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Contents

Federal Register

Vol. 78, No. 129

Friday, July 5, 2013

Agriculture Department
NOTICES
Environmental Assessments; Availability, etc.:
J. Phil Campbell, Senior, Natural Resource Conservation Center Land Transfer, 40425–40426

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40481–40482

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40482–40484

Civil Rights Commission
NOTICES
Meetings:
Michigan Advisory Committee, 40426
Meetings; Sunshine Act, 40426

Coast Guard
RULES
Drawbridge Operations:
Piscataqua River, Portsmouth, NH and Kittery, ME, 40393–40394
Safety Zones:
America's Cup Safety Zone and No Loitering Area, San Francisco, CA, 40396–40399
Fifth Coast Guard District Fireworks Displays, Delaware River; Philadelphia, PA, 40399–40402
Outer Banks Bluegrass Festival; Shallowbag Bay, Manteo, NC, 40394–40396
Special Local Regulations:
Dinghy Poker Run, Middle River; Baltimore County, Essex, MD, 40391–40393
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed Construction of a Highway Bridge Across the Manatee River at Parrish, Manatee County, FL, 40488–40490

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Consumer Product Safety Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Recordkeeping Requirements Under the Safety Standard for Infant Walkers, 40443–40444
Third Party Conformity Assessment Body Registration Form, 40442–40443
Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form, 40443
Meetings:
Maxfield and Oberton Holdings, LLC, et al.; Prehearing Conference, 40444

Defense Department
NOTICES
Amendment of the Threat Reduction Advisory Committee Charter, 40444–40446
Meetings:
National Commission on the Structure of the Air Force, 40446
Privacy Act; Systems of Records, 40447
Revised Non-Foreign Overseas Per Diem Rates, 40447–40457

Education Department
NOTICES
American Indian Vocational Rehabilitation Services Program:
Tribal Consultation and Request for Comments, 40458–40459
Applications for New Awards:
Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities, etc., 40459–40469

Employment and Training Administration
NOTICES
Termination of Certifications:
Eastman Kodak Company, IPS, et al., Dayton, OH, 40507–40508
Worker Adjustment and Alternative Trade Adjustment Assistance; Eligibility:
Advanced Energy Industries, Inc., et al., Bend, OR, 40508
Worker Adjustment Assistance; Determinations, 40508–40510
Worker Adjustment Assistance; Eligibility:
Homeward Residential, Inc., et al., Coppell and Addison, TX and Jacksonville, FL, 40511
RG Steel Sparrows Point LLC, et al., Sparrows Point, MD, 40511–40512
Worker Adjustment Assistance; Investigations, 40512

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment:
Proposed Determination of Portable Air Conditioners as a Covered Consumer Product, 40403–40407

Environmental Protection Agency
NOTICES
Environmental Impact Statements, Weekly Receipt; Availability, 40474–40475

Executive Office of the President
See Presidential Documents

Export-Import Bank
NOTICES
Meetings; Sunshine Act, 40475

Federal Aviation Administration
RULES
Establishment of Class E Airspace:
Grand Canyon, AZ, 40381–40382
Modification of Class D and E Airspace:
Twin Falls, ID, 40382–40383
Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures, 40383–40387
NOTICES
Intent to Release Certain Properties from all Terms, Conditions, Reservations and Restrictions of a Quitclaim Deed Agreements:
Orlando and the Federal Aviation Administration for the Orlando International Airport, Orlando, FL, 40545

Federal Communications Commission
RULES
Radio Broadcasting Services:
Roaring Springs, Texas, 40402
Structure and Practices of the Video Relay Service Program:
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, 40582–40617
PROPOSED RULES
Inquiry Regarding Video Description in Video Programming Distributed on Television and on the Internet, 40421–40424
Structure and Practices of the Video Relay Service Program:
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, 40407–40421
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40475–40477

Federal Deposit Insurance Corporation
NOTICES
Meetings; Sunshine Act, 40477–40478

Federal Energy Regulatory Commission
NOTICES
Combined Filings, 40469–40472
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorization:
eBay Inc., 40473
Hazle Spindle, LLC, 40473–40474
Plainfield Renewable Energy, LLC, 40473
Sustaining Power Solutions, LLC, 40474

Federal Highway Administration
NOTICES
Final Federal Agency Actions:
Proposed Highway in Georgia – Interstate 75 Express, Clayton and Henry Counties, Atlanta Metropolitan Area, 40545–40546

