specify the distances of the exclusion zones that were adopted for the survey.

Field Reports

Throughout the survey program, PSOs will prepare a report each day or at such other intervals, summarizing the recent results of the monitoring program. The reports will summarize the species and numbers of marine mammals sighted. These reports will be provided to NMFS and to the survey operators.

Technical Reports

The results of Shell's 2013 vessel-based monitoring, including estimates of ''take'' by harassment, would be presented in the ''90-day'' and Final Technical reports, if the IHA is issued and the proposed open-water marine surveys and equipment recovery and maintenance program is conducted. The Technical Reports should be submitted to NMFS within 90 days after the end of the seismic survey. The Technical Reports will include:

(a) Summaries of monitoring effort (e.g., total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);

(b) analyses of the effects of various factors influencing detectability of marine mammals (e.g., sea state, number of observers, and fog/glare);

(c) species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), group sizes, and ice cover;

(d) To better assess impacts to marine mammals, data analysis should be separated into periods when a seismic airgun array (or a single mitigation airgun) is operating and when it is not. Final and comprehensive reports to NMFS should summarize and plot:

• Data for periods when a seismic array is active and when it is not; and

• The respective predicted received sound conditions over fairly large areas (tens of km) around operations;

(e) sighting rates of marine mammals during periods with and without airgun activities (and other variables that could affect detectability), such as:

• initial sighting distances versus airgun activity state;

• closest point of approach versus airgun activity state;

• observed behaviors and types of movements versus airgun activity state;

• numbers of sightings/individuals seen versus airgun activity state;

• distribution around the survey vessel versus airgun activity state; and

• estimates of take by harassment;

(f) Reported results from all hypothesis tests should include estimates of the associated statistical power when practicable;

(g) Estimate and report uncertainty in all take estimates. Uncertainty could be expressed by the presentation of confidence limits, a minimum-maximum, posterior probability distribution, etc.; the exact approach would be selected based on the sampling method and data available;

(h) The report should clearly compare authorized takes to the level of actual estimated takes; and

Notification of Injured or Dead Marine Mammals

In addition, NMFS would require Shell to notify NMFS' Office of Protected Resources and NMFS' Stranding Network within 48 hours of sighting an injured or dead marine mammal in the vicinity of marine survey operations. Shell shall provide NMFS with the species or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available).

In the event that an injured or dead marine mammal is found by Shell that is not in the vicinity of the proposed open-water marine survey program, Shell would report the same information as listed above as soon as operationally feasible to NMFS.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Only take by Level B behavioral harassment is anticipated as a result of the proposed open water marine survey program. Anticipated impacts to marine mammals are associated with noise propagation from the survey airgun(s) used in the shallow hazards survey.

The full suite of potential impacts to marine mammals was described in detail in the ''Potential Effects of the Specified Activity on Marine Mammals'' section found earlier in this document. The potential effects of sound from the proposed open water marine survey programs might include one or more of the following: masking of natural sounds; behavioral disturbance; non-auditory physical effects; and, at least in theory, temporary or permanent hearing impairment (Richardson *et al.* 1995). As discussed earlier in this document, the most common impact will likely be from behavioral disturbance, including avoidance of the ensonified area or changes in speed, direction, and/or diving profile of the animal. For reasons discussed previously in this document, hearing impairment (TTS and PTS) is highly unlikely to occur based on the proposed mitigation and monitoring measures that would preclude marine mammals from being exposed to noise levels high enough to cause hearing impairment.

For impulse sounds, such as those produced by airgun(s) used in the site clearance and shallow hazards surveys, NMFS uses the 160 dB (rms) re 1 μPa isopleth to indicate the onset of Level B harassment. For non-impulse sounds, such as those produced by vessel's DP thrusters during the proposed equipment recovery and maintenance program, NMFS uses the 120 dB (rms) re 1 μPa isopleth to indicate the onset of Level B harassment. Shell provided calculations for both the 160– and 120– dB isopleths produced by these activities and then used those isopleths to estimate takes by harassment. NMFS used the calculations to make the necessary MMPA preliminary findings. Shell provided a full description of the methodology used to estimate takes by harassment in its IHA application, which is also provided in the following sections.

Basis for Estimating ''Take by Harassment''

The estimated takes by harassment is calculated in this section by multiplying the expected densities of marine mammals that may occur near the planned activities by the area of water likely to be exposed to impulse sound levels of ≥160 dB (rms) re 1 μPa and non-impulse sound levels ≥120 dB (rms) re 1 μPa.

Marine mammal occurrence near the operation is likely to vary by season and habitat, mostly related to the presence or absence of sea ice. Although current NMFS' noise exposure standards state that Level B harassment occurs at exposure levels ≥160 dB (rms) re 1 μPa by impulse sources and exposure levels ≥120 dB (rms) re 1 μPa by non-impulse sources, there is no evidence that avoidance at these received sound levels would have significant biological effects on individual animals. Any changes in behavior caused by sounds at or near the specified received levels would likely fall within the normal variation in such activities that would occur in the absence of the planned operations. However, these received levels are currently used to set the threshold for Level B behavioral harassment.

Marine Mammal Density Estimates

Marine mammal density estimates in the Chukchi Sea have been derived for two time periods, the summer period covering July and August, and the fall period including September and October. Animal densities encountered in the Chukchi Sea during both of these time periods will further depend on the habitat zone within which the operations are occurring: open water or ice margin. Vessel and equipment limitations will result in very little activity occurring in or near sea ice; however, if ice is present near the areas of activity some sounds produced by the activities may remain above disturbance threshold levels in ice margin habitats. Therefore, open water densities have been used to estimate potential ''take by harassment'' in 90 percent of the area expected to be ensonified above disturbance thresholds while ice margin densities have been used in the remaining 10 percent of the ensonified area.

For a few marine mammal species, several density estimates were available. In those cases, the mean and maximum estimates were determined from the reported densities or survey data. In other cases, no applicable estimate was available, so correction factors were used to arrive density estimates. These are described in detail in the following sections.

Detectability bias, quantified in part by f(0), is associated with diminishing sightability with increasing lateral distance from the survey trackline. Availability bias, g(0), refers to the fact that there is <100 percent probability of sighting an animal that is present along the survey trackline.

Nine cetacean and four pinniped species under NMFS jurisdiction are known to occur in the planned project area in the Chukchi Sea. Five of them (bowhead, fin, and humpback whales, and ringed and bearded seals) are listed as ''endangered'' or ''threatened'' under the ESA.

(1) Beluga Whale

Summer densities of belugas in offshore waters are expected to be low, with somewhat higher densities in ice-margin and nearshore areas. Aerial surveys have recorded few belugas in the offshore Chukchi Sea during the

summer months (Moore *et al.* 2000). Aerial surveys of the Chukchi Sea in 2008–2009 flown by the National Marine Mammal Laboratory (NMML) as part of the Chukchi Offshore Monitoring in Drilling Area (COMIDA) project have only reported 5 beluga sightings during >8,700 mi (>14,000 km) of on-transect effort, only 2 of which were offshore (COMIDA 2009). One of the three nearshore sightings was of a large group (~275 individuals on July 12, 2009) of migrating belugas along the coastline just north of Peard Bay. Additionally, only one beluga sighting was recorded during >49,710 mi (>80,000 km) of visual effort during good visibility conditions from industry vessels operating in the Chukchi Sea in September–October of 2006–2010 (Hartin *et al.* 2011). If belugas are present during the summer, they are more likely to occur in or near the ice edge or close to shore during their northward migration. Expected densities have previously been calculated from data in Moore *et al.* (2000). However, more recent data from COMIDA aerial surveys during 2008–2010 are now available (Clarke and Ferguson in prep.). Effort and sightings reported by Clarke and Ferguson (in prep.) were used to calculate the average open-water density estimate. Clarke and Ferguson (in prep) reported two on-transect beluga sightings (5 individuals) during 11,985 km of on-transect effort in waters 36–50 m deep in the Chukchi Sea during July and August. The mean group size of these two sightings is 2.5. A f(0) value of 2.841 and g(0) value of 0.58 from Harwood *et al.* (1996) were also used in the density calculation. Specific data on the relative abundance of beluga in open-water versus ice-margin habitat during the summer in the Chukchi Sea is not available. However, belugas are commonly associated with ice, so an inflation factor of 4 was used to estimate the average ice-margin density from the open-water density. Very low densities observed from vessels operating in the Chukchi Sea during non-seismic periods and locations in July–August of 2006–2010 (0.0–0.0003/mi^2, 0.0–0.0001/km2; Hartin *et al.* 2011), also suggest the number of beluga whales likely to be present near the planned activities will not be large.

In the fall, beluga whale densities offshore in the Chukchi Sea are expected to be somewhat higher than in the summer because individuals of the eastern Chukchi Sea stock and the Beaufort Sea stock will be migrating south to their wintering grounds in the Bering Sea (Allen and Angliss 2012). Densities derived from survey results in the northern Chukchi Sea in Clarke and Ferguson (in prep) were used as the average density for open-water fall season estimates. Clarke and Ferguson (in prep) reported 3 beluga sightings (6 individuals) during 10,036 km of on-transect effort in water depths 36–50 m. The mean group size of those three sightings is 2. A f(0) value of 2.841 and g(0) value of 0.58 from Harwood *et al.* (1996) were used in the calculation. Moore *et al.* (2000) reported lower than expected beluga sighting rates in open-water during fall surveys in the Beaufort and Chukchi seas, so an inflation value of 4 was used to estimate the average ice-margin density from the open-water density. Based on the few beluga sightings from vessels operating in the Chukchi Sea during non-seismic periods and locations in September–November of 2006–2010 (Hartin *et al.* 2011), the relatively low densities are consistent with what is likely to be observed form vessels during the planned operations.

(2) Bowhead Whale

By July, most bowhead whales are northeast of the Chukchi Sea, within or migrating toward their summer feeding grounds in the eastern Beaufort Sea. No bowheads were reported during 6,640 mi (10,686 km) of on-transect effort in the Chukchi Sea by Moore *et al.* (2000). Aerial surveys in 2008–2010 by the NMML as part of the COMIDA project reported only 6 sightings during >16,020 mi (>25,781 km) of on-transect effort (Clarke and Ferguson in prep). Two of the six sightings were in waters ≤35 m deep and the remaining four sightings were in waters 51–200 m deep. Bowhead whales were also rarely sighted in July–August of 2006–2010 during aerial surveys of the Chukchi Sea coast (Thomas *et al.* 2011). This is consistent with movements of tagged whales, all of which moved through the Chukchi Sea by early May 2009, and tended to travel relatively close to shore, especially in the northern Chukchi Sea. The estimate of bowhead whale density in the Chukchi Sea was calculated by assuming there was one bowhead sighting during the 7,447 mi (11,985 km) of survey effort in waters 36–50 m deep in the Chukchi Sea during July–August reported in Clarke and Ferguson (in prep), although no bowheads were actually observed during those surveys. The mean group size from September–October sightings reported in Clarke and Ferguson (in prep) is 1.1, and this was also used in the calculation of summer densities. The group size value, along with a f(0) value of 2 and a g(0) value of 0.07, both from Thomas *et al.* (2002) were used to estimate a summer density of bowhead whales. Bowheads are not expected to be encountered in higher densities near ice in the summer (Moore *et al.* 2000), so the same density estimates are used for open-water and ice-margin habitats. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in July–August of 2006–2010 (Hartin *et al.* 2011) ranged from 0.0005–0.0021/mi^2 (0.0002–0.0008/km^2).

During the fall, bowhead whales that summered in the Beaufort Sea and Amundsen Gulf migrate west and south to their wintering grounds in the Bering Sea making it more likely that bowheads will be encountered in the Chukchi Sea at this time of year. Moore *et al.* (2000) reported 34 bowhead sightings during 27,560 mi (44,354 km) of on-transect survey effort in the Chukchi Sea during September–October. Thomas *et al.* (2011) also reported increased sightings on coastal surveys of the Chukchi Sea during October and November of 2006–2010. GPS tagging of bowheads appear to show that migration routes through Chukchi Sea are more variable than through the Beaufort Sea (Quakenbush *et al.* 2010). Some of the routes taken by bowheads remain well north of the planned marine survey activities while others have passed near to or through the area. Kernel densities estimated from GPS locations of whales suggest that bowheads do not spend much time (e.g., feeding or resting) in the north-central Chukchi Sea near the area of planned activities (Quakenbush *et al.* 2010). Clarke and Ferguson (in prep) reported 14 sightings (15 individuals) during 10,036 km of on transect aerial survey effort in 2008–2010. The mean group size of those sightings is 1.1. The same f(0) and g(0) values that were used for the summer estimates above were used for the fall estimates. Moore *et al.* (2000) found that bowheads were detected more often than expected in association with ice in the Chukchi Sea in September–October, so a density of twice the average open-water density was used as the average ice-margin density. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in September–November of 2006–2010 (Hartin et al. 2011) ranged from 0.0008 to 0.0135/mi^2 (0.0003–0.0052/km^2). This suggests the densities used in the calculations are somewhat higher than are likely to be observed from vessels near the areas of planned operations.

(3) Gray Whale

Gray whale densities are expected to be much higher in the summer months than during the fall. Moore *et al.* (2000) found the distribution of gray whales in

the planned operational area was scattered and limited to nearshore areas where most whales were observed in water less than 114 ft (35 m) deep. Thomas *et al.* (2011) also reported substantial declines in the sighting rates of gray whales in the fall. The average open-water summer density was calculated from 2008–2010 aerial survey effort and sightings in Clarke and Ferguson (in prep) for water depths 118–164 ft (36–50 m) including 54 sightings (73 individuals) during 7,447 mi (11,985 km) of on-transect effort. The average group size of those sightings is 1.35. Correction factors f(0) = 2.49 (Forney and Barlow 1998) and g(0) = 0.30 (Forney and Barlow 1998, Mallonee 1991) were also used in the density calculation. Gray whales are not commonly associated with sea ice, but may be present near it, so the same densities were used for ice-margin habitat as were derived for open-water habitat during both seasons. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in July–August of 2006–2010 (Hartin *et al.* 2011) ranged from 0.0021/mi^2 to 0.0221/mi^2 (0.0008/km^2 to 0.0085/km^2).

In the fall, gray whales may be dispersed more widely through the northern Chukchi Sea (Moore *et al.* 2000), but overall densities are likely to be decreasing as the whales begin migrating south. A density calculated from effort and sightings (15 sightings [19 individuals] during 6,236 mi (10,036 km) of on-transect effort) in water 118–164 ft (36–50 m) deep during September–October reported by Clarke and Ferguson (in prep) was used as the average estimate for the Chukchi Sea during the fall period. The corresponding group size value of 1.26, along with the same f(0) and g(0) values described above were used in the calculation. Densities from vessel based surveys in the Chukchi Sea during non-seismic periods and locations in September–November of 2006–2010 (Hartin *et al.* 2011) ranged from 0.0/mi^2 to 0.0114/mi^2 (0.0/km^2 to 0.0044/km^2).

(4) Harbor Porpoise

Harbor Porpoise densities were estimated from industry data collected during 2006–2010 activities in the Chukchi Sea. Prior to 2006, no reliable estimates were available for the Chukchi Sea and harbor porpoise presence was expected to be very low and limited to nearshore regions. Observers on industry vessels in 2006–2010, however, recorded sightings throughout the Chukchi Sea during the summer and early fall months. Density estimates from 2006–2010 observations during non-seismic periods and locations in July–August ranged from 0.0034/mi^2 to 0.0075/mi^2 (0.0013/km^2 to 0.0029/km^2) (Hartin *et al.* 2011). The average density from the summer season of those three years (0.0057/mi^2, 0.0022/km^2) was used as the average open-water density estimate. Harbor porpoise are not expected to be present in higher numbers near ice, so the open-water densities were used for ice-margin habitat in both seasons. Harbor porpoise densities recorded during industry operations in the fall months of 2006–2010 were slightly lower and ranged from 0.0/mi^2 to 0.0114/mi^2 (0.0/km^2 to 0.0044/km^2). The average of those years (0.0055/mi^2, 0.0021/km^2) was again used as the average density estimate.

(5) Other Cetaceans

The remaining five cetacean species that could be encountered in the Chukchi Sea during Shell's planned marine survey program include the humpback whale, killer whale, minke whale, fin whale, and narwhal. Although there is evidence of the occasional occurrence of these animals in the Chukchi Sea, it is unlikely that more than a few individuals will be encountered during the planned marine survey activities. Clarke *et al.* (2011b) and Hartin *et al.* (2011) reported humpback whale sightings; George and Suydam (1998) reported killer whales; Brueggeman *et al.* (1990), Hartin *et al.* (2011) and COMIDA (2011) reported minke whales; and Clarke *et al.* (2011b) and Hartin *et al.* (2011) reported fin whales. Narwhal sightings in the Chukchi Sea have not been reported in recent literature, but subsistence hunters occasionally report observations near Barrow, and Reeves *et al.* (2002) indicated a small number of extralimital sightings in the Chukchi Sea.

(6) Ringed and Bearded Seals

Ringed seal and bearded seals summer ice-margin densities were available in Bengtson *et al.* (2005) from spring surveys in the offshore pack ice zone of the northern Chukchi Sea. However, corrections for bearded seal availability, g(0), based on haulout and diving patterns were not available. Densities of ringed and bearded seals in open water are expected to be somewhat lower in the summer when preferred pack ice habitat may still be present in the Chukchi Sea. Average and maximum open-water densities have been estimated at ¾ of the ice margin densities during both seasons for both species. The fall density of ringed seals in the offshore Chukchi Sea has been estimated as ⅔ the summer densities because ringed seals begin to reoccupy nearshore fast ice areas as it forms in the fall. Bearded seals may also begin to leave the Chukchi Sea in the fall, but less is known about their movement patterns so fall densities were left unchanged from summer densities. For comparison, the ringed seal density estimates calculated from data collected during summer 2006–2010 industry operations ranged from 0.0359/mi^2 to 0.1206/mi^2 (0.0138/km^2 to 0.0464/km^2) (Hartin *et al.* 2011). These estimates are lower than those made by Bengtson *et al.* (2005) which is not surprising given the different survey methods and timing.

(7) Spotted Seal

Little information on spotted seal densities in offshore areas of the Chukchi Sea is available. Spotted seal densities in the summer were estimated by multiplying the ringed seal densities by 0.02. This was based on the ratio of the estimated Chukchi populations of the two species. Chukchi Sea spotted seal abundance was estimated by assuming that 8 percent of the Alaskan population of spotted seals is present in the Chukchi Sea during the summer and fall (Rugh *et al.* 1997), the Alaskan population of spotted seals is 59,214 (Allen and Angliss 2012), and that the population of ringed seals in the Alaskan Chukchi Sea is ~208,000 animals (Bengtson *et al.* 2005). In the fall, spotted seals show increased use of coastal haulouts so densities were estimated to be ⅔ of the summer densities.

(8) Ribbon Seals

Four ribbon seal sightings were reported during industry vessel operations in the Chukchi Sea in 2006–2010 (Hartin *et al.* 2011). The resulting density estimate of 0.0013/mi^2 (0.0007/km^2) was used for both seasons and habitat zones.

Area Potentially Exposed to Sound Levels above 160 dB during Site Clearance and Shallow Hazards Surveys

As described earlier, Shell's proposed site clearance and shallow hazards surveys would occur in three survey areas of the Chukchi Sea Lease Area. These three survey areas are the Burger prospect (Survey Area 2), Crackerjack prospect (Survey Area 1), and an area northeast of Burger (Survey Area 3; Figure 1–2 of the IHA application). The precise survey sites within the survey areas at these prospects have not yet been determined, but there are five notional locations at Burger, three at Crackerjack, and one northeast of Burger. The five potential survey sites at Burger range in size from 23 km^2 to 40

km² (9 mi² to 15 mi²) while the three potential sites at Crackerjack range from 35 km² to 119 km² (14 mi² to 46 mi²). The single site northeast of Burger may be ~119 km² (46 mi²).

Shell plans to use the same 4 x 10 in³ airgun configuration that was used during site clearance and shallow hazards surveys in the Chukchi Sea in 2008 and 2009. Measurements during these two years occurred at three locations: Honeyguide (west of the Crackerjack prospect), Crackerjack, and Burger. The measurements showed that the Burger site had the largest radius from the source to the 160 dB (rms) re 1 μPa isopleths at 1,800 m. As a cautionary approach, the Burger site distance (1,800 m from the source) plus a 25 percent inflation factor (equaling 2,250 m) was used to estimate the total area that may be ensonified to 160 dB (rms) re 1 μPa by seismic sounds at all of the potential survey sites at any given time, which equals to 15.9 km².