Fiscal Service
NOTICES
Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, 40549

Food and Drug Administration
NOTICES
Determination that a Drug Was Not Withdrawn from Sale for Reasons of Safety or Effectiveness:
METADATE ER (Methylphenidate Hydrochloride) Extended-Release Tablet, 10 Milligrams, 40484–40485
Lung Cancer Patient-Focused Drug Development, 40485–40486

Foreign-Trade Zones Board
NOTICES
Applications for Reorganization under Alternative Site Framework:
Foreign-Trade Zone 182, Fort Wayne, IN, 40426–40427
Proposed Production Activities:
Almod Diamonds, Ltd., Foreign-Trade Zone 32, Miami, FL, 40427
Samsung Austin Semiconductor, LLC, Foreign-Trade Zone 183, Austin, TX, 40427
Reorganization and Expansion under Alternative Site Framework:
Foreign-Trade Zone 45, Portland, OR, 40427–40428

General Services Administration
NOTICES
Privacy Act; Systems of Records, 40478–40479

Health and Human Services Department
See Centers for Disease Control and Prevention
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See National Institutes of Health
NOTICES
Declaration that Circumstances Exist Justifying Authorization of Emergency Use of All Oral Formulations of Doxycycline Accompanied by Emergency Use Information, 40479–40480
Requests for Nominees:
National Biodefense Science Board, 40480–40481

Homeland Security Department
See Coast Guard
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection
NOTICES
Meetings:
National Infrastructure Advisory Council, 40487–40488

Housing and Urban Development Department
NOTICES
Federal Property Suitable as Facilities to Assist the Homeless, 40491–40494

Interior Department
See Land Management Bureau

Internal Revenue Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40549–40550

International Trade Administration
NOTICES
Antidumping Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Certain Hot-Rolled Carbon Steel Flat Products from India, 40428

Antidumping Duty New Shipper Reviews; Results, Extensions, Amendments, etc.:
Fresh Garlic from the People's Republic of China, 40428–40429
Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Certain Hot-Rolled Carbon Steel Flat Products from India, 40429–40430
De Facto Criteria for Establishing a Separate Rate in Antidumping Proceedings Involving Non-Market Economy Countries, 40430–40434
Meetings:
Manufacturing Council, 40434

International Trade Commission
NOTICES
Investigations; Terminations, Modifications and Rulings, etc.:
Certain Toner Cartridges and Components Thereof, 40506–40507
Sodium Hexametaphosphate from China, 40505–40506
Meetings; Sunshine Act, 40507

Justice Department
NOTICES
Appendix B Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed in Larger Chapter 11 Cases; Correction, 40507

Labor Department
See Employment and Training Administration
See Workers Compensation Programs Office

Land Management Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40494–40496
Environmental Impact Statements; Availability, etc.:
Casa Diablo IV Geothermal Development Project, Mono County, CA, 40497–40498
Proposed Hollister Underground Mine Project, Elko County, NV, 40496
Ruby Pipeline Project, NV, 40496–40497
Public Land Orders:
No. 7817, Extension of No. 6986, Oregon, 40498–40499
No. 7818; Withdrawal of Public Lands for Protection and Preservation of Solar Energy Zones for Future Energy Development, Arizona, California, Colorado, Nevada, New Mexico, and Utah, 40499–40503
Realty Actions:
Direct Sale of Public Lands in Pima County, AZ, 40503–40504
Resource Management Plans; Realty Actions; Environmental Analyses, etc.:
Direct (Non-Competitive) Sale of Reversionary Interests, Oneida County, WI, 40504–40505

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 40515

National Aeronautics and Space Administration
NOTICES
Privacy Act; Systems of Records, 40515–40516

National Council on Disability
NOTICES
Meetings; Sunshine Act, 40516–40517

National Foundation on the Arts and the Humanities
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40517

National Highway Traffic Safety Administration
NOTICES
Inconsequential Noncompliance; Petitions:
Nissan North America, Inc., 40546–40548

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 40487
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 40486
National Institute of Arthritis and Musculoskeletal and Skin Diseases, 40486

National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Gulf of Alaska Trawl Fishery, Rationalization Sociocultural Study, 40435–40436
Mandatory Shrimp Vessel and Gear Characterization Survey, 40436
Survey of Fish Processors and Disruptions Caused by Hurricane Sandy, 40434–40435
Takes of Marine Mammals Incidental to Specified Activities:
Navy Training Conducted at the Silver Strand Training Complex, San Diego Bay, 40436–40442

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40517–40519
Meetings:
Proposal Review Panel for Materials Research, 40519

Nuclear Regulatory Commission
NOTICES
Facility Operating Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc.; Cooper Nuclear Station, 40519–40522

Presidential Documents
EXECUTIVE ORDERS
Wildlife Trafficking; Efforts To Combat (EO 13648), 40619–40623

Public Debt Bureau
See Fiscal Service

Recovery Accountability and Transparency Board
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40522–40523

Securities and Exchange Commission
NOTICES
Exemption Orders:
NASDAQ Stock Market LLC Market Quality Program, 40523–40525
Self-Regulatory Organizations:
National Securities Clearing Corp., 40525–40527

Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 40531–40538
BATS Y-Exchange, Inc., 40529–40531
Chicago Board Options Exchange, Inc., 40539–40541
NASDAQ Stock Market, LLC, 40527–40529
National Securities Clearing Corp., 40538–40539
Trading Suspension Orders:
GDT Tek, Inc., et al., 40541

Social Security Administration
NOTICES
Privacy Act; Computer Matching Program, 40541–40542
Privacy Act; Systems of Records, 40542–40544

State Department
NOTICES
Culturally Significant Objects Imported for Exhibition:
New Photography 2013; Adam Broomberg and Oliver Chanarin, Brendan Fowler, Annette Kelm, Lisa Oppenheim, Anna Ostoya, Josephine Pryde, and Eileen Quinlan, 40544
Specially Designated Global Terrorists:
Abd Al–Ra'Ouf Abu Zaid Mohamed Hamza, a.k.a. Abdul Rauf Abuzaid, et al., 40545

Tennessee Valley Authority
NOTICES
Privacy Act; Systems of Records, 40554–40579

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration

Treasury Department
See Fiscal Service
See Internal Revenue Service
RULES
Inadmissibility of Consumer Products and Industrial Equipment Noncompliant with Applicable Energy Conservation or Labeling Standards, 40388–40391
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40548–40549

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Petition for a Nonimmigrant Worker, 40490–40491

U.S. Customs and Border Protection
RULES
Inadmissibility of Consumer Products and Industrial Equipment Noncompliant with Applicable Energy Conservation or Labeling Standards, 40388–40391

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Monthly Certification of Flight Training, 40551
Transfer of Scholastic Credit (Schools), 40551
Veterans Application for Assistance in Acquiring Special Housing Adaptations, 40550

Workers Compensation Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 40513
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Division of Energy Employees Occupational Illness Compensation, 40513–40515

Separate Parts In This Issue

Part II
Tennessee Valley Authority, 40554–40579

Part III
Federal Communications Commission, 40582–40617

Part IV
Presidential Documents, 40619–40623

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

CFR

Executive Orders:
13648.....40621

10 CFR

Proposed Rules:
430.....40403

14 CFR
71 (2 documents) 40381, 40382
97 (2 documents) 40383, 40385

19 CFR
12.....40388

33 CFR
100.....40391
117.....40393
165 (3 documents) 40394, 40396, 40399

47 CFR
64.....40582
73.....40402

Proposed Rules:
64.....40407
79.....40421

Rules and Regulations

Federal Register
Vol. 78, No. 129
Friday, July 5, 2013

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

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0163; Airspace Docket No. 13–AWP–2]

Establishment of Class E Airspace; Grand Canyon, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at the Grand Canyon VHF Omni-Directional Radio Range/Distance Measuring Equipment (VOR/DME) navigation aid, Grand Canyon, AZ, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Los Angeles Air Route Traffic Control Center (ARTCC). This improves the safety and management of IFR operations within the National Airspace System.

DATES: Effective date, 0901 UTC, October 17, 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: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

History

On May 1, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to establish controlled airspace at Grand Canyon, AZ (78 FR 25404). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6006, of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class E airspace 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 establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface, at the Grand Canyon VOR/DME navigation aid, Grand Canyon, AZ, to accommodate IFR aircraft under control of Los Angeles ARTCC by vectoring aircraft from en route airspace to terminal areas. This action is necessary for the safety and management of IFR operations.

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 establishes controlled airspace at the Grand Canyon VOR/DME, Grand Canyon, AZ.

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 6006 En Route Domestic Airspace Areas.