Shell's operations plan calls for site clearance and shallow hazards surveys to begin at the Burger prospect. Adding the 2.25 km 160 dB (rms) radius to the perimeter of all five of the notional survey grids at that site results in a total area at Burger of 477 km² being exposed to seismic sound ≥160 dB (rms). This is approximately 40 percent of the total area that may be exposed to seismic sounds during the survey activities and it has been attributed to the July–August period. Adding the 2.25 km 160 dB (rms) radius to the perimeter of the three notional survey areas at Crackerjack and the one northeast of Burger results in a total area of 826 km² being potentially exposed to pulsed seismic sounds ≥160 dB (rms). Since these areas would likely be surveyed after the Burger sites are completed they have been attributed to the September–October period. The total area potentially exposed is then 1,303 km² (477 km² + 826 km²).

Area Potentially Exposed to Sound Levels Above 120 dB During Equipment Recovery and Maintenance Program

As described earlier, Shell's proposed equipment recovery and maintenance at the Burger A well site where drilling took place in 2012 would involve a vessel engaging with DP thrusters while remotely operated vehicles or divers are used to perform the required work. Sounds produced by the vessel while in dynamic positioning mode will be non-impulse in nature and are thus evaluated at the ≥120 dB (rms) level.

The vessel from which equipment recovery and maintenance will be conducted has not yet been determined. Various sound measurements were conducted from vessels during DP operations and during drilling activities (which may include DP operations) in the Chukchi Sea in the past two years. Under most circumstances, sounds from dynamic positioning thrusters are expected to be well below 120 dB (rms) at distances greater than 10 km (6 mi). Among those measurements, the drilling activities conducted by the *Tor Viking II* at the Burger A well site in 2012 may have included dynamic positioning, and its distance of 13 km (8 mi) was selected to model the 120 dB (rms) re 1 μPa isopleths for Shell's proposed 2013 equipment recovery and maintenance program. This yields to a 120 dB (rms) re 1 μPa ensonified zone of approximately 531 km² (205 mi²).

The equipment recovery and maintenance work at the well site may occur during either or both of the seasonal periods and may take place over as many as 28 days. Therefore, the entire area potentially exposed to continuous sounds ≥120 dB (rms) from dynamic positioning thrusters has been applied to densities of marine mammals during both seasonal periods.

Potential Number of ''Take by Harassment''

As stated earlier, the estimates of potential Level B takes of marine mammals by noise exposure are based on a consideration of the number of marine mammals that might be present during operations in the Chukchi Sea and the anticipated area exposed to those sound pressure levels (SPLs) above 160 dB re 1 μPa for impulse sources (seismic aregun during site clearance and shallow hazards surveys) and SPLs above 120 dB re 1 μPa for non-impulse sources (vessel's DP operation during equipment recovery and maintenance program).

The number of individuals of each species potentially exposed to received levels was estimated by multiplying the anticipated area to be ensonified to the specified SPLs in each season (summer and fall) and habitat zone (open water and ice margin) to which a density applies, by the expected species density. The numbers of individuals potentially exposed were then summed for each species across the two seasons and habitat zones.

An additional calculation was made that assumes the entire population of marine mammals within the 531 km² (205 mi²) area exposed to non-pulsed sounds ≥120 dB (rms) re 1 μPa during the equipment recovery and maintenance activity is different every day during that 28 day period. To do this, the 28 days were split evenly between the July–August and September–October periods (14 days in each period). The area ensonified by continuous sounds on each day was then multiplied by 14 before being multiplied by the appropriate species density within each season.

Some of the animals estimated to be exposed, particularly migrating bowhead whales, might show avoidance reactions before being exposed to sounds at the specified threshold levels. Thus, these calculations actually estimate the number of individuals potentially exposed to the specified sounds levels that would occur if there were no avoidance of the area ensonified to that level.

As described above, vessel and equipment limitations will result in very little activity occurring in or near sea ice; however, if ice is present near the areas of activity, some sounds produced by the activities may remain above disturbance threshold levels in ice margin habitats. Therefore, open water densities have been used to estimate potential ''take by harassment'' in 90 percent of the area expected to be ensonified above disturbance thresholds while ice margin densities have been used in the remaining 10 percent of the ensonified area. Species with an estimated average number of individuals exposed equal to zero are included below for completeness, but are not likely to be encountered.

Numbers of marine mammals that might be present and potentially taken are summarized in Table 4 based on calculation described above.

Some of the animals estimated to be exposed, particularly migrating bowhead whales, might show avoidance reactions before being exposed to ≥160 dB (rms) re 1 μPa. Thus, these calculations actually estimate the number of individuals potentially exposed to specific SPLs, i.e., ≥160 dB (rms) re 1 μPa for impulse noise and ≥120 dB (rms) re 1 μPa for non-impulse noise, that would occur if there were no avoidance of the area ensonified to that level.

Because beluga whales may form groups, additional takes were added on top of the density-based take calculation in the event a large group is encountered during the survey. For marine mammal species that are rare and for which no density estimates are available in the vicinity of the proposed project area (such as humpback, fin, minke, and killer whales and narwhal), a small number of takes have been requested in case they are encountered (Table 4).

TABLE 4—ESTIMATES OF THE POSSIBLE MAXIMUM NUMBERS OF MARINE MAMMALS TAKEN BY LEVEL B HARASSMENT (EXPOSED TO ≥160 dB FROM AIRGUN SOUND AND ≥120 dB FROM DYNAMIC POSITIONING OPERATIONS) DURING SHELL'S PROPOSED MARINE SURVEY AND EQUIPMENT RECOVERY AND MAINTENANCE ACTIVITY IN THE CHUKCHI SEA, JULY–OCTOBER 2013, INCLUDING A DAILY MULTIPLIER FOR THE ENTIRE 28 DAYS OPERATIONAL PERIOD AT THE BURGER A WELL SITE

Species	Level B takes	Percent population
Bowhead whale	209	1.98
Gray whale	270	1.41
Fin whale	10	0.18
Humpback whale	10	1.07
Minke whale	10	1.23
Beluga whale*	53	1.43
Narwhal	4	NA
Killer whale	10	3.18
Harbor porpoise	35	0.07
Ringed seal	5,096	2.44
Bearded seal	178	0.07
Spotted seal	102	0.17
Ribbon seal	12	0.02

* Additional takes were added in the event that a large group of Beluga whales is encountered.

Estimated Take Conclusions

Effects on marine mammals are generally expected to be restricted to avoidance of the area around the planned activities and short-term changes in behavior, falling within the MMPA definition of ''Level B harassment''.

Cetaceans—The average estimates without a daily multiplier for the stationary operations suggest a total of 209 bowhead whales may be exposed to sounds at or above the specified levels. This number is approximately 1.98% of the BCB population of 10,545 assessed in 2001 (Allen and Angliss 2011) and is assuming to be increasing at an annual growth rate of 3.4% (Zeh and Punt 2005), which is supported by a 2004 population estimate of 12,631 by Koski et al. (2010). Including a daily multiplier brings the average estimate up to 209 individual bowhead whales with the daily multiplier (Table 4). The total estimated number of gray whales that may be exposed to sounds from the activities ranges up to 270 with the daily multiplier (Table 4). Fewer beluga whales and harbor porpoises are likely to be exposed to sounds during the activities. The small numbers of other whale species that may occur in the Chukchi Sea are unlikely to be present around the planned operations but chance encounters may occur. The few individuals would represent a very small proportion of their respective populations.

Pinnipeds—Ringed seal is by far the most abundant species expected to be encountered during the planned operations. The best estimate of the numbers of ringed seals exposed to sounds at the specified received levels during the planned activities is 727 not including a daily multiplier, and 5,096 if a daily multiplier is included. Both of these numbers represent <3 percent of the estimated Alaska population. Fewer individuals of other pinniped species are estimated to be exposed to sounds at the specified received levels, also representing small proportions of their populations. Pinnipeds are unlikely to react to non-impulse sounds until received levels are much stronger than 120 dB (rms), so it is probable that a smaller number of these animals would actually be appreciably disturbed.

Negligible Impact and Small Numbers Analysis and Preliminary Determination

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.'' In making a negligible impact determination, NMFS considers a variety of factors, including but not limited to: (1) The number of anticipated mortalities; (2) the number and nature of anticipated injuries; (3) the number, nature, intensity, and duration of Level B harassment; and (4) the context in which the takes occur.

No injuries or mortalities are anticipated to occur as a result of Shell's proposed 2013 marine surveys and equipment recovery and maintenance program in the Chukchi Sea, and none are proposed to be authorized. The proposed site clearance and shallow hazards surveys would use a very small 40 in^3 airgun array, which have much less acoustic power outputs compared to conventional airgun arrays with displacement volume in the range of thousands of cubic inches. The modeled isopleths at 180 dB, based on prior measurements for the same airgun array in the vicinity of the 2013 survey sites, is expected to be 160 m from the source at maximum. Source levels from vessel's DP thrusters during Shell's proposed equipment recovery and maintenance program are below 180 dB re 1 μPa.

In addition, animals in the area are not expected to incur hearing impairment (i.e., TTS or PTS) or non-auditory physiological effects. The modeled isopleths at 160 dB and 120 dB, based on prior measurements, are expected to be approximately 1.8 km and 13km from the airgun array and DP-operating vessel, respectively. Takes will be limited to Level B behavioral harassment. Although it is possible that some individuals of marine mammals may be exposed to sounds from the proposed site clearance and shallow hazard surveys and equipment recovery and maintenance activities more than once, the expanse of these multi-exposures are expected to be less extensive since either the animals or the vessels conducting the marine surveys will be moving constantly in and out of the survey areas.

Most of the bowhead whales encountered will likely show overt disturbance (avoidance) only if they receive airgun sounds with levels ≥ 160 dB re 1 μPa. Odontocete reactions to seismic airgun pulses are usually assumed to be limited to shorter distances from the airgun(s) than are those of mysticetes, probably in part because odontocete low-frequency hearing is assumed to be less sensitive than that of mysticetes. However, at least when in the Canadian Beaufort Sea

in summer, belugas appear to be fairly responsive to seismic energy, with few being sighted within 6–12 mi (10–20 km) of seismic vessels during aerial surveys (Miller *et al.* 2005). Belugas will likely occur in small numbers in the Chukchi Sea during the survey period and few will likely be affected by the survey activity.

Although the stationary nature of the vessel that conducts equipment recovery and maintenance could affect different individuals of marine mammals during the operations, the relatively short period (28 days) of this activity precludes the take of large numbers of marine mammals. In addition, the noise levels generated from DP thrusters are much lower than the levels from the airgun array, and the modeled 120 dB isopleths is expected to be 13 km at the maximum, resulting an ensonified area of 531 km^2.

Taking into account the mitigation measures that are planned, effects on marine mammals are generally expected to be restricted to avoidance of a limited area around Shell's proposed open-water activities and short-term changes in behavior, falling within the MMPA definition of ''Level B harassment''. The many reported cases of apparent tolerance by cetaceans of seismic exploration, vessel traffic, and some other human activities show that co-existence is possible. Mitigation measures such as controlled vessel speed, dedicated marine mammal observers, non-pursuit, and shut downs or power downs when marine mammals are seen within defined ranges will further reduce short-term reactions and minimize any effects on hearing sensitivity. In all cases, the effects are expected to be short-term, with no lasting biological consequence.

Of the thirteen marine mammal species likely to occur in the proposed marine survey area, bowhead, fin, and humpback whales and ringed and bearded seals are listed as endangered or threatened under the ESA. These species are also designated as ''depleted'' under the MMPA. Despite these designations, the Bering-Chukchi-Beaufort stock of bowheads has been increasing at a rate of 3.4 percent annually for nearly a decade (Allen and Angliss 2010). Additionally, during the 2001 census, 121 calves were counted, which was the highest yet recorded. The calf count provides corroborating evidence for a healthy and increasing population (Allen and Angliss 2010). The occurrence of fin and humpback whales in the proposed marine survey areas is considered very rare. There is no critical habitat designated in the U.S. Arctic for the bowhead, fin, and humpback whales. The Alaska stock of bearded seals, part of the Beringia distinct population segment (DPS), and the Arctic stock of ringed seals, have recently been listed by NMFS as threatened under the ESA. None of the other species that may occur in the project area are listed as threatened or endangered under the ESA or designated as depleted under the MMPA.

Potential impacts to marine mammal habitat were discussed previously in this document (see the ''Anticipated Effects on Habitat'' section). Although some disturbance is possible to food sources of marine mammals, the impacts are anticipated to be minor enough as to not affect rates of recruitment or survival of marine mammals in the area. Based on the vast size of the Arctic Ocean where feeding by marine mammals occurs versus the localized area of the marine survey activities, any missed feeding opportunities in the direct project area would be minor based on the fact that other feeding areas exist elsewhere.

The estimated takes proposed to be authorized represent 1.43% of the Eastern Chukchi Sea population of approximately 3,710 beluga whales, 3.18% of Aleutian Island and Bering Sea stock of approximately 314 killer whales, 0.07% of Bering Sea stock of approximately 48,215 harbor porpoises, 1.41% of the Eastern North Pacific stock of approximately 19,126 gray whales, 1.98% of the Bering-Chukchi-Beaufort population of 10,545 bowhead whales, 1.07% of the Western North Pacific stock of approximately 938 humpback whales, 0.18% of the Northeast Pacific stock of approximately 5,700 fin whales, and 1.43% of the Alaska stock of approximately 810 minke whales. The take estimates presented for ringed, bearded, spotted, and ribbon seals represent 2.44, 0.07, 0.17, and 0.02% of U.S. Arctic stocks of each species, respectively. The percentage of Level B behavioral take of 4 individual narwhals among its percentage is unknown as narwhal are not regularly sighted in the U.S. Chukchi Sea. Nevertheless, it is reasonable to believe that the number of narwhal estimated to be taken is very low among its population. The mitigation and monitoring measures (described previously in this document) proposed for inclusion in the IHA (if issued) are expected to reduce even further any potential disturbance to marine mammals.

In addition, no important feeding and reproductive areas are known in the vicinity of the Shell's proposed marine surveys at the time the proposed surveys are to take place. No critical habitat of ESA-listed marine mammal species occurs in the Chukchi Sea.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that Shell's proposed 2013 open-water marine surveys in the Chukchi Sea may result in the incidental take of small numbers of marine mammals, by Level B harassment only, and that the total taking from the marine surveys will have a negligible impact on the affected species or stocks.

Unmitigable Adverse Impact Analysis and Preliminary Determination

NMFS has preliminarily determined that Shell's proposed 2013 open-water marine surveys in the Chukchi Sea will not have an unmitigable adverse impact on the availability of species or stocks for taking for subsistence uses. This preliminary determination is supported by information contained in this document and Shell's draft POC. Shell has adopted a spatial and temporal strategy for its Chukchi Sea open-water marine surveys that should minimize impacts to subsistence hunters. Due to the timing of the project and the distance from the surrounding communities (the proposed site clearance and shallow hazards surveys and equipment recovery and maintenance activities would be approximately 120 km to Wainwright and 150 km to Point Lay), it is anticipated to have no effects on spring harvesting and little or no effects on the occasional summer harvest of beluga whale, subsistence seal hunts (ringed and spotted seals are primarily harvested in winter while bearded seals are hunted during July-September in the Beaufort Sea), or the fall bowhead hunt.

In addition, based on the measures described in Shell's Draft POC, the proposed mitigation and monitoring measures (described earlier in this document), and the project design itself, NMFS has determined preliminarily that there will not be an unmitigable adverse impact on subsistence uses from Shell's 2013 open-water marine surveys in the Chukchi Sea.

Proposed Incidental Harassment Authorization

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

(1) This Authorization is valid from July 1, 2013, through October 30, 2013.

(2) This Authorization is valid only for activities associated with open-water marine surveys and related activities in the Chukchi Sea. The specific areas where Shell's surveys will be conducted are within the Chukchi Sea, Alaska, as shown in Figures 1–1, 1–2, and 1–3 of Shell's IHA application.

(3)(a) The species authorized for incidental harassment takings, Level B harassment only, are: beluga whales (*Delphinapterus leucas*); Narwhals (*Monodon monoceros*); harbor porpoises (*Phocoena phocoena*); killer whales (*Orcinus orca*); bowhead whales (*Balaena mysticetus*); gray whales (*Eschrichtius robustus*); humpback whales (*Megaptera novaeangliae*); fin whales (*Balaenoptera physalus*); minke whales (*B. acutorostrata*); bearded seals (*Erignathus barbatus*); spotted seals (*Phoca largha*); ringed seals (*P. hispida*); and ribbon seals (*P. fasciata*).

(3)(b) The authorization for taking by harassment is limited to the following acoustic sources and from the following activities:

(i) 40 in^3 airgun arrays and other acoustic sources for site clearance and shallow hazards surveys;

(ii) Non-airgun active acoustic sources for ice gouge surveys;

(iii) Vessel activities related to open-water marine surveys listed in (i) and (ii); and

(iv) Vessel activities related to equipment recovery and maintenance at Burger A well site.

(3)(c) The taking of any marine mammal in a manner prohibited under this Authorization must be reported within 24 hours of the taking to the Alaska Regional Administrator (907–586–7221) or his designee in Anchorage (907–271–3023), National Marine Fisheries Service (NMFS) and the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401, or his designee (301–427–8418).

(4) The holder of this Authorization must notify the Chief of the Permits and Conservation Division, Office of Protected Resources, at least 48 hours prior to the start of collecting seismic data (unless constrained by the date of issuance of this Authorization in which case notification shall be made as soon as possible).

(5) Prohibitions

(a) The taking, by incidental harassment only, is limited to the species listed under condition 3(a) above and by the numbers listed in Table 1 (attached). The taking by Level A harassment, injury or death of these species or the taking by harassment, injury or death of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this Authorization.

(b) The taking of any marine mammal is prohibited whenever the required source vessel protected species observers (PSOs), required by condition 7(a)(i), are not onboard in conformance with condition 7(a)(i) of this Authorization.

(6) Mitigation

(a) Establishing Exclusion and Disturbance Zones

(i) Establish and monitor with trained PSOs a preliminary exclusion zone for cetaceans surrounding the airgun array on the source vessel where the received level would be 180 dB (rms) re 1 μPa. For purposes of the field verification test, described in condition 7(e)(i), this radius is estimated to be 160 m from the seismic source for the 40 in^3 airgun arrays and 52 m for a single 10 in^3 airgun for site clearance and shallow hazards surveys.

(ii) Establish and monitor with trained PSOs a preliminary exclusion zone for pinnipeds surrounding the airgun array on the source vessel where the received level would be 190 dB (rms) re 1 μPa. For purposes of the field verification test described in condition 7(e)(i), this radius is estimated to be 50 m from the seismic source for the 640 in^3 airgun arrays and 23 m for the single 10 in^3 airgun for site clearance and shallow hazards surveys.

(iii) Establish a zone of influence (ZOI) for cetaceans and pinnipeds surrounding the airgun array on the source vessel where the received level would be 160 dB (rms) re 1 μPa. For purposes of the field verification test described in condition 7(e)(i), this radius is estimated to be 1,800 m from the seismic source for the 40 in^3 airgun arrays and 569 m for the single 10 in^3 airgun for site clearance and shallow hazards surveys.

(iv) Establish a ZOI for cetaceans and pinnipeds surrounding the vessel while operating dynamic positioning (DP) thruster where the received level would be 120 dB (rms) re 1 μPa. For purposes of the field verification test described in condition 7(b)(i), this radius is estimated to be 13 km from the DP thruster source for equipment recovery and maintenance operations.

(v) Immediately upon completion of data analysis of the field verification measurements required under condition 7(e)(i) below, the new 120-dB, 160-dB, 180-dB, and 190-dB marine mammal ZOIs and exclusion zones shall be established based on the sound source verification.

(b) Vessel and Helicopter Movement Mitigation:

(i) Avoid concentrations or groups of whales by all vessels under the direction of Shell. Operators of support vessels should, at all times, conduct their activities at the maximum distance possible from such concentrations of whales.