* * * * *

AWP AZ E6 Grand Canyon, AZ [New]

Grand Canyon VOR/DME, AZ
(Lat. 35°57′37″ N., long. 112°08′46″ W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 37°32′00″ N., long. 113°08′00″ W.; to lat. 37°30′00″ N., long. 113°01′00″ W.; to lat. 37°30′00″ N., long. 112°04′00″ W.; to lat. 37°25′00″ N., long. 111°53′00″ W.; to lat. 36°25′00″ N., long. 111°31′00″ W.; to lat. 35°26′00″ N., long. 112°00′00″ W.; to lat. 35°23′00″ N., long. 112°40′00″ W.; to lat. 34°55′00″ N., long. 113°38′00″ W.; to lat. 35°01′00″ N., long. 114°13′00″ W.; to lat. 36°02′00″ N., long.

112°58′00″ W.; to lat. 36°02′00″ N., long. 113°44′00″ W.; to lat. 36°23′00″ N., long. 113°46′00″ W.; to lat. 36°42′00″ N., long. 112°56′00″ W.; to lat. 36°57′00″ N., long. 112°52′00″ W.; to lat. 37°15′00″ N., long. 113°12′00″ W.; to lat. 37°26′00″ N., long. 113°12′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on June 24, 2013.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–16045 Filed 7–3–13; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0258; Airspace Docket No. 13–ANM–12]

Modification of Class D and E Airspace; Twin Falls, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Twin Falls Joslin Field-Magic Valley Regional Airport, Twin Falls, ID, to accommodate aircraft using the Navigation (RNAV) Global Positioning System (GPS) and the Instrument Landing System (ILS) or Localizer (LOC) standard instrument approach procedures at the airport. This action also updates the geographic coordinates of the airport and navigation aid for the respective Class E airspace areas, as well as corrects the airport name to Twin Falls Joslin Field-Magic Valley Regional Airport. Reference to Class D airspace, omitted from the Title in the notice of proposed rulemaking is included in this rule. This improves the safety and management of Instrument Flight Rules (IFR) operations at the airport.

DATES: Effective date, 0901 UTC, October 17, 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: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

History

On May 1, 2013, the FAA published in the **Federal Register** a notice of proposed rulemaking (NPRM) to modify controlled airspace at Twin Falls Joslin Field-Magic Valley Regional Airport, Twin Falls, ID (78 FR 25406). Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received. Subsequent to publication, the FAA found that the Class D airspace reference was omitted from the Title, and is added in this rule to note the airport's name change. Except for editorial changes, and the changes made above, this rule is the same as published in the NPRM.

Class D and E airspace designations are published in paragraphs 5000, 6002, 6004 and 6005, respectively, of FAA Order 7400.9W dated August 8, 2012, and effective September 15, 2012, which is incorporated by reference in 14 CFR 71.1. The Class D and Class E 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 modifying Class E airspace extending upward from 700 feet above the surface and 1,200 feet above the surface at Twin Falls Joslin Field-Magic Valley Regional Airport, Twin Falls, ID, to accommodate aircraft using the RNAV (GPS) and the ILS or LOC standard instrument approach procedures at the airport. Also, the geographic coordinates of the airport and Twin Falls VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC) is updated to coincide with the FAA's aeronautical database for the respective Class E airspace areas. This action is necessary for the safety and management of IFR operations. The airport formerly called Twin Falls-Sun Valley Regional Airport, Joslin Field or Joslin Field-Magic Valley Regional is renamed Twin Falls Joslin Field-Magic Valley Regional Airport under its respective Class D and E airspace areas.

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 modifies controlled airspace at Twin Falls Joslin Field-Magic Valley Regional Airport, Twin Falls, ID.

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.

* * * * *

ANM ID D Twin Falls, ID [Modified]

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)

That airspace extending upward from the surface to and including 6,700 feet MSL within a 4.3-mile radius of Twin Falls Joslin Field-Magic Valley Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

ANM ID E2 Twin Falls, ID [Modified]

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)

Within a 4.3-mile radius of Twin Falls Joslin Field-Magic Valley Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Paragraph 6004 Class E airspace designated as an extension to Class D surface area.

* * * * *

ANM ID E4 Twin Falls, ID [Modified]

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)
Twin Falls VORTAC
(Lat. 42°28′48″ N., long. 114°29′22″ W.)

That airspace extending upward from the surface 4.2 miles south and 4.4 miles north of the Twin Falls VORTAC 086° and 281° radials extending from the 4.3-mile radius of Twin Falls Joslin Field-Magic Valley Regional Airport to 9.2 miles east and 9.2 miles west of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

* * * * *

ANM ID E5 Twin Falls, ID [Modified]

Twin Falls Joslin Field-Magic Valley Regional Airport, ID
(Lat. 42°28′55″ N., long. 114°29′16″ W.)

That airspace extending upward from 700 feet above the surface within 10.5 miles north and 6 miles south of the Twin Falls Joslin Field-Magic Valley Regional Airport 086° bearing extending 26.1 miles east, and within 4.3 miles each side of the airport 156° bearing extending 8.3 miles southeast and within 10.3 miles north and 7.3 miles south of the airport 281° bearing extending 20 miles west; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 43°22′00″ N., long. 115°08′00″ W.; to lat. 43°09′00″ N., long. 114°03′00″ W.; to lat. 42°33′00″ N., long. 114°03′00″ W.; to lat. 42°18′00″ N., long. 114°06′00″ W.; to lat. 41°48′00″ N., long. 115°00′00″ W.; to lat. 43°01′00″ N., long. 115°20′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on June 24, 2013.

Clark Desing,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–16036 Filed 7–3–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30907; Amdt. No. 3542]

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 July 5, 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 July 5, 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 June 21, 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 25 July 2013

Cairo, IL, Cairo Rgnl, RNAV (GPS) RWY 14, Orig
Chicago/West Chicago, IL, Dupage, RNAV (GPS) RWY 2L, Orig-B
Wichita, KS, Beech Factory, RNAV (GPS) RWY 1, Amdt 1
Wichita, KS, Beech Factory, RNAV (GPS) RWY 19, Amdt 1
Wichita, KS, Beech Factory, VOR–B, Amdt 4
Wichita, KS, Beech Factory, VOR/DME RNAV RWY 1, Orig-A, CANCELED
Wichita, KS, Beech Factory, VOR/DME RNAV RWY 19, Orig-A, CANCELED
Detroit, MI, Detroit Metropolitan Wayne County, ILS OR LOC RWY 21L, ILS RWY 21L (SA CAT I), ILS RWY 21L (SA CAT II), Amdt 11
Hillsdale, MI, Hillsdale Muni, RNAV (GPS) RWY 10, Orig
Hillsdale, MI, Hillsdale Muni, RNAV (GPS) RWY 28, Orig
Hillsdale, MI, Hillsdale Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Hillsdale, MI, Hillsdale Muni, VOR–A, Amdt 8
Springfield, MO, Springfield-Branson National, ILS OR LOC RWY 14, Orig-B
Springfield, MO, Springfield-Branson National, RNAV (GPS) RWY 14, Amdt 2A
Sevierville, TN, Gatlinburg-Pigeon Forge, Takeoff Minimums and Obstacle DP, Amdt 4
Dallas-Fort Worth, TX, Dallas/Fort Worth Intl, ILS OR LOC RWY 31R, Amdt 14A
Antigo, WI, Langlade County, Takeoff Minimums and Obstacle DP, Amdt 1
Baraboo, WI, Baraboo Wisconsin Dells, LOC/DME RWY 1, Amdt 1
Baraboo, WI, Baraboo Wisconsin Dells, RNAV (GPS) RWY 1, Amdt 1
Baraboo, WI, Baraboo Wisconsin Dells, RNAV (GPS) RWY 19, Amdt 1
Baraboo, WI, Baraboo Wisconsin Dells, Takeoff Minimums and Obstacle DP, Amdt 1
Charleston, WV, Yeager, RNAV (RNP) Z RWY 5, Orig