(ii) Vessels in transit shall be operated at speeds necessary to ensure no physical contact with whales occurs. If any vessel approaches within 1.6 km (1 mi) of observed bowhead whales, except when providing emergency assistance to whalers or in other emergency situations, the vessel operator will take reasonable precautions to avoid potential interaction with the bowhead whales by taking one or more of the following actions, as appropriate:

(A) Reducing vessel speed to less than 5 knots within 300 yards (900 feet or 274 m) of the whale(s);

(B) Steering around the whale(s) if possible;

(C) Operating the vessel(s) in such a way as to avoid separating members of a group of whales from other members of the group;

(D) Operating the vessel(s) to avoid causing a whale to make multiple changes in direction; and

(E) Checking the waters immediately adjacent to the vessel(s) to ensure that no whales will be injured when the propellers are engaged.

(iii) When weather conditions require, such as when visibility drops, adjust vessel speed accordingly to avoid the likelihood of injury to whales.

(iv) In the event that any aircraft (such as helicopters) are used to support the planned survey, the mitigation measures below would apply:

(A) Under no circumstances, other than an emergency, shall aircraft be operated at an altitude lower than 1,000 feet above sea level (ASL) when within 0.3 mile (0.5 km) of groups of whales.

(B) Helicopters shall not hover or circle above or within 0.3 mile (0.5 km) of groups of whales.

(c) Mitigation Measures for Airgun Operations

(i) Ramp-up:

(A) A ramp up, following a cold start, can be applied if the exclusion zone has been free of marine mammals for a consecutive 30-minute period. The entire exclusion zone must have been visible during these 30 minutes. If the entire exclusion zone is not visible, then ramp up from a cold start cannot begin.

(B) If a marine mammal(s) is sighted within the exclusion zone during the 30-minute watch prior to ramp up, ramp up will be delayed until the marine mammal(s) is sighted outside of the exclusion zone or the animal(s) is not

sighted for at least 15–30 minutes: 15 minutes for small odontocetes (harbor porpoise) and pinnipeds, or 30 minutes for baleen whales and large odontocetes (including beluga and killer whales and narwhal).

(C) If, for any reason, electrical power to the airgun array has been discontinued for a period of 10 minutes or more, ramp-up procedures shall be implemented. Only if the PSO watch has been suspended, a 30-minute clearance of the exclusion zone is required prior to commencing ramp-up. Discontinuation of airgun activity for less than 10 minutes does not require a ramp-up.

(D) The seismic operator and PSOs shall maintain records of the times when ramp-ups start and when the airgun arrays reach full power.

(ii) Power-down/Shutdown:

(A) The airgun array shall be immediately powered down whenever a marine mammal is sighted approaching close to or within the applicable exclusion zone of the full array, but is outside the applicable exclusion zone of the single mitigation airgun.

(B) If a marine mammal is already within the exclusion zone when first detected, the airguns shall be powered down immediately.

(C) Following a power-down, firing of the full airgun array shall not resume until the marine mammal has cleared the exclusion. The animal will be considered to have cleared the exclusion zone if it is visually observed to have left the exclusion zone of the full array, or has not been seen within the zone for 15 minutes (pinnipeds or small toothed whales) or 30 minutes (baleen whales or large toothed whales).

(D) If a marine mammal is sighted within or about to enter the 190 or 180 dB (rms) applicable exclusion zone of the single mitigation airgun, the airgun array shall be shutdown.

(E) Firing of the full airgun array or the mitigation gun shall not resume until the marine mammal has cleared the exclusion zone of the full array or mitigation gun, respectively. The animal will be considered to have cleared the exclusion zone as described above under ramp up procedures.

(iii) Poor Visibility Conditions:

(A) If during foggy conditions, heavy snow or rain, or darkness, the full 180 dB exclusion zone is not visible, the airguns cannot commence a ramp-up procedure from a full shut-down.

(B) If one or more airguns have been operational before nightfall or before the onset of poor visibility conditions, they can remain operational throughout the night or poor visibility conditions. In this case ramp-up procedures can be initiated, even though the exclusion zone may not be visible, on the assumption that marine mammals will be alerted by the sounds from the single airgun and have moved away.

(iv) Use of a Small-Volume Airgun During Turns and Transits

(A) Throughout the seismic survey, particularly during turning movements, and short transits, Shell will employ the use of a small-volume airgun (i.e., 10 in^3 ''mitigation airgun'') to deter marine mammals from being within the immediate area of the seismic operations. The mitigation airgun would be operated at approximately one shot per minute and would not be operated for longer than three hours in duration (turns may last two to three hours for the proposed project).

(B) During turns or brief transits (e.g., less than three hours) between seismic tracklines, one mitigation airgun will continue operating. The ramp-up procedure will still be followed when increasing the source levels from one airgun to the full airgun array. However, keeping one airgun firing will avoid the prohibition of a ''cold start'' during darkness or other periods of poor visibility. Through use of this approach, site clearance and shallow hazards surveys using the full array may resume without the 30 minute observation period of the full exclusion zone required for a ''cold start''. PSOs will be on duty whenever the airguns are firing during daylight, during the 30 minute periods prior to ramp-ups.

(d) Mitigation Measures for Subsistence Activities:

(i) For the purposes of reducing or eliminating conflicts between subsistence whaling activities and Shell's survey program, the holder of this Authorization will participate with other operators in the Communication and Call Centers (Com-Center) Program. The Com-Centers will be operated 24 hours/day during the 2013 fall subsistence bowhead whale hunt.

(ii) The appropriate Com-Center shall be notified if there is any significant change in plans.

(iii) Upon notification by a Com-Center operator of an at-sea emergency, the holder of this Authorization shall provide such assistance as necessary to prevent the loss of life, if conditions allow the holder of this Authorization to safely do so.

(7) Monitoring

(a) Vessel-based Visual Monitoring:

(i) Vessel-based visual monitoring for marine mammals shall be conducted by NMFS-approved protected species observers (PSOs) throughout the period of survey activities.

(ii) PSOs shall be stationed aboard the marine survey vessel and the vessel used to facilitate equipment recovery and maintenance work at the Burger A exploratory well site through the duration of the projects.

(iii) A sufficient number of PSOs shall be onboard the survey vessel to meet the following criteria:

(A) 100% monitoring coverage during all periods of survey operations in daylight;

(B) maximum of 4 consecutive hours on watch per PSO; and

(C) maximum of 12 hours of watch time per day per PSO.

(iv) The vessel-based marine mammal monitoring shall provide the basis for real-time mitigation measures as described in (6)(c) above.

(v) Results of the vessel-based marine mammal monitoring shall be used to calculate the estimation of the number of ''takes'' from the marine surveys and equipment recovery and maintenance program.

(b) Protected Species Observers and Training

(i) PSO teams shall consist of Inupiat observers and NMFS-approved field biologists.

(ii) Experienced field crew leaders shall supervise the PSO teams in the field. New PSOs shall be paired with experienced observers to avoid situations where lack of experience impairs the quality of observations.

(iii) Crew leaders and most other biologists serving as observers in 2013 shall be individuals with experience as observers during recent seismic or shallow hazards monitoring projects in Alaska, the Canadian Beaufort, or other offshore areas in recent years.

(iv) Resumes for PSO candidates shall be provided to NMFS for review and acceptance of their qualifications. Inupiat observers shall be experienced in the region and familiar with the marine mammals of the area.

(v) All observers shall complete a NMFS-approved observer training course designed to familiarize individuals with monitoring and data collection procedures. The training course shall be completed before the anticipated start of the 2013 open-water season. The training session(s) shall be conducted by qualified marine mammalogists with extensive crew-leader experience during previous vessel-based monitoring programs. A marine mammal observers' handbook, adapted for the specifics of the planned survey program will be reviewed as part of the training.

(vi) Training for both Alaska native PSOs and biologist PSOs shall be conducted at the same time in the same room. There shall not be separate training courses for the different PSOs.

(vii) Crew members should not be used as primary PSOs because they have other duties and generally do not have the same level of expertise, experience, or training as PSOs, but they could be stationed on the fantail of the vessel to observe the near field, especially the area around the airgun array and implement a rampdown or shutdown if a marine mammal enters the safety zone (or exclusion zone).

(viii) If crew members are to be used as PSOs, they shall go through some basic training consistent with the functions they will be asked to perform. The best approach would be for crew members and PSOs to go through the same training together.

(ix) PSOs shall be trained using visual aids (e.g., videos, photos), to help them identify the species that they are likely to encounter in the conditions under which the animals will likely be seen.

(x) Shell shall train its PSOs to follow a scanning schedule that consistently distributes scanning effort according to the purpose and need for observations. All PSOs should follow the same schedule to ensure consistency in their scanning efforts.

(xi) PSOs shall be trained in documenting the behaviors of marine mammals. PSOs should simply record the primary behavioral state (i.e., traveling, socializing, feeding, resting, approaching or moving away from vessels) and relative location of the observed marine mammals.

(c) PSO Handbook: A PSO's Handbook shall be prepared for Shell's 2013 vessel-based monitoring program. Handbooks contain maps, illustrations, and photographs, as well as text, and are intended to provide guidance and reference information to trained individuals who will participate as PSOs. The following topics shall be covered in the PSO Handbook for the Shell project:

(i) summary overview descriptions of the project, marine mammals and underwater noise, the marine mammal monitoring program (vessel roles, responsibilities), and the Marine Mammal Protection Act;

(ii) monitoring and mitigation objectives and procedures, including radii for exclusion zones and zones of influence (ZOIs);

(iii) responsibilities of staff and crew regarding the marine mammal monitoring plan;

(iv) instructions for ship crew regarding the marine mammal monitoring plan;

(v) data recording procedures: codes and coding instructions, PSO coding mistakes, electronic database; navigational, marine physical, field data sheet;

(vi) list of species that might be encountered: identification, natural history;

(vii) use of specialized field equipment (reticle binoculars, nigh vision devices, etc.);

(viii) table of wind speed, Beaufort wind force, and sea state codes; and

(ix) data quality-assurance/quality-control, delivery, storage, and backup procedures.

(d) Marine Mammal Observation Protocol

(i) PSOs shall watch for marine mammals from the best available vantage point on the survey vessels, typically the bridge.

(ii) Observations by the PSOs on marine mammal presence and activity shall begin a minimum of 30 minutes prior to the estimated time that the seismic source is to be turned on and/or ramped-up.

(iii) PSOs shall scan systematically with the unaided eye and 7 x 50 reticle binoculars, supplemented with 20 x 60 image-stabilized Zeiss Binoculars or Fujinon 25 x 150 ''Big-eye'' binoculars, and night-vision equipment when needed.

(iv) Personnel on the bridge shall assist the marine mammal observer(s) in watching for marine mammals.

(v) PSOs aboard the marine survey vessel shall give particular attention to the areas within the marine mammal exclusion zones around the source vessel, as noted in (6)(a)(i) and (ii). They shall avoid the tendency to spend too much time evaluating animal behavior or entering data on forms, both of which detract from their primary purpose of monitoring the exclusion zone.

(vi) Monitoring shall consist of recording of the following information:

(A) the species, group size, age/size/sex categories (if determinable), the general behavioral activity, heading (if consistent), bearing and distance from seismic vessel, sighting cue, behavioral pace, and apparent reaction of all marine mammals seen near the seismic vessel and/or its airgun array (e.g., none, avoidance, approach, paralleling, etc);

(B) the time, location, heading, speed, and activity of the vessel (shooting or not), along with sea state, visibility, cloud cover and sun glare at (I) any time a marine mammal is sighted (including pinnipeds hauled out on barrier islands), (II) at the start and end of each watch, and (III) during a watch (whenever there is a change in one or more variable);

(C) the identification of all vessels that are visible within 5 km of the seismic vessel whenever a marine mammal is sighted and the time observed;

(D) any identifiable marine mammal behavioral response (sighting data should be collected in a manner that will not detract from the PSO's ability to detect marine mammals);

(E) any adjustments made to operating procedures; and

(F) visibility during observation periods so that total estimates of take can be corrected accordingly.

(vii) Distances to nearby marine mammals will be estimated with binoculars (Fujinon 7 x 50 binoculars) containing a reticle to measure the vertical angle of the line of sight to the animal relative to the horizon. Observers may use a laser rangefinder to test and improve their abilities for visually estimating distances to objects in the water.

(viii) PSOs shall understand the importance of classifying marine mammals as ''unknown'' or ''unidentified'' if they cannot identify the animals to species with confidence. In those cases, they shall note any information that might aid in the identification of the marine mammal sighted. For example, for an unidentified mysticete whale, the observers should record whether the animal had a dorsal fin.

(ix) Additional details about unidentified marine mammal sightings, such as ''blow only'', mysticete with (or without) a dorsal fin, ''seal splash'', etc., shall be recorded.

(x) When a marine mammal is seen approaching or within the exclusion zone applicable to that species, the marine survey crew shall be notified immediately so that mitigation measures described in (6) can be promptly implemented.

(xi) Shell shall use of the best available technology to improve detection capability during periods of fog and other types of inclement weather. Such technology might include night-vision goggles or binoculars as well as other instruments that incorporate infrared technology.

(d) Field Data-Recording, Verification, Handling, and Security

(i) PSOs shall record their observations directly into computers running a custom designed software package. Paper datasheets shall be available as backup if necessary.

(ii) The accuracy of the data entry shall be verified in the field by computerized validity checks as the data are entered, and by subsequent manual checking of the database printouts.

(iii) Quality Control of the Data Shall B Facilitated by

(A) the start-of-season training session,

(B) subsequent supervision by the onboard field crew leader, and

(C) ongoing data checks during the field season.

(iv) Data will be sent off of the ship to Anchorage each day and backed up regularly onto CDs and/or USB disks, and stored at separate locations on the vessel. Data shall be secured further by having data sheets and backup data CDs carried back to the Anchorage office during crew rotations.

(e) Passive Acoustic Monitoring

(i) Sound Source Measurements: Using a hydrophone system, the holder of this Authorization is required to conduct sound source verification tests for seismic airgun array(s) and other marine survey equipment that are involved in the open-water marine surveys.

(A) Sound source verification shall consist of distances where broadside and endfire directions at which broadband received levels reach 190, 180, 170, 160, and 120 dB re 1 μPa (rms) for the airgun array(s). The configurations of airgun arrays shall include at least the full array and the operation of a single source that will be used during power downs.

(B) The test results shall be reported to NMFS within 5 days of completing the test.

(ii) Long-Term Acoustic Monitoring

(A) Shell will use an acoustic net array to (I) collect information on the occurrence and distribution of marine mammals (including beluga whale, bowhead whale, walrus and other species) that may be available to subsistence hunters near villages located on the Chukchi Sea coast and to document their relative abundance, habitat use, and migratory patterns; and (II) measure the ambient soundscape throughout the eastern Chukchi Sea and to record received levels of sounds from industry and other activities further offshore in the Chukchi Sea.

(8) Data Analysis and Presentation in Reports

(a) Estimation of potential takes or exposures shall be improved for times with low visibility (such as during fog or darkness) through interpolation or possibly using a probability approach. Those data could be used to interpolate possible takes during periods of restricted visibility.

(b) To better assess impacts to marine mammals, data analysis shall be separated into periods when a seismic airgun array (or a single mitigation airgun) is operating and when it is not. Final and report to NMFS should summarize and plot:

(i) Data for periods when a seismic array is active and when it is not; and

(ii) The respective predicted received sound conditions over fairly large areas (tens of km) around operations.

(c) To help evaluate the effectiveness of PSOs and more effectively estimate take, if appropriate data are available, Shell shall perform analysis of sightability curves (detection functions) for distance-based analyses.

(d) To better understand the potential effects of oil and gas activities on marine mammals and to facilitate integration among companies and other researchers, the following data should be obtained and provided electronically in the 90-day report:

(i) the location and time of each vessel-based sighting or acoustic detection;

(ii) position of the sighting or acoustic detection relative to ongoing operations (i.e., distance from sightings to seismic operation, DP operation, etc.), if known;

(iii) the nature of activities at the time (e.g., seismic on/off);

(iv) any identifiable marine mammal behavioral response (sighting data should be collected in a manner that will not detract from the PSO's ability to detect marine mammals); and

(v) adjustments made to operating procedures.

(e) Shell shall provide useful summaries and interpretations of results of the various elements of the monitoring results, which shall include a clear timeline and spatial (map) representation/summary of operations and important observations. Any and all mitigation measures (e.g., vessel course deviations for animal avoidance, operational shut down) should be summarized. Additionally, an assessment of the efficacy of monitoring methods should be provided.

(f) Shell shall provide data from net arrays supported in part, or in whole, by Shell and will participate in the integration of acoustic arrays to assess the sound field of the lease areas in the Chukchi and Beaufort seas for the purposes of assessing patterns of marine mammal distribution and behavior and for assessing the impacts of multiple activities/factors.

(9) Reporting:

(a) Sound Source Verification Report: A report on the preliminary results of the sound source verification measurements, including the measured 190, 180, 160, and 120 dB (rms) radii of the airgun sources and other acoustic survey equipment, shall be submitted within 14 days after collection of those measurements at the start of the field season. This report will specify the distances of the exclusion zones that were adopted for the survey.

(b) Shell shall produce a weekly GIS application that would be available on the web for regulators to view for every observation and mitigation measure implemented.

(c) Seismic Vessel Monitoring Program: A draft report will be submitted to the Director, Office of Protected Resources, NMFS, within 90 days after the end of Shell's 2013 open-water marine surveys in the Chukchi Seas. The report will describe in detail:

(i) summaries of monitoring effort (e.g., total hours, total distances, and marine mammal distribution through the study period, accounting for sea state and other factors affecting visibility and detectability of marine mammals);

(ii) analyses of the effects of various factors influencing detectability of marine mammals (e.g., sea state, number of observers, and fog/glare);

(iii) species composition, occurrence, and distribution of marine mammal sightings, including date, water depth, numbers, age/size/gender categories (if determinable), group sizes, and ice cover;

(iv) to better assess impacts to marine mammals, data analysis should be separated into periods when an airgun array (or a single airgun) is operating and when it is not. Final and comprehensive reports to NMFS should summarize and plot: (A) Data for periods when a seismic array is active and when it is not; and (B) The respective predicted received sound conditions over fairly large areas (tens of km) around operations.

(v) sighting rates of marine mammals during periods with and without airgun activities (and other variables that could affect detectability), such as: (A) initial sighting distances versus airgun activity state; (B) closest point of approach versus airgun activity state; (C) observed behaviors and types of movements versus airgun activity state; (D) numbers of sightings/individuals seen versus airgun activity state; (E) distribution around the survey vessel versus airgun activity state; and (F) estimates of take by harassment.

(vi) reported results from all hypothesis tests should include estimates of the associated statistical power when practicable.

(vii) estimate and report uncertainty in all take estimates. Uncertainty could be expressed by the presentation of confidence limits, a minimum-maximum, posterior probability distribution, etc.; the exact approach would be selected based on the sampling method and data available.

(viii) The report should clearly compare authorized takes to the level of actual estimated takes.

(d) The draft report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS. The draft report will be considered the final report for this activity under this Authorization if NMFS has not provided comments and recommendations within 90 days of receipt of the draft report.

(10)(a) In the unanticipated event that survey operations clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury (Level A harassment), serious injury or mortality (e.g., ship-strike, gear interaction, and/or entanglement), Shell shall immediately cease survey operations and immediately report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and/or by email to *Jolie.Harrison@noaa.gov* and *Shane.Guan@noaa.gov* and the Alaska Regional Stranding Coordinators (*Aleria.Jensen@noaa.gov* and *Barbara.Mahoney@noaa.gov*). The report must include the following information:

(i) time, date, and location (latitude/longitude) of the incident;

(ii) the name and type of vessel involved;

(iii) the vessel's speed during and leading up to the incident;

(iv) description of the incident;

(v) status of all sound source use in the 24 hours preceding the incident;

(vi) water depth;

(vii) environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);

(viii) description of marine mammal observations in the 24 hours preceding the incident;

(ix) species identification or description of the animal(s) involved;

(x) the fate of the animal(s); and

(xi) photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with Shell to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Shell may not resume their activities until notified by NMFS via letter, email, or telephone.

(b) In the event that Shell discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as described in the next paragraph), Shell will immediately report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Shane.Guan@noaa.gov* and the NMFS Alaska Stranding Hotline (1–877–925–7773) and/or by email to the Alaska Regional Stranding Coordinators (*Aleria.Jensen@noaa.gov* and *Barabara.Mahoney@noaa.gov*). The report must include the same information identified in Condition 10(a) above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Shell to determine whether modifications in the activities are appropriate.

(c). In the event that Shell discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in Condition 3 of this Authorization (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Shell shall report the incident to the Supervisor of the Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401, and/or by email to *Jolie.Harrison@noaa.gov* and *Shane.Guan@noaa.gov* and the NMFS Alaska Stranding Hotline (1–877–925–7773) and/or by email to the Alaska Regional Stranding Coordinators (*Aleria.Jensen@noaa.gov* and *Barbara.Mahoney@noaa.gov*), within 24 hours of the discovery. Shell shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Shell can continue its operations under such a case.

(11) Activities related to the monitoring described in this Authorization do not require a separate scientific research permit issued under section 104 of the Marine Mammal Protection Act.

(12) The Plan of Cooperation outlining the steps that will be taken to cooperate and communicate with the native communities to ensure the availability of marine mammals for subsistence uses, must be implemented.

(13) This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals, or if there is an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.

(14) A copy of this Authorization and the Incidental Take Statement must be in the possession of each seismic vessel operator taking marine mammals under the authority of this Incidental Harassment Authorization.

(15) Shell is required to comply with the Terms and Conditions of the Incidental Take Statement corresponding to NMFS' Biological Opinion.

Endangered Species Act (ESA)

The bowhead, fin, and humpback whales and ringed and bearded seals are the only marine mammal species currently listed as endangered or threatened under the ESA that could occur during Shell's proposed marine surveys during the Arctic open-water season. NMFS' Permits and Conservation Division has initiated consultation with NMFS' Protected Resources Division under section 7 of the ESA on the issuance of an IHA to Shell under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

National Environmental Policy Act (NEPA)

NMFS is currently preparing an Environmental Assessment, pursuant to NEPA, to determine whether or not this proposed activity may have a significant effect on the human environment. This analysis will be completed prior to the issuance or denial of the IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to authorize the take of marine mammals incidental to Shell's 2013 open-water marine surveys in the Alaskan Chukchi Sea, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: May 8, 2013.

Perry F. Gayaldo,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–11406 Filed 5–13–13; 8:45 am]

BILLING CODE 3510–22–P

FEDERAL REGISTER

Vol. 78 Tuesday,

No. 93 May 14, 2013

Part IV

Federal Housing Finance Agency

12 CFR Parts 1230 and 1231

Department of Housing and Urban Development

Office of Federal Housing Enterprise Oversight

12 CFR Part 1770

Executive Compensation and Golden Parachute and Indemnification Payments; Final Rule and Proposed Rule

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1230

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1770

RIN 2590–AA12

Executive Compensation

AGENCY: Federal Housing Finance Agency; Office of Federal Housing Enterprise Oversight.

ACTION: Interim final rule; request for comments.

SUMMARY: The Federal Housing Finance Agency (FHFA) is issuing an interim final rule with request for comments that sets forth requirements and processes with respect to compensation provided to executive officers by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Banks, and the Federal Home Loan Bank System's Office of Finance, consistent with the safety and soundness responsibilities of FHFA under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by the Housing and Economic Recovery Act of 2008.

DATES: The interim final rule is effective on June 13, 2013. FHFA will accept written comments on this interim final rule on or before July 15, 2013. For additional information see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit your comments on this interim final rule, identified by regulatory identifier number ''RIN 2590–AA12,'' by any one of the following methods:

- *Email:* Comments to Alfred M. Pollard, General Counsel, may be sent by email at *RegComments@fhfa.gov.* Please include ''RIN 2590–AA12'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency. Please include ''RIN 2590–AA12'' in the subject line of the message.
- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel; Attention: Comments/RIN 2590–AA12, Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. The package should be logged at the Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel; Attention: Comments/RIN 2590–AA12, Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Alfred M. Pollard, General Counsel, (202) 649–3050, *Alfred.Pollard@fhfa.gov,* or Lindsay Simmons, Assistant General Counsel, (202) 649–3066, *Lindsay.Simmons@fhfa.gov,* (not toll-free numbers), Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the interim final rule and will take all comments into consideration before issuing the final regulation. Copies of all comments will be posted without change, including any personal information you provide, such as your name, address, email address, and telephone number, on the FHFA internet Web site at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

II. Background

FHFA published a proposed rulemaking with request for comments on Executive Compensation on June 5, 2009 (74 FR 26989). The public notice and comment period closed on August 4, 2009. This interim final rule, when effective, will supersede the Office of Federal Housing Enterprise Oversight (OFHEO) Executive Compensation rule, 12 CFR part 1770.[1]

FHFA issued the proposed rule to implement sections 1113 and 1117 of the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110–289, 122 Stat. 2654. Section 1113, which amended section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act (Safety and Soundness Act) (12 U.S.C. 4518), provides authority to the Director to prohibit and withhold compensation of executive officers of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation (collectively, the Enterprises), and the Federal Home Loan Banks (Banks) (collectively, the regulated entities). Section 1117, which amended the Enterprises' charter acts and the Federal Home Loan Bank Act, provided the Director with temporary authority to approve, disapprove, or modify the executive compensation of the regulated entities.[2] This temporary authority expired on December 31, 2009.

The proposed rule also was issued to continue the requirement under the charter acts of the Enterprises that the Director approve any agreements or contracts of executive officers that provide compensation in connection with termination of employment.[3] As was noted in the Supplementary Information to the proposed rule, no similar prior approval authority for the Director of termination benefits of executive officers of the Banks is contained in the Federal Home Loan Bank Act or HERA, but the total payment or value derived from termination benefits is included in FHFA's review of compensation provided by the Banks to their executive officers to determine whether the overall compensation is reasonable and comparable. This is because FHFA considers the term ''compensation'' to include benefits to an executive officer that are derived from post-employment benefit plans or programs and other compensatory benefit arrangements containing termination benefits, which affect the executive officer individually or as part of a group. As a result, FHFA reviews the value of benefits provided under such plans, programs, and

[1] FHFA is continuing its work to merge existing regulations of its predecessor agencies (OFHEO and the Federal Housing Finance Board), and will consider the appropriate disposition of an OFHEO corporate governance provision related to compensation of directors, executive officers and employees (at 12 CFR 1710.13), and the relationship of that provision to this interim final rule, in conjunction with that project.

[2] Section 1117 of HERA amended section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719), section 306 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455), and section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431).

[3] *See* section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a (d)(3)(B)) and section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)).

arrangements on an ongoing basis in exercising its compensation review authority. FHFA aggregates the benefits provided under such plans, programs, and arrangements with all other payments of money or any other thing of current or potential value to determine whether an officer's overall compensation is reasonable and comparable.[4]

Additionally, the proposed rule was issued to ensure that the regulated entities and the Office of Finance (OF) comply with processes used by FHFA in its oversight of executive compensation. The processes require the submission of relevant information by the regulated entities and OF on a timely basis, in a format deemed appropriate by FHFA, to enable FHFA to efficiently carry out its executive compensation functions. For reasons noted above, as with the Enterprises, information required to be submitted to FHFA for its review and consideration by the Banks includes information relating to compensation for services during employment and to termination benefits for their executive officers.

FHFA has determined to issue this rule as an interim final rule with request for comments for a number of reasons. This approach will allow provisions upon which FHFA has received and considered comments to become effective, while also providing an opportunity for additional comment in view of certain revisions to the proposed rule which, although they are a logical outgrowth of the proposed rule and are aligned with existing agency practice which the regulated entities are familiar with, may be of interest to potential commenters. Given the passage of time since the comment period closed (August 4, 2009), and the executive compensation review processes currently in place, FHFA also believes that publishing this interim final rule will promote clarity and transparency. Further details of the revisions in response to comments and other changes, can be found below.

In addition to the Director's authority under section 1113 of HERA to prohibit and withhold compensation of executive officers of the regulated entities (as implemented in this interim final rule), section 1114 of HERA further amended section 1318 of the Safety and Soundness Act (12 U.S.C. 4518) to authorize the Director to prohibit or limit golden parachute payments and indemnification payments by the Enterprises and the Banks to entity-affiliated parties. FHFA issued an interim final rule[5] and a final rule[6] on Golden Parachute Payments setting forth factors to be considered by the Director of FHFA in acting upon the Director's authority to limit golden parachute payments to entity-affiliated parties of a regulated entity or OF. Subsequently, FHFA issued a proposed amendment to the final Golden Parachute Payments rule to address in more detail prohibited and permissible golden parachute payments. FHFA believed it was useful to provide an opportunity to the public to read and comment on both the proposed golden parachute payments and indemnification payments amendments in context. Therefore, the proposed amendment re-proposed the indemnification payments amendment.[7] Today, FHFA also published in this issue of the **Federal Register** a proposed rule (Re-proposal) that addresses content set forth in the proposed amendment, both in the Supplementary Information and the regulatory section, which relates to prohibited and permissible golden parachute payments. The Re-proposal solicits comments on the appropriate treatment of golden parachute arrangements entered into before the effective date of the rule. Additionally, the Re-proposal responds to public comments received to date by FHFA on the golden parachute provisions, and provides clarification regarding coverage of retirement plans.

III. Comments on and Changes to the Proposed Rule

A. Changes in Response to Comments Received

FHFA received comments from a few individuals (consumers), private businesses, the 12 Banks, the Chairs of the 12 Banks, OF, a retirement service, a number of state bankers associations and state community bankers associations, several banks that are Bank members and stockholders, and the American Bankers Association.

FHFA considered all of the comments submitted. Some of them, as described below, requested changes in the proposed rule that would conflict with the agency's statute. In response to the other comments, FHFA either made the requested or a similar change, or explains below why it is not doing so.

In general, the consumers commented that executive compensation is too high. FHFA acknowledges widespread public concern that executive compensation is unreasonably high. Concerns about amounts and composition of executive compensation and their effect on safety and soundness underlie many recent legislative and regulatory initiatives. This regulation is a means for addressing that concern, as prescribed by Congress. Section 1318 of the Safety and Soundness Act, as amended by section 1113 of HERA, and this interim final rule prohibit executive compensation that is excessive, in that it is higher than is reasonable, or than is comparable to that paid by similar companies.

One consumer stated that the proposed rule provides too much discretion on the part of the Director regarding oversight of an executive officer's compensation. He referred to language in regulatory provisions, *e.g.,* the Director ''may review,'' and ''may take into consideration,'' and requested that the rule be revised to use language that imposes an affirmative duty, *i.e.,* ''must'' instead of ''may.'' On these points, the language in the proposed rule is the same as the statutory authorizing language. It ensures that the Director, on a case-by-case basis, has the ability to take appropriate action with respect to an executive officer's compensation. Therefore, FHFA has determined to retain the language in the interim final rule.

The same commenter stated that the proposed rule provides too little discretion to the Director with respect to setting compensation for an executive officer. He requested modifying the prohibition set forth in § 1230.3(d) to provide the Director with the authority to prescribe or set a specific level or range of compensation. However, such a modification would be contrary to the statutory prohibition against setting of compensation by the Director (12 U.S.C. 4518(d)). A final comment by the consumer was that affirmative, not discretionary, language should be added to § 1230.7 ''Compliance'' of the proposed rule in order to provide adequate consequences for failure to comply with the rule. For the reasons described below in response to other comments, FHFA has determined to remove that section of the proposed rule and therefore is not making the requested change.

Except for the consumers, all commenters identified above requested that FHFA provide full consideration to

[4] *See* 74 FR at 26990 (June 5, 2009).

[5] Golden Parachute Payments and Indemnification Payments—Interim Final Rule with Request for Comments, 73 FR 53356 (September 16, 2008), with Correcting Amendments at 73 FR 54309 (September 19, 2008) and 73 FR 54673 (September 23, 2008), codified at 12 CFR part 1231. *See also,* Proposed Amendment for Golden Parachute and Indemnification Payments, 73 FR 67424 (November 14, 2008).

[6] Golden Parachute Payments, 74 FR 5101 (January 29, 2009), codified at 12 CFR part 1231.

[7] Golden Parachute and Indemnification Payments Proposed Rule, 74 FR 30975 (June 29, 2009).

the Banks' member-controlled, cooperative structure and financial performance as bases on which FHFA should provide a less prescriptive approach in its review of the executive compensation at the Banks than what they stated may be justified for FHFA review of executive compensation at the Enterprises, in view of their conservatorship status.

Those commenters uniformly stated their belief that FHFA review, as proposed, would be unduly prescriptive for two reasons. First, they claimed that the proposed rule usurps to FHFA the authority and responsibilities for establishing Bank executive compensation from each Bank's compensation committee or board of directors. Second, they claimed that the proposal violates the statutory prohibition on FHFA setting Bank compensation noted above (12 U.S.C. 4518(d)).

As bases for these concerns, the commenters noted that the Supplementary Information to the proposed rule contained a statement that ''FHFA may consider the Federal Reserve Banks and the Farm Credit Banks as examples of appropriate comparators to assess the reasonableness and comparability of executive compensation provided by the Banks.'' [8] They also noted that proposed § 1230.2, in defining the term ''reasonable and comparable,'' includes language under the definition of the term ''comparable,'' with regard to benefit levels, that states ''FHFA generally considers comparable to be at or below the median compensation for a given position at similar institutions.'' [9]

The commenters argued that the effect of FHFA's identifying particular comparator institutions is to impose a presumptive cap on compensation by reference to those institutions, which would prescribe or set a specific level or range of compensation. While HERA imposes certain limitations on compensation (*e.g.,* that it be reasonable), they argued that HERA did not alter the fundamental authority of the board of directors of each Bank to set executive compensation. They claim that FHFA's proposed approach would impose uniform FHFA-mandated compensation outcomes on a widely divergent set of Banks, which, although they share the same mission, operate in different circumstances, under different strategies, and in different markets. By doing so, they argued, FHFA effectively would be dictating an outcome to the Banks' boards of directors, thereby assigning to FHFA the role that is properly assigned to the Banks' boards of directors.

The commenters stated that the existing Executive Compensation rule does not include a specific presumptive percentage cap relative to comparator institution compensation that would apply to the Enterprises' executive compensation determinations. Nor does the existing rule, or the **Federal Register** notice accompanying its promulgation, specify particular comparator institutions for the Enterprises. They further argued that their comparator institutions should not include Federal Reserve Banks or Farm Credit Banks. They enumerated a number of reasons why those institutions should not be included in the Banks' comparator groups.

The commenters argued that, under 12 U.S.C. 4518, FHFA may not mandate a specified benchmarking level for compensation by establishing a presumption that Banks must pay compensation at or below the median compensation. They also pointed out that, as reflected in the Form 10-Ks filed by the Banks, although many of the Banks' boards of directors have chosen to utilize the median level, others look to the 65th percentile or the 75th percentile. They argued that the proposed rule ignores the reality of the benchmarking process and requested that FHFA delete the language under the definition of the term ''comparable,'' stating that ''comparable'' benefits are those at or below the median for similar institutions.

FHFA agrees with the commenters that the board of directors has the responsibility to set compensation for an executive officer, which the Director will review for reasonableness and comparability, including whether the structure of such compensation encourages excessive risk-taking or aligns management's incentives with those of safety and soundness.

As is required by HERA,[10] the Director, when promulgating regulations relating to the Banks, considers the differences between the Banks and the Enterprises with respect to the Banks' cooperative ownership structure; mission of providing liquidity to members; affordable housing and community development mission; capital structure; and joint and several liability. The Director also considers any other differences that are deemed appropriate. In preparing the proposed rule and this interim final rule, the Director considered the differences between the Banks and the Enterprises as they relate to the above factors.

FHFA does not agree that calling attention to certain classes of institutions—the Farm Credit Banks and the Federal Reserve Banks—as relevant to assessing Federal Home Loan Bank compensation constitutes ''set[ting] a specific level or range of compensation'' under the Safety and Soundness Act. FHFA continues to believe that those institutions are relevant points of reference in assessing the reasonableness and comparability of Federal Home Loan Bank compensation, because they have certain points in common with the Federal Home Loan Banks: They are government-sponsored financial institutions; they have some measure of government backing and therefore a potentially different risk profile than non-government-sponsored institutions; [11] and they do not issue publicly traded stock that can be used as an element of long-term compensation and therefore must structure their compensation differently from publicly traded companies. For these reasons it would be wrong to ignore the Farm Credit Banks and the Federal Reserve Banks.[12] While the Banks' comment letters correctly point out differences between them and the Farm Credit Banks and the Federal Reserve Banks, there are also key differences between the Federal Home Loan Banks and the commercial banks and similar institutions that the Banks have identified as their comparators. The fact is that there are no institutions that are exactly comparable to the Federal Home Loan Banks. FHFA concludes that the Farm Credit Banks and Federal Reserve Banks should be included as points of reference in assessing the reasonableness and

[8] 74 FR at 26990 (June 5, 2009).

[9] Section 1230.2, definition of the term ''reasonable and comparable'' (2)(i). 74 FR at 26993 (June 5, 2009).

[10] Section 1313(f) of the Safety and Soundness Act (12 U.S.C. 4513(f)), as amended by section 1201 of HERA.

[11] For example, the financial crisis of 2008 caused Congress to enact, in HERA, a temporary liquidity facility for the Federal Home Loan Banks, 12 U.S.C. 1431(*l*). (That facility was never drawn upon.) Similarly, a crisis in the Farm Credit System in the 1980s caused Congress to intervene, see Agricultural Credit Act of 1987, 101 Stat. 1568 (Jan. 6, 1988).

[12] While the statute refers to ''similar businesses (including other publicly held financial institutions or major financial services companies),'' that language was originally included in the Safety and Soundness Act when the only regulated entities were the Enterprises, major publicly held financial institutions. The inclusion of the Federal Home Loan Banks as regulated entities occurred subsequently, in the amendments made by HERA in 2008. They are not publicly held institutions, and supervisory judgments made with respect to them must reflect their unusual status as cooperatives. In fact, the statute requires FHFA to do so, 12 U.S.C. 4513(f).

comparability of compensation at the Federal Home Loan Banks, and that doing so does not result in dictating any particular level or range of compensation.

In order to address the commenters' expressed concerns that the language in the proposed rule results in a presumptive cap with respect to benefit levels, and after further consideration of the need to describe comparable ''benefit levels'' and ''similar institutions,'' FHFA has determined to delete paragraphs (i) and (ii) under the definition of ''comparable,'' which were the paragraphs addressing the relationship between ''comparable'' benefits and median levels at other institutions, and providing that FHFA may communicate particular comparable institutions or types of institutions to the regulated entities from time to time. Instead, FHFA is replacing the term ''similar institutions'' in the first paragraph of the definition of ''comparable'' with ''institutions of similar size and function.''

Second, in response to concerns regarding FHFA oversight of Banks' executive compensation, as was noted in the proposed rule, FHFA will address differences in aspects of executive compensation between the Enterprises and the Banks by establishing policies for appropriate compensation packages and termination benefits, and will provide routine guidance to the regulated entities.[13] FHFA recognizes that executive compensation oversight mandated by HERA has resulted in a new area of regulatory compliance for the Banks. For that reason, in addition to guidance, FHFA staff will continue to work directly with the relevant staff, committees, and boards of the Banks to ensure a structured, well-understood review process. FHFA guidance and dialogue between staffs will, among other things, address concerns raised by the Banks regarding how the provisions of the rule will operate under specific circumstances.

FHFA has considered, and will continue to consider, by guidance and discussion with the Banks, the differences related to the factors set forth in 12 U.S.C. 4513(f). However, both the Enterprises and the Banks, as ''regulated entities,'' are subject to the same statutory requirements with respect to oversight of their executive compensation by the Director, and FHFA believes that that mandate is fairly and reasonably implemented by establishing an equivalent process and the same high-level concept of reasonableness and comparability for the Banks as for the Enterprises.

FHFA received additional comment from the Banks expressing concern that the definition of ''reasonable and comparable'' in the proposed rule refers to compensation taken ''in whole or in part.'' The Banks stated their belief that if an executive's compensation package taken as a whole is reasonable and comparable to compensation at similar institutions for similar duties, FHFA should not be permitted to reject a discrete element of an executive's compensation as excessive. They requested that the wording ''in whole or in part'' be replaced with ''taken as a whole'' in the interim final rule.

In its ongoing oversight of an executive's overall compensation, FHFA reviews all components that compose the broadly defined term ''compensation.'' If any component's value is determined to be an outlier, it may still be acceptable given the compensation taken as a whole. On the other hand, it may also be deemed excessive by itself if it creates questionable incentives. FHFA will advise the entity if it finds the aggregate compensation package to be excessive. FHFA may specifically note that a particular component appears to be the source of the problem and should be reassessed by the entity in order to align the total package with the reasonable and comparable standard. For these reasons, FHFA has determined to retain the language in the interim final rule.

The Banks requested that FHFA revise paragraph (1)(iv) of the definition of ''reasonable'' compensation to clarify that the factors being reviewed by FHFA include not only corporate and individual performance, but also the performance of a division, department, or unit of a regulated entity. FHFA considers this request to be well founded, and has determined to revise the paragraph to add the language ''or one of the entity's significant components.''

The Banks also requested that FHFA revise paragraph (1)(iv) noted above to delete the reference to ''guidance.'' They stated that, while compliance with FHFA regulations and orders, and written agreements is mandatory and subject to enforcement action by FHFA, ''guidelines'' issued by FHFA do not constitute the basis for an FHFA enforcement action. They also stated that the advisory status of ''guidance'' or ''guidelines'' should not form the basis for an evaluation of executive compensation.

The Banks are correct that guidance, because it is often not adopted through notice-and-comment rulemaking, occupies a lesser status than regulations as a supervisory tool. Failure to follow guidance cannot *per se* be grounds for an enforcement action. Therefore, FHFA has revised the paragraph (1)(iv) to reference the ''performance of the regulated entity, the specific employee, or one of the entity's significant components with respect to achievement of goals, consistency with guidance and internal rules of the entity, and compliance with applicable law and regulation.'' Guidance does represent the agency's considered view on the subjects that it addresses, and failure to follow it may be taken as evidence that an entity is not engaging in best practices or is not managing itself safely and soundly in all respects. Failure to follow guidance may expose an entity to unnecessary risk and is likely to subject an entity to criticism when discovered in an examination. For these reasons, FHFA believes that consistency with agency guidance is an expected element of executive performance and, therefore, consistency with guidance is an appropriate element in assessing compensation.

FHFA has also determined that the substance of paragraphs (1)(i) and (1)(ii) of the definition of ''reasonable'' in the proposed rule can be combined into one paragraph. In addition, FHFA has removed references to comparability from the definition of ''reasonable,'' leaving these concepts to be covered by the definition of ''comparable.'' As a result of these amendments, paragraph (1)(iii) of the proposed rule's definition of ''reasonable'' now appears as paragraph (1)(ii); and the preceding changes discussed with regard to paragraph (1)(iv) of that definition are set forth in paragraph (1)(iii) of the interim final rule.

The Banks expressed concerns that the proposal would put a Bank executive officer at risk with respect to all compensation the officer may have received or earned, thereby making it difficult for the Banks to attract or retain highly qualified executive officers. As the bases for these concerns, they cited proposed § 1230.3, ''Prohibition and withholding of executive compensation,'' and proposed § 1230.7, ''Compliance.'' Specifically, they referred to the Director's authority to withhold compensation of an executive officer during the Director's review of its reasonableness and comparability under § 1230.3, and the possibility that FHFA could take corrective or remedial action, including an enforcement action, to require a Bank executive officer to make restitution or reimbursement of ''excessive compensation'' under § 1230.7. Under these provisions, the

[13] *See* 74 FR at 26990 (June 5, 2009).

Banks stated that FHFA appears to suggest that it can not only prohibit earned compensation from being paid to a Bank executive officer, but also can require a Bank executive officer to repay compensation the officer has already received under the claim that such compensation was ''excessive compensation.'' They requested that FHFA modify the rule to provide reasonable and appropriate limitations on FHFA's exercise of any authority under proposed §§ 1230.3 and 1230.7.

FHFA's authority to withhold compensation to an executive officer, or to place such compensation in an escrow account during its review under the reasonable and comparable standard under § 1230.3, was mandated by Congress in section 1113 of HERA. A description of how that authority would be exercised is provided below. With respect to FHFA's compliance authority under § 1230.7, FHFA has considered the merits of the commenters' arguments and has removed proposed § 1230.7 from the interim final rule. Proposed § 1230.7 was derived from statutory enforcement provisions not specific to executive compensation. Those enforcement provisions authorize FHFA to obtain restitution or reimbursement from entity-affiliated parties who have been unjustly enriched by a regulatory violation,[14] and those provisions are available, with or without § 1230.7 of the proposed rule, as a remedy for violations of § 1230.3(a) of the rule prohibiting regulated entities from paying compensation that is not reasonable or comparable. FHFA will use that authority where it determines that a case requires it. At the same time, however, FHFA is aware of the potential impact that uncertainty about the finality of compensation may have on recruitment and retention. Therefore, as a next step, FHFA plans to publish for comment a proposal to require the regulated entities to develop and adopt policies to provide for recapture of improvidently or improperly paid compensation in appropriate circumstances.

The Banks commented extensively on proposed § 1230.3(c) ''Withholding of compensation'' and § 1230.3(e) ''Prohibition of payment or agreement by regulated entity.'' They sought clarification as to the relationship between the two paragraphs and the circumstances in which they would apply. They also questioned the relationship between subsections of paragraph (e). The Banks recommended that paragraphs (c) and (e) be combined to eliminate any potential conflict or ambiguity.

After considering the comments received, and further reflecting on the appropriate interaction between FHFA and the regulated entities and OF with respect to review of executive compensation actions, FHFA has reorganized paragraphs (c) and (e) which appear as paragraphs (d) and (e) of the interim final rule, and has revised their substantive content. Rather than identify a set of compensation actions that cannot be taken while under FHFA review, regardless of how long that review takes, FHFA has identified sets of compensation actions that require prescribed advance notice to FHFA, and which cannot be executed until that review period, or any extension thereof, has passed, unless the regulated entity or OF receives notice of approval or non-objection by the Director earlier.

Specifically, paragraph (d) of § 1230.3 of the interim final rule requires 60 days' advance notice of incentive compensation plans; 30 days' advance notice of term employment agreements, termination arrangements (except that, because of a pre-existing statutory requirement, termination arrangements of the Enterprises must be approved in advance), and changes to annual compensation, payments under pay for performance or other incentive plan, or any other element of compensation; and five business days' advance notice of compensation commitments being made to executive officers who are being newly hired. In the interim final rule, FHFA reserves the right to extend the review period as necessary, in its discretion, which it may exercise if, for example, it has questions about a proposed compensation arrangement or proposed incentive plan goals. The Director may also require that the compensation be withheld or paid into escrow pending further review, with respect to the types of actions specifically identified in this section of the rule or any other executive compensation actions.

FHFA has adopted this regime as balancing the importance of appropriate review for important executive compensation actions, while recognizing the need of business organizations to be able to move forward with compensation decisions without being restrained by a review period that could be indefinite. At the same time, in situations where more review is required, the Director retains the ability to extend the review period and, if necessary, under paragraph (e) to require that compensation be withheld or paid into escrow even beyond the periods prescribed, as well as with respect to compensation actions other than those specified in paragraph (d).

The Banks requested that FHFA modify the definition of the term ''executive officer'' with respect to a Bank to correspond more closely to the definition of ''executive officer'' as defined in Exchange Act Rule 3b–7 (17 CFR 240.3b–7), which covers the president, any vice president in charge of a principal business unit, division or function, any other officer who performs a policy-making function or any other person who performs similar policy-making functions. They noted that the definition seems to provide the basis for the definition of an ''executive officer'' for the Enterprises under the section. Because the Banks are SEC registrants, they stated their belief that a similar definition would be appropriate. They further stated that, given the nature of Bank boards of directors, the positions of chairman and vice chairman should not be included in the definition of executive officer for the Banks. Also, they commented that the definition of ''executive officer'' should not be based solely on an officer's reporting relationship, such as a senior vice president that reports to the president or chief operating officer, but instead, should be based only on whether such officer is in charge of a principal business unit, division or function. Moreover, the Banks stated that the Director should be required to inform the Banks of those officers covered by the definition of executive officer as he is required to notify the Enterprises under the proposal.

As noted earlier, the Director recognizes that there are differences between the Enterprises and the Banks in size, complexity, and function. Therefore, as was stated in the proposed rule, the approach by FHFA to oversight of executive compensation may differ in certain aspects between the Enterprises and the Banks. For example, it was noted that ''in consideration of the Banks' size and structure, the Director's oversight of compensation may cover a smaller number of positions in comparison to covered executive officer positions for the Enterprises.''[15]

Based on comments received and after further consideration, FHFA has determined to revise the definition of the term ''executive officer'' for the Enterprises, Banks, and OF in the interim final rule. FHFA believes that the revised definition is more appropriate to their organizational structure, position responsibilities, and other relevant factors. An ''executive officer'' of an Enterprise continues to

[14] Safety and Soundness Act section 1371(d), 12 U.S.C. 4631(d).

[15] 74 FR at 26990 (June 5, 2009).

follow the definition set forth in the Safety and Soundness Act. The definition tracks the current concept of SEC ''Section 16 Officers'' plus any position designated by the Director. FHFA has determined to delete the reporting function from the definition. With respect to the Banks, the definition of ''executive officer'' adopts the language of the SEC's Regulation S–K, 17 CFR 229.402(a)(3), and therefore covers a Bank's most highly compensated officers (generally referred to as the ''Top 5'') who are designated under SEC disclosure requirements as ''Named Executive Officers'' (NEOs). An executive officer for purposes of this regulation would cover officers who were NEOs at the Bank's last filing, who would be NEOs if filing occurred today, and those expected to be NEOs in the future based on current title, duties, or pay. (Consequently, the total number of NEOs at any time may be more than five.) In addition to the NEOs, an ''executive officer'' of a Bank would include any officer designated by the Director. With respect to OF, an ''executive officer'' is defined to cover the chief executive officer, chief financial officer, chief operating officer, and any other officer designated by the Director.

Because the Banks are much smaller than the Enterprises, and because the rule states clearly who is an executive officer, it is not necessary for the Director to tell the Banks who their NEOs are, although the Director retains the ability to identify additional executive officers.

The Banks observed that proposed § 1230.3(b) provides that, in determining whether compensation provided by a Bank to an executive officer is not reasonable and comparable, the Director may take into consideration any factors that the FHFA Director considers relevant, but that the section specifies only one factor that the FHFA Director might consider relevant to such a determination: ''any wrongdoing on the part of the executive officer, such as any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity or the Office of Finance.'' The Banks requested that FHFA modify the rule to provide more specificity as to the types of factors that would be deemed relevant in supporting a determination by the FHFA Director that an executive officer's compensation is not reasonable and comparable.

In response, FHFA notes that HERA amended the Director's authorities under section 1318 of the Safety and Soundness Act to prohibit and withhold executive compensation by adding paragraph (b) of that section, and the language of the regulation is taken directly from that statutory language. Congress recognized the need to provide the Director with the broad ability to consider *any* factor relevant to the position under review, based on the case-specific facts and circumstances, to determine whether the prohibition or withholding of the executive officer's compensation is warranted. FHFA believes that the Director may need sufficient flexibility in consideration of factors and that it would be unwise to establish a specific list in this regulation. In determining whether compensation is excessive, the Director may consider a number of factors, such as the appropriateness of comparator groups, geography, level of complexity of the institution and its business model as well as of the executive's own responsibilities, the level and types of risk that must be managed, the appropriate balance between short- and long-term risks and rewards, the executive's years of experience and tenure at the entity (including past performance), and other customary factors used to determine compensation.

The Banks commented that proposed § 1230.3(b) would not offer an executive officer who is the subject of a compensation review based on, among other things, a potential claim of wrongdoing, any notice and opportunity to present his or her views or defenses with respect to either the factors that the Director is considering or the amount and form of compensation that may be potentially withheld. They further stated that § 1230.3(b) does not provide any standard as to the degree of proof of a claim of wrongdoing or other conduct that would be required to support a decision by the Director to order a Bank to permanently withhold compensation that had been earned by an executive officer. The Banks argued that § 1230.3(b), as proposed, raises significant due process concerns.

The Banks argued that the importance of protecting due process rights was recognized by the Federal Housing Finance Board (Finance Board) when it issued an order that established a process for the suspension or removal of a Bank director or officer.[16] They requested that FHFA incorporate the notice, hearing, and decision principles that the Finance Board included in the Order into any final rule.

The Director's authorities with respect to oversight of executive compensation resulted from Congressional concern, both at the time of original enactment of the Safety and Soundness Act and at the time of HERA, that compensation provided by the regulated entities to an executive officer be reasonable and comparable. To that end, Congress mandated that the Director review the compensation arrangements for any executive officer and prohibit the entity from providing compensation to any such executive that is excessive, based on the factors deemed relevant by the Director. Under the statutory mandate, the process is between the Director and the entity, not between the Director and the executive officer, because it is the entity's decisions with respect to compensation that are being reviewed. FHFA anticipates that, under that process, decisions that compensation is excessive will be communicated in writing, with an opportunity for the entity to respond by letter or to request a meeting.

FHFA appreciates that its directive to a regulated entity prohibiting or to withhold compensation of an executive officer impacts the executive financially. For that reason, any such decision is made only after thorough review and full understanding of the facts on a case-by-case basis, and the application to the facts of its authorities mandated by Congress. FHFA's decision regarding compensation does not result in either the suspension or removal of the executive officer, unlike the Finance Board Order referenced by the Banks, and therefore does not implicate the due process considerations that the Finance Board addressed in that Order. FHFA believes implementing a process incorporating notice and a hearing is unnecessary in light of the extent of communication that will occur before making a decision that executive compensation is excessive, and would unduly delay corrective action. Accordingly, FHFA has determined to retain proposed § 1230.3(b) in the interim final rule.

FHFA received a number of comments on the information-submission requirements of proposed § 1230.5(b). After considering that subject, FHFA has determined that the level of detail appropriate to it, combined with the possible need for flexibility with respect to changing compensation practices, makes the subject of information-submission requirements more appropriate to a data collection order under section 1314 of the Safety and Soundness Act than to a regulation, which can be modified only through notice-and-comment rulemaking. Consequently, FHFA is not including proposed § 1230.5 in the

[16] *See* Finance Board Order No. 2005–12 (June 16, 2005).

interim final rule and is instead replacing it with the Director's authority to issue notices, orders, and guidance on the subject of information submissions. FHFA plans to publish such an order shortly after the publication of this interim final rule.

FHFA here responds to comments it received on proposed § 1230.5, and gives an indication of how the issues presented would be expected to be addressed in the anticipated order on the same subject.

First, the Banks commented that the one-week timeframe for submissions set forth in proposed § 1230.5(b) is inadequate. They stated that, as a matter of corporate practice, board minutes and resolutions often are not officially approved until the next board or committee meeting, which typically does not occur until well after one week following a board or committee meeting. They requested that the proposed rule should be revised to recognize this factor.

Proposed § 1230.5(b) provided for submission of materials after they have received final, official approval. The intent of the section was to ensure that the materials were received promptly after official action, which normally means within five business days. In its forthcoming order, FHFA plans to direct that materials be submitted promptly after official action. With respect to submission of any proposed compensation action that is subject to FHFA review, all compensation-related information should be submitted to FHFA well in advance of any planned board decision on it.[17]

The Banks objected to the requirement in proposed § 1230.5(b) that there be no redactions in materials that are submitted to FHFA for the Director's review of executive compensation for reasonableness and comparability. They requested that the requirement should be deleted, as they asserted there would be *bona fide* reasons for redactions. For example, they stated that redactions may relate to information that is subject to the attorney-client privilege.

To be fully informative and useful to FHFA, and to ensure that key information is not omitted, these materials need to be complete. The anticipated order will likely require that resolutions and minutes and all supporting materials relating to executive compensation be submitted to FHFA without redactions or omissions, except as necessary to preserve particularized claims of attorney-client communication privilege. FHFA expects that each particularized redaction or omission and the assertion of privilege supporting it will be identified on a privilege log submitted simultaneously with the non-privileged material. FHFA believes that these requirements strike the proper balance between preserving the regulated entities' legal privileges and FHFA's need for complete and reliable information in performing its responsibilities to supervise and regulate the regulated entities. This approach leaves open the possibility FHFA may require the production of particularized information that is asserted to be privileged, should a need arise or the assertion of privilege be found lacking. Consequently any such privilege log should describe each separate redaction and omission and assertion of privilege in sufficient detail to allow FHFA to determine whether a further need for the information justifies demanding its production and whether the assertion of privilege is well founded.

The Banks observed that proposed § 1230.5(b)(4) required the submission of general benefit plans applicable to executive officers to FHFA. They sought clarification as to whether ''general benefit plans applicable to executive officers'' included all benefits applicable to all employees (including executive officers) or only those benefit plans meant to apply primarily to executive officers. FHFA intends that any plan that provides compensation to an executive officer should be submitted, as it is not possible to evaluate whether compensation is excessive without understanding all of its components. This would include general benefit plans applicable to all employees, as well as so-called ''top hat'' plans that provide special benefits to executive officers.

The Banks observed that proposed § 1230.5(b)(5) required submission to FHFA of any study conducted by or on behalf of a Bank with respect to compensation of executive officers, when delivered. They stated that this requirement could result in a Bank having to submit such studies to FHFA before the board of directors has had an opportunity to review or approve the study. They requested that the board of directors have the opportunity to review and comment on such a study prior to submission to FHFA. FHFA's expectation is that submission would apply at the time the study has been finalized. If the Bank (such as its compensation committee or board of directors) plans to review and comment on the study, submission would be required subsequent thereto.[18]

The Banks argued that compensation arrangements with their executive officers that are in effect prior to the effective date of the final rule should not be subject to action by FHFA under 12 U.S.C. 4518 or under the final rule; that existing arrangements should be grandfathered. In this regard, they noted that Congress, in amending the charter acts of the Enterprises to include certain restrictions on the payment of termination benefits by the Enterprises to their executive officers, provided that such restrictions should be applied prospectively only to agreements entered into after the date of the enactment of the Safety and Soundness Act. The Banks requested that FHFA not apply its oversight of executive compensation to compensation arrangements with Bank executive officers that were entered into prior to the date that the final rule becomes effective. They argued that such an approach would help avoid possible legal issues or challenges that might arise if the rule were applied to pre-existing compensation arrangements.

The grandfathering requested by the Banks is much broader than that ever provided by Congress. Section 1318 of the Safety and Soundness Act, as originally enacted by Congress in 1992, did not contain any language imposing a grandfathering restriction on agency oversight of the reasonableness and comparability of executive compensation provided by the Enterprises to their executive officers. If Congress had intended to limit oversight under section 1318 to compensation arrangements entered into after the effective date of the legislation, it would have included such language in the statute. This is confirmed by the fact that, with respect to agency authority over termination benefits, Congress expressly stated in the statutory amendments to the Enterprises' charter acts that such benefits entered into before enactment of the Safety and Soundness Act are not retroactively subject to approval or disapproval by the Director. When amending the Safety and Soundness Act in HERA, Congress expanded agency oversight authority over executive compensation under section 1318, but, for the second time,

[17] The memorandum to the Banks from Acting Deputy Director Ronald A. Rosenfeld of October 1, 2008, (the Rosenfeld memo) requested that compensation matters be submitted for review four weeks in advance of board decision. That period remains a useful rule of thumb. As described above, § 1230.3(d) prescribes specific advance notice periods for particular types of compensation actions.

[18] In appropriate circumstances, FHFA might also request any of the prior drafts, and might also request to speak directly with the consultants who prepared the study.

chose not to impose any grandfather restriction on such oversight. Congress did determine to continue the grandfather restriction with respect to Enterprise executive officers' termination benefits.

Nevertheless, FHFA recognizes that compensation agreements in place prior to HERA's enactment deserve consideration, and it is FHFA's intention to consider all the facts and circumstances in reviewing existing agreements.

Proposed § 1230.6, which addressed certain powers provided by section 1117 of HERA to the Director in connection with executive compensation, has been deleted from the interim final rule. The powers were temporary in nature and are no longer effective.

The OF argued that the final rule should not apply to it, asserting that Congress intended that the executive compensation provisions in section 1318 (12 U.S.C. 4518) of the Safety and Soundness Act, as amended by section 1113 of HERA, apply only to a ''regulated entity'' or ''regulated entities'' and not to OF. The OF asserted that the clear intent of Congress was to exclude OF from the reach of these provisions.

FHFA acknowledges, as it did when proposing this rule, that OF is not directly covered by section 1318 of the Safety and Soundness Act. However, OF is subject to the Director's ''general regulatory authority'' under section 1311(b)(2) of the Safety and Soundness Act (12 U.S.C. 4511(b)(2)), as amended by HERA. Excessive compensation is a threat to safety and soundness and is appropriately within the agency's general regulatory authority. Therefore, in order to ensure safety and soundness, the Director's authority to prohibit excessive compensation continues to apply to OF in the interim final rule.

B. Other Changes

Subsequent to FHFA's issuance of its proposed rule on Executive Compensation, the Stop Trading on Congressional Knowledge Act (the ''STOCK Act'') was enacted. *See* Public Law No. 112–105, 126 Stat. 291 (April 4, 2012) (codified at 12 U.S.C. 4518a). Section 16 of the STOCK Act prohibits senior executives of any Enterprise in conservatorship from receiving bonuses during any period of conservatorship on or after the date of enactment. Section 1230.3(a) of the interim final rule has been amended to include this statutory prohibition.

On March 9, 2012, FHFA announced new executive compensation programs for the Enterprises, in its capacity as conservator. *See* News Release dated March 9, 2012, at *http://www.fhfa.gov/webfiles/23438/ExecComp3912F.pdf*. These programs eliminate bonuses for Enterprise senior executives (and other executives) and thus comply with Section 16 of the STOCK Act. FHFA developed the new compensation programs as ''reasonable and comparable'' (though there are no companies truly comparable to the Enterprises in their current situation) in light of the Enterprises' status in conservatorship; their continuing support from the U.S. Treasury through the Senior Preferred Stock Purchase Agreements; and related objectives that the Enterprises reduce their portfolios, shrink their dominant position in the U.S. mortgage finance market, focus on their core mission activities, and avoid ''new products'' as contemplated by the Safety and Soundness Act.[19]

FHFA made additional changes to the proposed rule based on findings from current practice. Section 1230.3(e)(2) of the proposed rule required prior review and non-objection for certain types of compensation for the president at the Banks, and the chief executive officer at each of the Enterprises. The correlated provision of this interim final rule expands this requirement of prior review both in scope of compensation and in the number of executives to which it applies. Specifically, § 1230.3(d)(3) of the interim final rule states that a regulated entity or OF shall not, without providing the Director at least 30 days' advance written notice, pay, disburse, or transfer to any executive officer, annual compensation (where the annual amount has changed), pay for performance or other incentive pay, or any other element of compensation.

FHFA has concluded that it is beneficial to provide prior review of all compensation arrangements for all executive officers for several reasons. First, prior approval promotes clarity in pay practices for the regulated entities and OF. In view of FHFA's statutory obligation to prohibit compensation to any executive officer that is not reasonable and comparable, prior review and non-objection rather than review after-the-fact can help set expectations and avoid the need for later remedial action. Prior review provides the regulated entities and OF before-the-fact notice of any objections and an opportunity to address FHFA's concerns and obtain its non-objection. Additionally, prior approval for all executive officers of each Bank was the original design for incentive compensation review by FHFA, and is a practice FHFA has consistently followed since 2008.[20]

Given that prior review of all compensation actions for all executive officers has been FHFA's consistent practice, FHFA also believes that this change from the language of the proposed rule will not impose any new or additional burden on the regulated entities or their executive officers. Nonetheless, FHFA is specifically requesting comment on these changes to the scope of the advance notice requirement.

Regulatory Impact

Paperwork Reduction Act

The interim final rule does not contain any information collection requirement that requires the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a rule that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the rule's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the rule will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of the interim final rule under the Regulatory Flexibility Act. FHFA certifies that the interim final rule is not likely to have a significant economic impact on a substantial number of small business entities because the rule is applicable only to the regulated entities, which are not small entities for purposes of the Regulatory Flexibility Act.

[19] *See* 12 U.S.C. 4541; *see also* Letter from Edward J. DeMarco, Acting Director, FHFA, to the Honorable Christopher Dodd, Chairman, and the Honorable Richard C. Shelby, Ranking Minority Member, Committee on Banking, Housing and Urban Affairs, United States Senate; and the Honorable Barney Frank, Chairman, and the Honorable Spencer Bachus, Ranking Minority Member, Committee on Financial Services, United States House of Representatives (February 2, 2010), pp. 6–7, at *http://www.fhfa.gov/webfiles/15393/Conservatorship_Letter_2_2_10%5b1%5d.pdf;* and FHFA Strategic Plan for Enterprise Conservatorships: The Next Chapter in a Story That Needs an Ending (February 21, 2012), at *http://www.fhfa.gov/webfiles/23344/StrategicPlanConservatorshipsFINAL.pdf.*

[20] The Rosenfeld memo notified the Banks that FHFA would provide prior review of all compensation actions relating to the five most highly compensated officers at each of the Banks. The Rosenfeld memo's approach to the scope and application of prior review is reflected in this regulation.

List of Subjects

12 CFR Part 1230

Administrative practice and procedure, Compensation, Confidential business information, Government-sponsored enterprises, Reporting and recordkeeping requirements.

12 CFR Part 1770

Administrative practice and procedure, Confidential business information, Reporting and recordkeeping requirements.

Authority and Issuance

Accordingly, for the reasons stated in the **SUPPLEMENTARY INFORMATION**, under the authority of 12 U.S.C. 4526, the Federal Housing Finance Agency amends Chapters XII and XVII of Title 12 of the Code of Federal Regulations, as follows:

Chapter XII—Federal Housing Finance Agency

Subchapter B—Entity Regulations

■ 1. Add part 1230 to Subchapter B to read as follows:

PART 1230—EXECUTIVE COMPENSATION

Sec.
1230.1 Purpose.
1230.2 Definitions.
1230.3 Prohibition and withholding of executive compensation.
1230.4 Prior approval of termination agreements of Enterprises.
1230.5 Submission of supporting information.

Authority: 12 U.S.C. 1427, 1431(l)(5), 1452(h), 1455(l)(5), 4502(6), 4502(12), 4513, 4514, 4517, 4518, 4518a, 4526, 4631, 4632, 4636, 1719(g)(5), and 1723a(d).

§ 1230.1 Purpose.

The purpose of this part is to implement requirements relating to the supervisory authority of FHFA under the Safety and Soundness Act with respect to compensation provided by the regulated entities and the Office of Finance to their executive officers. This part also establishes a structured process for submission of relevant information by the regulated entities and the Office of Finance, in order to facilitate and enhance the efficiency of FHFA's oversight of executive compensation.

§ 1230.2 Definitions.

The following definitions apply to the terms used in this part:

Charter acts mean the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act, which are codified at 12 U.S.C. 1716 through 1723i and 12 U.S.C. 1451 through 1459, respectively.

Compensation means any payment of money or the provision of any other thing of current or potential value in connection with employment. Compensation includes all direct and indirect payments of benefits, both cash and non-cash, granted to or for the benefit of any executive officer, including, but not limited to, payments and benefits derived from an employment contract, compensation or benefit agreement, fee arrangement, perquisite, stock option plan, post-employment benefit or other compensatory arrangement.

Director means the Director of FHFA, or his or her designee.

Enterprise means the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (collectively, Enterprises) and, except as provided by the Director, any affiliate thereof.

Executive officer means:

(1) With respect to an Enterprise:

(i) The chairman of the board of directors, chief executive officer, chief financial officer, chief operating officer, president, vice chairman, any executive vice president, any senior vice president, any individual in charge of a principal business unit, division, or function, and any individual who performs functions similar to such positions whether or not the individual has an official title; and

(ii) Any other officer as identified by the Director;

(2) With respect to a Bank:

(i) The president, the chief financial officer, and the three other most highly compensated officers; and

(ii) Any other officer as identified by the Director.

(3) With respect to the Office of Finance:

(i) The chief executive officer, chief financial officer, and chief operating officer; and

(ii) Any other officer identified by the Director.

Federal Home Loan Bank or *Bank* means a bank established under the Federal Home Loan Bank Act; the term ''Federal Home Loan Banks'' or ''Banks'' means, collectively, all the Federal Home Loan Banks.

FHFA means the Federal Housing Finance Agency.

Office of Finance means the Office of Finance of the Federal Home Loan Bank System (or any successor thereto).

Reasonable and comparable means compensation that is:

(1) *Reasonable*—compensation, taken in whole or in part, that would be appropriate for the position and based on a review of relevant factors including, but not limited to:

(i) The duties and responsibilities of the position;

(ii) Compensation factors that indicate added or diminished risks, constraints, or aids in carrying out the responsibilities of the position; and

(iii) Performance of the regulated entity, the specific employee, or one of the entity's significant components with respect to achievement of goals, consistency with guidance and internal rules of the entity, and compliance with applicable law and regulation.

(2) *Comparable*—compensation that, taken in whole or in part, does not materially exceed compensation paid at institutions of similar size and function for similar duties and responsibilities.

Regulated entity means the Federal National Mortgage Association and any affiliate thereof; the Federal Home Loan Mortgage Corporation and any affiliate thereof; or any Federal Home Loan Bank; the term ''regulated entities'' means, collectively, the Federal National Mortgage Association and any affiliate thereof; the Federal Home Loan Mortgage Corporation and any affiliate thereof; and any Federal Home Loan Bank.

Safety and Soundness Act means the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, (12 U.S.C. 4501 *et seq.*), as amended by the Housing and Economic Recovery Act of 2008 (HERA), Public Law No. 110–289, 122 Stat. 2654 (2008).

§ 1230.3 Prohibition and withholding of executive compensation.

(a) *In general.* The Director may review the compensation arrangements for any executive officer of a regulated entity or the Office of Finance at any time, and shall prohibit the regulated entity or the Office of Finance from providing compensation to any such executive officer that the Director determines is not reasonable and comparable with compensation for employment in other similar businesses involving similar duties and responsibilities. No regulated entity or the Office of Finance shall pay compensation to an executive officer that is not reasonable and comparable with compensation paid by such similar businesses involving similar duties and responsibilities. No Enterprise in conservatorship shall pay a bonus to any senior executive during the period of that conservatorship.

(b) *Factors to be taken into account.* In determining whether compensation provided by a regulated entity or the Office of Finance to an executive officer is not reasonable and comparable, the

Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, such as any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity or the Office of Finance.

(c) *Prohibition on setting compensation by Director.* In carrying out paragraph (a) of this section, the Director may not prescribe or set a specific level or range of compensation.

(d) *Advance notice to Director of certain compensation actions.* (1) A regulated entity or the Office of Finance shall not, without providing the Director at least 60 days' advance written notice, enter into any written arrangement that provides incentive awards to any executive officer or officers.

(2) A regulated entity or the Office of Finance shall not, without providing the Director at least 30 days' advance written notice, enter into any written arrangement that:

(i) Provides an executive officer a term of employment for a term of six months or more; or

(ii) In the case of a Bank or the Office of Finance, provides compensation to any executive officer in connection with the termination of employment, or establishes a policy of compensation in connection with the termination of employment.

(3) A regulated entity or the Office of Finance shall not, without providing the Director at least 30 days' advance written notice, pay, disburse, or transfer to any executive officer, annual compensation (where the annual amount has changed), pay for performance or other incentive pay, or any other element of compensation.

(4) Notwithstanding the foregoing review periods, a regulated entity or the Office of Finance shall provide five business days' advance written notice to the Director before committing to pay compensation of any amount or type to an executive officer who is being newly hired.

(5) The Director reserves the right to extend any of the foregoing review periods, and may do so in the Director's discretion, upon notice to the regulated entity or the Office of Finance. Any such notice shall set forth the number of business or calendar days by which the review period is being extended.

(e) *Withholding, escrow, prohibition.* During the review period required by paragraph (d) of this section, or any extension thereof, a regulated entity or the Office of Finance shall not execute the compensation action that is under review unless the Director provides written notice of approval or non-objection. During a review under paragraph (a) or (d) of this section, or at any time before an executive compensation action has been taken, the Director may, by written notice, require a regulated entity or the Office of Finance to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account; or may prohibit the action.

§ 1230.4 Prior approval of termination agreements of Enterprises.

(a) *In general.* An Enterprise may not enter into any agreement or contract to provide any payment of money or other thing of current or potential value in connection with the termination of employment of an executive officer unless the agreement or contract is approved in advance by the Director.

(b) *Covered agreements or contracts.* An agreement or contract that provides for termination payments to an executive officer of an Enterprise that was entered into before October 28, 1992, is not retroactively subject to approval or disapproval by the Director. However, any renegotiation, amendment, or change to such an agreement or contract shall be considered as entering into an agreement or contract that is subject to approval by the Director.

(c) *Factors to be taken into account.* In making the determination whether to approve or disapprove termination benefits, the Director may consider:

(1) Whether the benefits provided under the agreement or contract are comparable to benefits provided under such agreements or contracts for officers of other public or private entities involved in financial services and housing interests who have comparable duties and responsibilities;

(2) The factors set forth in § 1230.3(b); and

(3) Such other information as deemed appropriate by the Director.

(d) *Exception to prior approval.* An employment agreement or contract subject to prior approval of the Director under this section may be entered into prior to that approval, provided that such agreement or contract specifically provides notice that termination benefits under the agreement or contract shall not be effective and no payments shall be made under such agreement or contract unless and until approved by the Director. Such notice should make clear that alteration of benefit plans subsequent to FHFA approval under this section, which affect final termination benefits of an executive officer, requires review at the time of the individual's termination from the Enterprise and prior to the payment of any benefits.

(e) *Effect of prior approval of an agreement or contract.* The Director's approval of an executive officer's termination of employment benefits shall not preclude the Director from making any subsequent determination under this section to prohibit and withhold executive compensation.

(f) *Form of approval.* The Director's approval pursuant to this section may occur in such form and manner as the Director shall provide through written notice to the regulated entities or the Office of Finance.

§ 1230.5 Submission of supporting information.

In support of the reviews and decisions provided for in this part, the Director may issue guidance, orders, or notices on the subject of information submissions by the regulated entities and the Office of Finance.

Chapter XVII—Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development

PART 1770—[REMOVED]

■ 2. Remove part 1770.

Dated: May 6, 2013.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2013–11215 Filed 5–13–13; 8:45 am]

BILLING CODE 8070–01–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1231

RIN 2590–AA08

Golden Parachute and Indemnification Payments

AGENCY: Federal Housing Finance Agency.

ACTION: Proposed rule; request for comments.

SUMMARY: The Federal Housing Finance Agency (FHFA) is re-proposing the Golden Parachute and Indemnification Payments proposed rule that was published in the **Federal Register** on June 29, 2009 (the Proposal). Specifically, FHFA is addressing content set forth in the Proposal, both in the Supplementary Information and the regulatory text, which relates to prohibited and permissible golden parachute payments to entity-affiliated parties in connection with the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Banks, and the Office of Finance of the Federal Home Loan Bank System. This proposed rule (the ''Re-proposal'') solicits comments on the appropriate treatment of golden parachute arrangements entered into before the effective date of the rule. Additionally, this Re-proposal responds to public comments received by FHFA on the golden parachute provisions, and provides clarification regarding coverage of retirement plans, which were the subject of significant concern expressed in the comments.

DATES: Written comments on this proposed rule must be received on or before July 15, 2013. For additional information, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: You may submit your comments on this proposed rule, identified by regulatory information number ''RIN 2590–AA08,'' by any one of the following methods:

- *Email:* Comments to Alfred M. Pollard, General Counsel, may be sent by email at *RegComments@fhfa.gov.* Please include ''RIN 2590–AA08'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by email to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency. Please include ''RIN 2590–AA08'' in the subject line of the message.
- *Hand Delivered/Courier:* The hand delivery address is: Alfred M. Pollard, General Counsel; Attention: Comments/RIN 2590–AA08, Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. The package should be logged at the Guard Desk, First Floor, on business days between 9 a.m. and 5 p.m.
- *U.S. Mail, United Parcel Service, Federal Express, or Other Mail Service:* The mailing address for comments is: Alfred M. Pollard, General Counsel; Attention: Comments/RIN 2590–AA08, Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Alfred M. Pollard, General Counsel, (202) 649–3050, *Alfred.Pollard@fhfa.gov*, or Lindsay Simmons, Assistant General Counsel, (202) 649–3066, *Lindsay.Simmons@fhfa.gov* (not toll-free numbers). The telephone number for the Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Comments

FHFA invites comments on all aspects of the Re-proposal and will take all comments into consideration before issuing the final regulation. Copies of all comments will be posted without change, including any personal information you provide, such as your name, address, email address, and telephone number, on the FHFA internet Web site at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20024. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

II. Background

Section 1114 of the Housing and Economic Recovery Act of 2008 (HERA) amended section 1318(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Safety and Soundness Act) (12 U.S.C. 4518(e)) to provide explicit authorities to FHFA in addressing golden parachute payments and indemnification payments. FHFA published an interim final regulation on Golden Parachute and Indemnification Payments in the **Federal Register** on September 16, 2008 (73 FR 53356). Subsequently, it published corrections rescinding that portion of the regulation that addressed indemnification payments on September 19, 2008 (73 FR 54309) and on September 23, 2008 (73 FR 54673). On November 14, 2008 (73 FR 67424), FHFA published in the **Federal Register** a proposed amendment to the interim final regulation that addressed indemnification payments. The public notice and comment period closed on December 29, 2008. On January 29, 2009 (74 FR 5101), FHFA published the final regulation on Golden Parachute Payments. On June 29, 2009 (74 FR 30975), FHFA published a proposed amendment to the final Golden Parachute Payments regulation that addressed in more detail, prohibited and permissible golden parachute payments. The proposed amendment noted that comments received in response to the November 14, 2008, publication addressing indemnification payments will be considered along with comments received in response to this amendment.

As noted in the Summary, this Re-proposal only addresses issues as well as comments received that relate to golden parachute payments. Comments received on indemnification payments will be addressed in the final rule on Golden Parachute and Indemnification Payments.

III. Golden Parachute Payments

FHFA published a final regulation on Golden Parachute Payments in the **Federal Register** on January 29, 2009 (74 FR 5101). The final Golden Parachute Payments regulation addressed public comment on factors the Director would consider in acting on golden parachute payments. As stated in the Supplementary Information published with the final regulation, comments received that addressed other elements of a golden parachute regulation would be considered by FHFA in subsequent rulemaking for public comment. Specifically, in response to comments received, FHFA stated that it would consider adding provisions similar to those of the Federal Deposit Insurance Corporation (FDIC) golden parachute regulation in the subsequent rulemaking. The FDIC regulation describes more specifically benefits included in or excluded from the term ''golden parachute payment.'' Thus, the provisions of the Proposal (published in the **Federal Register** on June 29, 2009) addressing golden parachute payments are substantially similar to the FDIC regulation that limits golden parachute payments by insured depository institutions to institution-affiliated parties.[1]

[1] The FDIC regulation is found at 12 CFR part 359.

IV. Comments Received on Golden Parachute Payments

The Proposal (74 FR 30975–30981), which among other things, would have set forth the standards that the Director will take into consideration in determining whether to limit or prohibit golden parachute payments that its regulated entities and the Office of Finance (OF) may make to entity-affiliated parties.[2] The comment period on the Proposal closed on July 29, 2009.

FHFA received comments on the golden parachute provisions of the Proposal from the following: each of the 12 Federal Home Loan Banks (Banks); the Chairs of the 12 Banks; OF; and the Chair and Vice-Chair of the Bank of Boston.

A. General Comments

1. Grandfathering and Coverage of Retirement Plans

In the Supplementary Information published with the Proposal, FHFA stated its intention to apply the golden parachute provisions to agreements entered into by a regulated entity or OF with an entity-affiliated party on or after the date the regulation would be effective.[3] After considering further the types of golden parachute agreements that may currently be in place, FHFA is clarifying its stated intention. FHFA has determined to grandfather a defined subset of agreements as of the date the Re-proposal is published in the **Federal Register**, and that the rest will be subject to review by FHFA, as appropriate. Specifically, FHFA intends to grandfather all retirement plans and deferred compensation plans in place as of the Re-proposal's publication date. FHFA has reviewed all such current plans and has concluded that they are appropriately excepted from the scope of the golden parachute rule.

With respect to severance plans, FHFA intends to allow the entities three months from the effective date of the final rule within which they may submit for FHFA review severance plans that would be excepted under the terms of the regulation but for their having been adopted or modified at a time when the entity either was in, or was in contemplation of, a condition (''triggering event'') specified in paragraph (1)(ii) of the definition of the term ''golden parachute payment.'' After that three-month period, severance plans outside of the severance-plan exception to the term ''golden parachute payment'' must be reviewed by FHFA if the entity is subject to a triggering event.

FHFA notes that certain comments expressed concern that retirement plans could be affected by the regulation, contrary to the intent of the Proposal. In response to the uncertainty about the applicability of the Proposal's definition of ''golden parachute payment,'' FHFA summarizes below the status of different arrangements.

- *Qualified plans* are excepted from the requirements of the regulation and, therefore, any changes to them do not require FHFA approval.
- *Non-qualified retirement plans* (either defined-contribution or defined-benefit plans or deferred compensation plans) established for the benefit of executives whose participation in a regulated entity's qualified plans is curtailed by the Internal Revenue Service limits are ''bona fide deferred compensation plans'' if they meet the various requirements listed in the Proposal.[4] Such non-qualified plans meeting those requirements are therefore excepted from the Proposal's definition of ''golden parachute payment.''[5]
- *All retirement plans* established for the benefit of executives in place as of the Re-proposal's publication date are grandfathered. From the Re-proposal's publication date forward, any retirement plans that are not qualified, and that are not bona fide deferred compensation plans, and payouts on such plans, will qualify as golden parachute payments and will require FHFA review and approval, if the regulated entity is subject to a triggering event.
- *Severance plans* are excepted if they meet the various terms of the regulation (such as those that authorize payment, for executives whose salary is less than $300,000, of no more than 12 months compensation, as discussed further below). As stated above, FHFA intends to allow the entities three months from the effective date of the final rule within which they may submit for FHFA review and approval existing severance plans that would be excepted but for their having been adopted or modified at a time when the entity was subject to a ''triggering event'' specified in paragraph (1)(ii) of the definition of the term ''golden parachute payment.''
- *Severance plans outside of the exception* to the term ''golden parachute payment'' (such as nondiscriminatory severance plans for an executive whose salary exceeds $300,000) are subject to FHFA review and approval if the entity is subject to a triggering event.
- *Change-of-control agreements and ad hoc payments* are not grandfathered or excepted and, therefore, require FHFA review and approval if the regulated entity is subject to a triggering event.

The Proposal's definition of ''golden parachute payment,'' including the definition of ''bona fide deferred compensation plan or arrangement'' and other exceptions, substantially adopts that of the FDIC's regulation on this subject, which was developed after careful review of industry practice with respect to retirement plans.[6] Banks and thrifts have been able to operate under that regulation for the past 15 years.

FHFA notes that, while the statute permits FHFA to prohibit or limit golden parachute agreements when a regulated entity is subject to a triggering event, the statute does not require FHFA to do so. It is FHFA's intention to consider all facts and circumstances in exercising this discretionary authority, including the degree to which a proposed golden parachute payment represents a reasonable payment for services rendered over the period of employment.

The reconsideration of the treatment to be afforded golden parachute arrangements does not affect indemnification arrangements. As to those arrangements, FHFA reaffirms its intent[7] that the regulation apply to agreements entered into by a regulated entity or OF with an entity-affiliated party on or after the date the regulation is effective. FHFA believes that reliance on indemnification arrangements and their significance as an element of continuing employment and service weigh in favor of grandfathering these arrangements when reviewed against the goals set forth in the statute. Indemnification arrangements are subject to a separate proposed rulemaking, which will be combined with this Re-proposal in the final rule.[8]

[2] To view the proposed rule, go to *http://www.fhfa.gov* or *http://www.regulations.gov.*

[3] 74 FR at 30976 (June 29, 2009).

[4] Those requirements are the requirements enumerated in paragraphs (3)(i) through (3)(vii) of the definition of ''bona fide deferred compensation plan or arrangement'' in § 1231.2 of the Proposal, and in addition, with respect to plans under which an entity-affiliated party voluntarily defers a portion of his or her compensation that would otherwise be currently paid for services rendered, the requirements of paragraphs (1)(i) and (1)(ii) of that definition.

[5] While the entities are not required to submit excepted plans for approval for purposes of the Golden Parachute and Indemnification Payments regulation, they are required to submit such plans for review for purposes of the proposed Executive Compensation regulation (74 FR 26989 (June 5, 2009)).

[6] *See* 56 FR 50529 (Oct. 7, 1991), 60 FR 16069 (March 29, 1995), 61 FR 5926 (Feb. 15, 1996).

[7] 73 FR 67424, 67425 (Nov. 14, 2008).

[8] 73 FR 67424 (Nov. 14, 2008).

2. Application of the Golden Parachute Payments Prohibitions and FHFA's Approval

All of the commenters sought clarification as to when the golden parachute prohibitions apply and whether approval by the Director of FHFA (the ''Director'') would be required. Their concern related to the triggering events listed in the Proposal in paragraphs (1)(ii)(A) through (D) in the definition of the term ''golden parachute payment'' in proposed § 1231.2. Their inquiries related to the timing of a triggering event and its effect on the ability of a regulated entity or OF to enter into an agreement with or pay an entity-affiliated party. The inquiries focused on one of the triggering events: a determination by FHFA that the regulated entity is in a troubled condition (paragraph (1)(ii)(C) of the term ''golden parachute payment'' in proposed § 1231.2). The following responds to the specific inquiries:

i. A regulated entity or OF need not obtain the approval of the Director to enter into an agreement with or to pay an entity-affiliated party under the following circumstances:

- A regulated entity or OF is not subject to any of the triggering events listed in paragraphs (1)(ii)(A) through (D) of the term ''golden parachute payment'' in proposed § 1231.2;
- A regulated entity or OF is no longer subject to a triggering event (*e.g.,* it has emerged from a troubled condition); or
- An entity-affiliated party begins to receive payments under an agreement prior to the occurrence of a triggering event that continue after the triggering event, if the entity-affiliated party's employment was not terminated in contemplation of the triggering event.

ii. A regulated entity or OF, when subject to a triggering event, must obtain the permission of the Director in order to pay, or enter into an agreement to pay, an entity-affiliated party if it:

- Terminates an entity-affiliated party's employment;
- Enters into an agreement with an entity-affiliated party providing a golden parachute payment;
- Amends an employment contract containing golden parachute provisions with an entity-affiliated party;
- Renews an employment agreement (including automatic renewal) with an entity-affiliated party that contains severance provisions; or
- Makes a payment related to a change in control (not resulting from conservatorship or receivership).

In any circumstance in which an agreement that provides for a golden parachute payment has been approved by the Director, an additional approval by the Director is required in order to make such a payment under the agreement if the entity is subject to a triggering event. The FHFA regulation, similar to the statute it implements (HERA), limits a regulated entity that is subject to a triggering event from making golden parachute payments or entering into agreements to make golden parachute payments. As a consequence, FHFA may review a golden parachute payment at the time it is being made, notwithstanding a prior approval of the particular golden parachute agreement. This ''double approval'' process mirrors the practice of the FDIC for institutions subject to its golden parachute payments regulation.

The double approval process is supported by the following considerations. First, an agreement containing provisions that the regulator considers unreasonable for an entity subject to a triggering event should be disapproved without waiting for payments to be made under it, so that the regulated entity can develop an alternative acceptable arrangement and so that executives will not be relying on an agreement under which they will not, in the event, be able to receive payments. Further, subsequent to the approval of a golden parachute agreement, there is a serious concern with potential further deterioration of a regulated entity or OF and the effect that a golden parachute payment could have on its safety and soundness. To address that concern, FHFA believes that a review of the golden parachute payment, and the circumstances of the Bank during the period in which the payment is actually being made, is necessary. For that reason, proposed § 1231.6 contains procedures for a regulated entity or OF to apply for the consent of the Director to make a golden parachute payment by submission of a letter application. Among factors that must be addressed in the filing seeking approval of the payment are the cost of the payment and the effect that the payment will have on the capital and earnings of the regulated entity (proposed § 1231.6(c)(4)). In addition, the regulation would require FHFA, among other factors, to determine the degree to which the proposed payment represents a reasonable payment for services rendered over the period of employment (proposed § 1231.3(b)(2)(ii)). FHFA recognizes that this factor could be viewed very differently at the time an individual finishes employment than at the time the individual began employment.

Having noted above specific instances that would require the Director's approval, FHFA emphasizes that under § 1231.3 of the Proposal, a regulated entity or OF may agree to make or may make a golden parachute payment that the Director determines is permissible. A regulated entity or OF always may apply for a determination under this exception if a golden parachute payment is not otherwise permissible.

In making the determination to permit a golden parachute agreement or payment, the Director may consider the factors set forth in proposed § 1231.3(b)(2)(i) through (iii), which include consideration of the case-specific facts and circumstances surrounding the golden parachute payment. For example, the Director may consider mitigating factors in determining whether to permit a golden parachute payment. Such mitigating factors may include, among others, the individual's history of beneficial contribution to the regulated entity, and cooperation with FHFA's relevant remediation efforts.

Importantly, the presence of any of the negative factors enumerated in proposed § 1231.3(b)(2) is not an absolute bar to the approval of a golden parachute payment. Absent mitigating factors, there would be a presumption if any of those factors were present that the golden parachute application should be denied, however, that presumption can be overcome and the Director has discretion to do so.

B. Specific Comments

Eleven Banks and OF noted that in paragraph (1) of the term ''golden parachute payment'' in proposed § 1231.2, that term is defined to mean ''[a]ny payment (or any agreement to make any payment) *in the nature of compensation* by any regulated entity or the Office of Finance for the benefit of any current or former entity-affiliated party pursuant to an obligation of such regulated entity or the Office of Finance. . . .'' [Emphasis added.] They requested the express inclusion of a specific definition of compensation in the final rule to ensure that the term ''golden parachute payment'' will only apply in the circumstances in connection with employment. Specifically, they sought assurance that the final rule would not apply under any circumstances to non-employment payments, such as debt service payments from a Bank to OF, payments of advance proceeds, dividends, deposit account withdrawals, and Affordable Housing Program (AHP) funds from a Bank to a member institution. They also requested exclusion of payments to other parties

(including payments to Bank directors) on the basis that payments to such parties are not connected with an employee relationship with a Bank.

The Safety and Soundness Act provision on golden parachute payments, the Federal Deposit Insurance Act provision on which it is based, and the FDIC rule on which FHFA's Proposal is based, all define a golden parachute payment as being ''in the nature of compensation,'' but none defines the term ''compensation.'' The FDIC included the qualifying phrase ''in the nature of compensation'' in its final regulation to make clear that the FDIC did not intend to restrict institutions, even those that are troubled, from paying terminating employees accrued but unused benefits, such as vacation. FDIC also noted that the qualifying phrase is used to show that a certain payment should be treated as a golden parachute because the regulators have historically treated it as compensation, *e.g.,* payments under ''split dollar'' insurance agreements.[9]

Against the statutory background, and the treatment of the concept by the FDIC in its regulation, FHFA understands ''compensation'' to be payment for employment or services rendered by individuals. So understood, the concept does not include the various types of payments from a Bank to members that the commenters expressed concern about: payments of advance proceeds, dividends, deposit account withdrawals, and AHP funds; nor does it include debt service payments from Banks to OF.

Members of the regulated entities' boards of directors fall within the definition of ''entity-affiliated party'' as stated in the statute and the rule. They are responsible for the governance and oversight of management of the regulated entity, and FHFA believes that there is no reason to exclude them from the rule.

Eleven Banks and OF commented on the exception to the term ''golden parachute payment'' for nondiscriminatory severance plans. That exception requires that the severance plan provide payments for all eligible employees upon involuntary termination, that it provide no more than 12 months' severance, and that it have been approved by the Director if it was adopted by the regulated entity when it was subject to a triggering event. The commenters requested that FHFA modify this exception in the final rule to provide that a Bank's agreement to pay severance to a rank-and-file employee (an employee who is not an ''executive officer'' under FHFA regulations) in an amount not exceeding compensation paid to the employee during the 12 (or, as seven Banks requested, six) months preceding a negotiated termination of his or her employment be excluded from the definition of ''golden parachute payment,'' and thus not require FHFA approval even if a triggering event were in effect with regard to the Bank. They stated that such an exclusion would ensure that the Bank retain the flexibility to conduct its ordinary-course personnel operations without the need for FHFA approval of customary limited payments in connection with negotiated terminations.

The exception for nondiscriminatory severance plans, as drafted in the Proposal, derives from two aspects of the statute. First, Congress chose a definition of ''entity-affiliated party'' that has broader coverage than the term ''executive officer'' as defined in section 4502(12) of the Safety and Soundness Act (12 U.S.C. 4502(12)) with respect to the Director's authority to prohibit and withhold executive compensation under section 1318(a) of the Safety and Soundness Act (12 U.S.C. 4518(a)). The definition that Congress enacted includes rank-and-file employees. Second, the statute excepts ''nondiscriminatory benefit plans,'' an exception that FHFA has determined includes nondiscriminatory severance plans. Because the plan must be nondiscriminatory, individually negotiated severance arrangements do not fall within the exception. Like most of the rest of the Proposal, this provision is based on the FDIC's rule, which contains the same exception for nondiscriminatory severance plans. Banks and thrifts have been operating under that rule for the past 15 years.

After further review of the exception for nondiscriminatory severance pay plans, FHFA has determined to make a different modification to that exception, revising it to limit its effect to executives whose salary does not exceed $300,000. FHFA believes that compensation of such top executives may be so high that the payment of a full year's severance may be inappropriate, when their institution is in a troubled condition. However, FHFA notes that whether the recipient of severance pay is a rank-and-file employee or a top executive, the Director continues to have discretion to approve payment under the regulator's approval exception discussed earlier (proposed § 1231.3(b)(1)(i)).

Nine Banks and OF noted that, under paragraph (3)(i) of the definition of ''bona fide deferred compensation plan or arrangement'' in proposed § 1231.2, a plan or arrangement that would otherwise qualify for an exclusion from treatment as a golden parachute payment would not qualify for such treatment if the plan or arrangement were not in effect at least one year prior to the occurrence of a triggering event. Furthermore, they noted that under paragraph (3)(ii) of the ''bona fide deferred compensation plan or arrangement'' definition, an increase in benefits payable under a qualifying plan or arrangement pursuant to an amendment made during the one-year period prior to the occurrence of a triggering event would appear not to be excluded from the definition of a ''golden parachute payment.''

The commenters requested that paragraphs (3)(i) and (ii) of the definition of ''bona fide deferred compensation plan or arrangement'' in proposed § 1231.2 either be modified to provide that these one-year rules are subject to waiver by the Director on a case-by-case basis, or that FHFA clarify that a Bank could apply for approval to make a payment with respect to the plan or increased benefits under proposed §§ 1231.3(b)(1)(i) and 1231.6. In response, as noted earlier, FHFA is providing a blanket grandfathered status to all deferred compensation plans in place as of the Re-proposal's publication date. Moreover, FHFA confirms that a regulated entity or OF always may apply for a waiver by the Director on a case-specific basis for bona fide deferred compensation plans or arrangements that are not grandfathered.

Additionally, the commenters requested that FHFA except amendments to nonqualified deferred compensation plans and supplemental retirement plans that are made to comply with law. In response, FHFA has added the following language to the end of paragraph (3)(ii) of the definition of the term ''bona fide deferred compensation plan or arrangement'': ''provided that changes required by law should be disregarded in determining whether a plan provision has been in effect for one year.''

Ten Banks and OF commented that the definition of ''bona fide deferred compensation plan or arrangement'' in proposed § 1231.2 permits payments from plans that segregate or otherwise set aside assets in a trust that may only be used to pay plan and other benefits. They requested that FHFA amend paragraphs (1)(ii) and (3)(vi) of the definition in the final rule to include ''and related expenses'' after ''benefits'' in order to account for the fact that rabbi trusts often pay certain expenses. FHFA

[9] 60 FR 16069–16082 (March 29, 1995).

agrees with the comment and has revised the paragraphs as requested.

Nine Banks, OF, and the Chairs of the Banks requested that FHFA modify the circumstances that constitute one of the triggering events set forth in the definition of the term ''golden parachute payment'' (paragraphs (1)(ii)(A) through (D) of the term ''golden parachute payment'' in proposed § 1231.2). The event that was the subject of concern is contained in paragraph (1)(ii)(D): when a Bank or OF is assigned a composite rating of 3 or 4 by FHFA.

The commenters noted that the Federal Housing Finance Board Office of Supervision Examination Manual (Manual) draws a sharp distinction between a composite 3- and a composite 4-rating. The Manual provides that the general policy in regard to a composite 3-rated Bank is that supervisory action will be taken to address identified deficiencies or weaknesses. In contrast, the Manual provides that the general policy in regard to a composite 4-rated Bank is that a formal enforcement action will be taken to address identified deficiencies or weaknesses. They stated that the restrictions of the golden parachute rule should not be triggered in circumstances that are not viewed as being serious enough to require formal enforcement action. For this reason, they requested that the portion of proposed paragraph (l)(ii)(D) of the definition of ''golden parachute payment'' in proposed § 1231.2, which reads ''or the Federal Home Loan Bank or the Office of Finance is assigned a composite rating of 3 or 4 by FHFA'' should be revised to delete ''3 or.''

In the meantime, FHFA has adopted an examination rating system that results in a composite rating from 1 to 5, analogous to that used by the Federal banking agencies.[10] FHFA has revised the definition of ''golden parachute payment'' to refer to regulated entities with a composite rating of 4 or 5, as does the FDIC's golden parachute regulation.[11] However, the Director retains the discretion to determine, on a case-by-case basis, whether a 3-rated Bank (or an Enterprise rated ''Significant Concerns'') is in a ''troubled condition.'' Should the Director make such a determination, the golden parachute restrictions would apply.

Eight Banks and OF requested that FHFA modify the definition of the term ''nondiscriminatory'' in the final rule. The term relates to the exception from the golden parachute restrictions for a nondiscriminatory severance plan or arrangement (paragraph (2)(v) of the term ''golden parachute payment'' in proposed § 1231.2). As proposed, ''nondiscriminatory'' is defined to mean:

> * * * that the plan, contract, or arrangement in question applies to all employees of a regulated entity or the Office of Finance who meet reasonable and customary eligibility requirements applicable to all employees, such as minimum length of service requirements. *A nondiscriminatory plan, contract, or arrangement may provide different benefits based only on objective criteria such as salary, total compensation, length of service, job grade, or classification, which are applied on a proportionate basis (with a variance in severance benefits relating to any criterion of plus or minus ten percent) to groups of employees consisting of not less than the lesser of 33 percent of employees or 1,000 employees.* [Emphasis added.]

The commenters acknowledged that this provision is similar to the corresponding provision in the FDIC regulation on golden parachute payments, and that in comment letters responding to prior FHFA rulemaking, many of the Banks urged FHFA to add provisions similar to those in the FDIC regulation. In this case, however, they believe that the objective criteria and application requirements (in italics above) should be modified based on the difference in employee size between the Banks and the depository institutions and holding companies to which the FDIC's regulation applies. They stated that, while many of the entities regulated by the FDIC have tens of thousands of employees, the Banks each generally employ fewer than 400 individuals, and most employ fewer than 300.

In recognition of the difference in employee size between the Banks and the entities regulated by the FDIC, the commenters requested that FHFA delete the provision prohibiting a variance in benefits of more than plus or minus ten percent in the final regulation. They also requested that FHFA reduce the 33 percent threshold to 20 percent, and reduce the ''1000 employees'' to 50 employees or to such other smaller percentage and number that FHFA determines is appropriate in light of the relatively small size of the Banks' and OF's staffs.

In response to this request for modification, FHFA notes that entities regulated by the FDIC under its golden parachute payments regulation are not confined to large holding companies and banks with a correspondingly large number of employees. FDIC-regulated entities also include mid- and small-size banks and thrifts that have correspondingly small numbers of employees. The FDIC has implemented the criteria contained in the term ''nondiscriminatory'' under its regulation effective for all the covered entities since 1996, regardless of the differences in size and employee base. FHFA believes that the Banks' size and number of employees is not dissimilar to many of the entities regulated by the FDIC. For this reason, FHFA has determined not to modify the definition of ''nondiscriminatory'' in the final rule.

The OF requested that the final rule be modified so that it does not apply to OF or any parties associated with it. The OF asserted that Congress intended that the golden parachute provisions in section 1318(e) (12 U.S.C. 4518(e)) of the Safety and Soundness Act, as amended by section 1114 of HERA, apply only to golden parachute payments made by a ''regulated entity.'' The OF asserted that the clear intent of Congress was to exclude OF from the reach of the provisions.

In response to OF's request, FHFA notes, as it did when proposing this rule,[12] the following reasons why it is important and appropriate for FHFA to apply the golden parachute provisions to OF. As relevant background, OF is a joint office of the Banks that was established by the Federal Housing Finance Board (FHFB), a predecessor to FHFA. The OF is governed by a seventeen-person board of directors, consisting of all 12 Bank presidents and five independent members. Under the regulations of FHFB, OF is subject to the same regulatory oversight authority and enforcement powers as are the Banks and their respective directors, officers, and employees.[13] The OF also is subject to the cease-and-desist authority of FHFA, and its directors, officers and management are subject to the removal and prohibition authority of FHFA.[14]

Moreover, as FHFA stated in the Proposal, although OF is not directly covered by section 1318(e), it is subject to the Director's ''general regulatory authority'' under section 1311(b)(2) of the Safety and Soundness Act (12 U.S.C. 4511(b)(2)), as amended by HERA. The Director is required to exercise that authority as necessary to ensure that the purposes of the Safety and Soundness Act, the authorizing statutes, and other applicable laws are carried out. Because of the unique nature of OF and the interrelationship between it and the Banks, FHFA believes that the purposes underlying the limitations on golden parachute payments can best be carried out if the limitations are consistent

[10] 77 FR 67644 (Nov. 13, 2012).

[11] 12 CFR 303.101(c)(1).

[12] 74 FR 30976 (June 29, 2009).

[13] 12 CFR 1273.4 and 1273.7.

[14] 12 U.S.C. 4631(a) and 4636a(a).

between the Banks and OF, their joint office. Therefore, based on its general regulatory authority over OF, FHFA believes that the Director's oversight over golden parachutes should continue to apply to OF in the Re-proposal.

Subsequent to FHFA's issuance of the Proposal, the Stop Trading on Congressional Knowledge Act of 2012, S. 2038 (the ''STOCK Act'') was enacted. *See* Public Law No. 112–105, section 16 (April 4, 2012) (codified at 12 U.S.C. 4518a). Section 16 of the STOCK Act prohibits senior executives of any Enterprise in conservatorship from receiving bonuses during any period of conservatorship on or after the date of enactment. Section 16 would require FHFA to deny any golden parachute payment that FHFA determines is a bonus to any senior executive of any Enterprise during any period that the Enterprise is in conservatorship. FHFA will implement any final rule on golden parachute payments in a manner consistent with the STOCK Act.

V. Differences Between Banks and Enterprises

Section 1313(f) of the Safety and Soundness Act (12 U.S.C. 4513(f)), as amended by section 1201 of HERA, requires the Director, when promulgating regulations relating to the Banks, to consider the differences between the Banks and the Enterprises with respect to the Banks' cooperative ownership structure; mission of providing liquidity to members; affordable housing and community development mission; capital structure; and joint and several liability. The Director may also consider any other differences that are deemed appropriate. In preparing the Re-proposal, the Director considered the differences between the Banks and the Enterprises as they relate to the above factors. The Director requests comments from the public about whether differences related to these factors should result in a revision of the Re-proposal as it relates to the Banks.

Regulatory Impact

Paperwork Reduction Act

This proposed rule does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). FHFA has considered the impact of this proposed rule under the Regulatory Flexibility Act. FHFA certifies that this proposed rule is not likely to have a significant economic impact on a substantial number of small business entities because this proposed rule is applicable only to the regulated entities which are not small entities for the purposes of the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 1231

Golden parachutes, Government-sponsored enterprises, Indemnification.

Accordingly, for reasons stated in the **SUPPLEMENTARY INFORMATION**, under the authority of 12 U.S.C. 4518(e) and 4526, FHFA proposes to amend part 1231 of subchapter B of title 12 CFR Chapter XII as follows:

PART 1231—GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS

■ 1. The authority citation for part 1231 is revised to read as follows:

Authority: 12 U.S.C. 4518(e), 4518a, 4526.

■ 2. The heading to part 1231 is revised to read as set forth above.

■ 3. Section 1231.1 is revised to read as follows:

§ 1231.1 Purpose.

The purpose of this part is to implement section 1318(e) of the Safety and Soundness Act (12 U.S.C. 4518(e)) by setting forth the standards that the Director will take into consideration in determining whether to limit or prohibit golden parachute payments and by setting forth prohibited and permissible indemnification payments that regulated entities and the Office of Finance may make to entity-affiliated parties.

■ 4. Section 1231.2 is amended by:

■ a. Removing the paragraph designations and arranging definitions in alphabetical order;

■ b. Removing the reserved paragraphs (l) through (n);

■ c. Adding in alphabetical order definitions for the terms ''Benefit plan'', ''Bona fide deferred compensation plan or arrangement'', ''Nondiscriminatory'', ''Payment'', and ''Safety and Soundness Act''; and

■ d. Revising the definition for the terms ''Entity-affiliated party'', ''Golden parachute payment'', and ''Troubled condition''.

The additions and revisions read as follows:

§ 1231.2 Definitions.

* * * * *

Benefit plan means any plan, contract, agreement, or other arrangement which is an ''employee welfare benefit plan'' as that term is defined in section 3(1) of the Employee Retirement Income Security Act of 1974, as amended (29 U.S.C. 1002(1)), or other usual and customary plans such as dependent care, tuition reimbursement, group legal services or cafeteria plans; provided however, that such term shall not include any plan intended to be subject to paragraphs (2)(iii) and (v) of the term *golden parachute payment* as defined in this section.

Bona fide deferred compensation plan or arrangement means any plan, contract, agreement or other arrangement whereby:

(1) An entity-affiliated party voluntarily elects to defer all or a portion of the reasonable compensation, wages or fees paid for services rendered which otherwise would have been paid to such party at the time the services were rendered (including a plan that provides for the crediting of a reasonable investment return on such elective deferrals) and the regulated entity or the Office of Finance either:

(i) Recognizes compensation expense and accrues a liability for the benefit payments according to generally accepted accounting principles (GAAP); or

(ii) Segregates or otherwise sets aside assets in a trust which may only be used to pay plan and other benefits and related expenses, except that the assets of such trust may be available to satisfy claims of creditors of the regulated entities or the Office of Finance in the case of insolvency; or

(2) A regulated entity or the Office of Finance establishes a nonqualified deferred compensation or supplemental retirement plan, other than an elective deferral plan described in paragraph (1) of this definition:

(i) Primarily for the purpose of providing benefits for certain entity-affiliated parties in excess of the limitations on contributions and benefits imposed by sections 401(a)(17), 402(g), 415, or any other applicable provision of the Internal Revenue Code of 1986 (26 U.S.C. 401(a)(17), 402(g), 415); or

(ii) Primarily for the purpose of providing supplemental retirement benefits or other deferred compensation for a select group of directors,

management or highly compensated employees (excluding severance payments described in paragraph (2)(v) of the term *golden parachute payment* as defined in this section and permissible golden parachute payments described in § 1231.3(b)); and

(3) In the case of any nonqualified deferred compensation or supplemental retirement plans as described in paragraphs (1) and (2) of this definition, the following requirements shall apply:

(i) The plan was in effect at least one year prior to any of the events described in paragraph (1)(ii) of the term *golden parachute payment* as defined in this section;

(ii) Any payment made pursuant to such plan is made in accordance with the terms of the plan as in effect no later than one year prior to any of the events described in paragraph (1)(ii) of the term *golden parachute payment* as defined in this section and in accordance with any amendments to such plan during such one-year period that do not increase the benefits payable thereunder, provided that changes required by law should be disregarded in determining whether a plan provision has been in effect for one year;

(iii) The entity-affiliated party has a vested right, as defined under the applicable plan document, at the time of termination of employment to payments under such plan;

(iv) Benefits under such plan are accrued each period only for current or prior service rendered to the employer (except that an allowance may be made for service with a predecessor employer);

(v) Any payment made pursuant to such plan is not based on any discretionary acceleration of vesting or accrual of benefits which occurs at any time later than one year prior to any of the events described in paragraph (1)(ii) of the term *golden parachute payment* as defined in this section;

(vi) The regulated entity or the Office of Finance has previously recognized compensation expense and accrued a liability for the benefit payments according to GAAP or segregated or otherwise set aside assets in a trust which may only be used to pay plan benefits and related expenses, except that the assets of such trust may be available to satisfy claims of the regulated entity's creditors in the case of insolvency; and

(vii) Payments pursuant to such plans shall not be in excess of the accrued liability computed in accordance with GAAP.

* * * * *

Entity-affiliated party means:

(1) With respect to the Office of Finance, any director, officer, or management of the Office of Finance; and

(2) With respect to a regulated entity:

(i) Any director, officer, employee, or controlling stockholder of, or agent for, a regulated entity;

(ii) Any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, provided that a member of a Federal Home Loan Bank shall not be deemed to have participated in the affairs of that Federal Home Loan Bank solely by virtue of being a shareholder of, and obtaining advances from, that Federal Home Loan Bank;

(iii) Any independent contractor for a regulated entity (including any attorney, appraiser, or accountant) if:

(A) The independent contractor knowingly or recklessly participates in any violation of any law or regulation, any breach of fiduciary duty, or any unsafe or unsound practice; and

(B) Such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity;

(iv) Any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.

* * * * *

Golden parachute payment means:

(1) Any payment (or any agreement to make any payment) in the nature of compensation by any regulated entity or the Office of Finance for the benefit of any current or former entity-affiliated party pursuant to an obligation of such regulated entity or the Office of Finance that:

(i) Is contingent on, or by its terms is payable on or after, the termination of such party's primary employment or affiliation with the regulated entity or the Office of Finance; and

(ii) Is received on or after, or is made in contemplation of, any of the following events:

(A) The insolvency (or similar event) of the regulated entity which is making the payment;

(B) The appointment of any conservator or receiver for such regulated entity;

(C) The regulated entity is in a troubled condition; or

(D) The regulated entity is assigned a composite rating of 4 or 5 by FHFA.

(2) *Exceptions.* The term *golden parachute payment* shall not include:

(i) Any payment made pursuant to a pension or retirement plan that is qualified (or is intended within a reasonable period of time to be qualified) under section 401 of the Internal Revenue Code of 1986 (26 U.S.C. 401) or pursuant to a pension or other retirement plan that is governed by the laws of any foreign country;

(ii) Any payment made pursuant to a ''benefit plan'' as that term is defined in this section;

(iii) Any payment made pursuant to a ''bona fide deferred compensation plan or arrangement'' as that term is defined in this section;

(iv) Any payment made by reason of death or by reason of termination caused by the disability of an entity-affiliated party; or

(v) Any payment made pursuant to a nondiscriminatory severance pay plan or arrangement that provides for payment of severance benefits to all eligible employees upon involuntary termination other than for cause, voluntary resignation, or early retirement; provided that:

(A) No employee shall receive any such payment that exceeds the base compensation paid to such employee during the 12 months (or such longer period or greater benefit as the Director shall consent to) immediately preceding termination of employment, resignation, or early retirement, and such severance pay plan or arrangement shall not have been adopted or modified to increase the amount or scope of severance benefits at a time when the regulated entity or the Office of Finance is in a condition specified in paragraph (1)(ii) of the term *golden parachute payment* as defined in this section or in contemplation of such a condition without the prior written consent of the Director; and

(B) If an employee's salary exceeds $300,000, the exception provided under this paragraph (2)(v) shall not apply to that employee; or

(vi) Any severance or similar payment that is required to be made pursuant to a state statute or foreign law that is applicable to all employers within the appropriate jurisdiction (with the exception of employers that may be exempt due to their small number of employees or other similar criteria.

* * * * *

Nondiscriminatory means that the plan, contract, or arrangement in question applies to all employees of a regulated entity or the Office of Finance who meet reasonable and customary eligibility requirements applicable to all employees, such as minimum length of service requirements. A

nondiscriminatory plan, contract, or arrangement may provide different benefits based only on objective criteria such as salary, total compensation, length of service, job grade, or classification, which are applied on a proportionate basis (with a variance in severance benefits relating to any criterion of plus or minus ten percent) to groups of employees consisting of not less than the lesser of 33 percent of employees or 1,000 employees.

* * * * *

Payment means:

(1) Any direct or indirect transfer of any funds or any asset;

(2) Any forgiveness of any debt or other obligation;

(3) The conferring of any benefit, including but not limited to stock options and stock appreciation rights; and

(4) Any segregation of any funds or assets, the establishment or funding of any trust or the purchase of or arrangement for any letter of credit or other instrument, for the purpose of making, or pursuant to any agreement to make, any payment on or after the date on which such funds or assets are segregated, or at the time of or after such trust is established or letter of credit or other instrument is made available, without regard to whether the obligation to make such payment is contingent on:

(i) The determination, after such date, of the liability for the payment of such amount; or

(ii) The liquidation, after such date, of the amount of such payment.

* * * * *

Safety and Soundness Act means the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 *et seq.*), as amended.

Troubled condition means a regulated entity that:

(1) Is subject to a cease-and-desist order or written agreement issued by FHFA that requires action to improve the financial condition of the regulated entity or is subject to a proceeding initiated by the Director, which contemplates the issuance of an order that requires action to improve the financial condition of the regulated entity, unless otherwise informed in writing by FHFA; or

(2) Is informed in writing by the Director that it is in a troubled condition for purposes of the requirements of this part on the basis of the most recent report of examination or other information available to FHFA, on account of its financial condition, risk profile, or management deficiencies.

5. Section 1231.3 is added to read as follows:

§ 1231.3 Golden parachute payments.

(a) *Prohibited golden parachute payments.* No regulated entity or the Office of Finance shall make or agree to make any golden parachute payment, except as provided in this part.

(b) *Permissible golden parachute payments.* (1) A regulated entity or the Office of Finance may agree to make or may make a golden parachute payment if and to the extent that:

(i) The Director determines that such a payment or agreement is permissible; or

(ii) Such an agreement is made in order to hire a person to become an entity-affiliated party either at a time when the regulated entity or the Office of Finance satisfies, or in an effort to prevent it from imminently satisfying, any of the criteria set forth in paragraph (1)(ii) of the term *golden parachute payment* as defined in § 1231.2 of this part, and the Director consents in writing to the amount and terms of the golden parachute payment. Such consent by the Director shall not improve the entity-affiliated party's position in the event of the insolvency of the regulated entity since such consent can neither bind a receiver nor affect the provability of receivership claims; or

(iii) Such a payment is made pursuant to an agreement which provides for a reasonable severance payment, not to exceed 12 months salary, to an entity-affiliated party in the event of a change in control of the regulated entity; provided, however, that a regulated entity shall obtain the consent of the Director prior to making such a payment, and this paragraph (b)(1)(iii) shall not apply to any change in control of a regulated entity that results from the regulated entity being placed into conservatorship or receivership; and

(iv) A regulated entity or the Office of Finance making a request pursuant to paragraphs (b)(1)(i) through (iii) of this section shall demonstrate that it does not possess and is not aware of any information, evidence, documents, or other materials that would indicate that there is a reasonable basis to believe, at the time such payment is proposed to be made, that:

(A) The entity-affiliated party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the regulated entity or the Office of Finance that is likely to have a material adverse effect on the regulated entity or the Office of Finance;

(B) The entity-affiliated party is substantially responsible for the insolvency of, the appointment of a conservator or receiver for, or the troubled condition of the regulated entity;

(C) The entity-affiliated party has materially violated any applicable Federal or State law or regulation that has had or is likely to have a material effect on the regulated entity or the Office of Finance; and

(D) The entity-affiliated party has violated or conspired to violate sections 215, 657, 1006, 1014, or 1344 of title 18 of the United States Code, or section 1341 or 1343 of such title affecting a ''financial institution'' as the term is defined in title 18 of the United States Code (18 U.S.C. 20).

(2) In making a determination under paragraphs (b)(1)(i) through (iii) of this section, the Director may consider:

(i) Whether, and to what degree, the entity-affiliated party was in a position of managerial or fiduciary responsibility;

(ii) The length of time the entity-affiliated party was affiliated with the regulated entity or the Office of Finance, and the degree to which the proposed payment represents a reasonable payment for services rendered over the period of employment; and

(iii) Any other factor the Director determines relevant to the facts and circumstances surrounding the golden parachute payment, including any fraudulent act or omission, breach of fiduciary duty, violation of law, rule, regulation, order, or written agreement, and the level of willful misconduct, breach of fiduciary duty, and malfeasance on the part of the entity-affiliated party.

■ 6. Section 1231.5 is revised to read as follows:

§ 1231.5 Applicability in the event of receivership.

The provisions of this part, or any consent or approval granted under the provisions of this part by FHFA, shall not in any way bind any receiver of a regulated entity in receivership. Any consent or approval granted under the provisions of this part by FHFA shall not in any way obligate FHFA or receiver to pay any claim or obligation pursuant to any golden parachute, severance, indemnification, or other agreement. Nothing in this part may be construed to permit the payment of salary or any liability or legal expense of an entity-affiliated party contrary to section 1318(e)(3) of the Safety and Soundness Act (12 U.S.C. 4518(e)(3)).

■ 7. Section 1231.6 is added to read as follows:

§ 1231.6 Filing instructions.

(a) *Scope.* This section contains the procedures to apply for the consent of

the Director to make golden parachute payments under § 1231.3(b) of this part (including entering into agreements to make such payments) or to make excess nondiscriminatory severance plan payments under paragraph (2)(v) of the term *golden parachute payment* as defined in § 1231.2 of this part.

(b) *Where to file.* A regulated entity or the Office of Finance must submit a letter application to the Manager, Executive Compensation, Division of Supervision Policy and Support.

(c) *Content of filing.* The letter application must contain the following:

(1) The reasons why the regulated entity or the Office of Finance seeks to make the payment;

(2) An identification of the entity-affiliated party who will receive the payment;

(3) A copy of any contract or agreement regarding the subject matter of the filing;

(4) The cost of the proposed payment and its impact on the capital and earnings of the regulated entity;

(5) The reasons why the consent to the payment should be granted; and

(6) Certification and documentation as to each of the factors listed in § 1231.3(b)(1)(iv).

(d) *Additional information.* FHFA may request additional information at any time during the processing of the letter application.

(e) *Written notice.* FHFA shall provide the applicant with written notice of the decision as soon as it is rendered.

Dated: May 6, 2013.

Edward J. DeMarco,

Acting Director, Federal Housing Finance Agency.

[FR Doc. 2013–11212 Filed 5–13–13; 8:45 am]

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FEDERAL REGISTER

Vol. 78 Tuesday,

No. 93 May 14, 2013

Part V

The President

Proclamation 8976—Military Spouse Appreciation Day, 2013

Federal Register
Vol. 78, No. 93
Tuesday, May 14, 2013

Presidential Documents

Title 3—

The President

Proclamation 8976 of May 9, 2013

Military Spouse Appreciation Day, 2013

By the President of the United States of America

A Proclamation

As long as there have been courageous men and women willing to protect our Union and our ideals, there have been extraordinary spouses at their side—patriots in their own right who serve and sacrifice in ways many cannot fathom. They are moms and dads who take up the work of two during deployments, shuffling their careers and packing up their lives whenever our Nation calls. They are dedicated employees at our businesses, committed volunteers in our communities, and essential caretakers for our wounded warriors. America's military spouses are at the core of our Armed Forces, and on Military Spouse Appreciation Day, we celebrate their contributions to keeping our country safe.

Just as we are bound by a sacred obligation to care for our men and women in uniform, we are equally responsible for making sure their loved ones get the support they deserve. My Administration has taken steps to uphold that special trust, from investing in childcare and education for military families to providing mortgage assistance for military homeowners. Through First Lady Michelle Obama and Dr. Jill Biden's Joining Forces initiative, we have partnered with the private sector to expand hiring for military spouses and veterans.

We have also called on States to streamline credentialing and licensing procedures that hinder too many military spouses when they move from duty station to duty station. Military spouses with professional experience should not have to wait for work, and our businesses should not have to go without their skills. By simplifying the certification process, we can help ensure the financial stability of our military families, strengthen our Armed Forces, and spur growth throughout our economy. To learn more and get involved, visit www.JoiningForces.gov.

In the past few years, we have seen every part of our society come together and make a real commitment to supporting our military families—not just with words, but with deeds. Yet, we must do more to honor the profound debt of gratitude we owe our military spouses. Their strength and resolve reflects the best of the American spirit, and on this occasion, let us pledge once more to serve them as well as they serve us.

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 May 10, 2013, as Military Spouse Appreciation Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of May, 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. 2013–11629
Filed 5–13–13; 11:15 am]
Billing code 3295–F3

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