Effective 22 August 2013

Haines, AK, Haines, Takeoff Minimums and Obstacle DP, Orig
Juneau, AK, Juneau Intl, ASORT ONE, Graphic DP
Juneau, AK, Juneau Intl, CINGA THREE, Graphic DP, CANCELED
Juneau, AK, Juneau Intl, Takeoff Minimums and Obstacle DP, Amdt 4
Sitka, AK, Sitka Rocky Gutierrez, LDA/DME RWY 11, Amdt 15
Sitka, AK, Sitka Rocky Gutierrez, VOR/DME–A, Amdt 1
Yakutat, AK, Yakutat, ILS OR LOC/DME RWY 11, Amdt 3
Yakutat, AK, Yakutat, LOC/DME BC RWY 29, Amdt 7
Yakutat, AK, Yakutat, Takeoff Minimums and Obstacle DP, Amdt 5
Yakutat, AK, Yakutat, VOR/DME RWY 2, Amdt 4, CANCELED
Yakutat, AK, Yakutat, VOR/DME RWY 11, Amdt 3
Yakutat, AK, Yakutat, VOR/DME RWY 29, Amdt 4
Marianna, AR, Marianna/Lee County-Steve Edwards Field, RNAV (GPS) RWY 18, Amdt 1
Marianna, AR, Marianna/Lee County-Steve Edwards Field, RNAV (GPS) RWY 36, Amdt 1
Marianna, AR, Marianna/Lee County-Steve Edwards Field, Takeoff Minimums and Obstacle DP, Amdt 1
Crystal River, FL, Crystal River, RNAV (GPS) RWY 9, Amdt 1
Crystal River, FL, Crystal River, RNAV (GPS) RWY 27, Amdt 1
Crystal River, FL, Crystal River, VOR/DME–A, Amdt 2, CANCELED
Campbellsville, KY, Taylor County, SDF RWY 23, Amdt 2B, CANCELED
Paducah, KY, Barkley Rgnl, RNAV (GPS) RWY 14, Orig
Paducah, KY, Barkley Rgnl, RNAV (GPS) RWY 32, Orig
Springfield, KY, Lebanon-Springfield, Takeoff Minimums and Obstacle DP, Amdt 2A
Lafayette, LA, Lafayette Rgnl, RNAV (GPS) RWY 29, Orig-A
Lafayette, LA, Lafayette Rgnl, VOR/DME RWY 11, Amdt 1E
Holland, MI, West Michigan Rgnl, ILS OR LOC/DME RWY 26, Amdt 2A
Sedalia, MO, Sedalia Rgnl, RNAV (GPS) RWY 18, Amdt 2
Sedalia, MO, Sedalia Rgnl, RNAV (GPS) RWY 36, Amdt 2
Sedalia, MO, Sedalia Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1

Natchez, MS, Hardy-Anders Field Natchez-Adams County, ILS OR LOC RWY 13, Amdt 2
Natchez, MS, Hardy-Anders Field Natchez-Adams County, RNAV (GPS) RWY 13, Amdt 1
Natchez, MS, Hardy-Anders Field Natchez-Adams County, RNAV (GPS) RWY 18, Amdt 1
Natchez, MS, Hardy-Anders Field Natchez-Adams County, RNAV (GPS) RWY 31, Amdt 1
Natchez, MS, Hardy-Anders Field Natchez-Adams County, RNAV (GPS) RWY 36, Amdt 1
Natchez, MS, Hardy-Anders Field Natchez-Adams County, VOR RWY 18, Amdt 10D
Kindred, ND, Hamry Field, RNAV (GPS) RWY 11, Amdt 1
Kindred, ND, Hamry Field, RNAV (GPS) RWY 29, Amdt 1
Linton, ND, Linton Muni, RNAV (GPS) RWY 9, Orig
Linton, ND, Linton Muni, RNAV (GPS) RWY 27, Orig
Linton, ND, Linton Muni, Takeoff Minimums and Obstacle DP, Orig
Burwell, NE, Cram Field, GPS RWY 33, Orig, CANCELED
Burwell, NE, Cram Field, NDB RWY 15, Amdt 1
Burwell, NE, Cram Field, RNAV (GPS) RWY 15, Orig
Burwell, NE, Cram Field, RNAV (GPS) RWY 33, Orig
Burwell, NE, Cram Field, Takeoff Minimums and Obstacle DP, Orig
Carson City, NV, Carson, RNAV (GPS) RWY 27, Orig
Reno, NV, Reno/Tahoe Intl, RENO SIX, Graphic DP
Reno, NV, Reno/Tahoe Intl, WAGGE THREE, Graphic DP
White Plains, NY, Westchester County, ILS OR LOC RWY 34, Amdt 5
White Plains, NY, Westchester County, Takeoff Minimums and Obstacle DP, Amdt 7
Stillwater, OK, Stillwater Rgnl, RNAV (GPS) RWY 35, Amdt 1
Tulsa, OK, Tulsa Intl, RNAV (GPS) RWY 8, Amdt 2
Doylestown, PA, Doylestown, VOR/DME RWY 23, Amdt 8
Perryton, TX, Perryton Ochiltree County, RNAV (GPS) RWY 17, Orig
Perryton, TX, Perryton Ochiltree County, RNAV (GPS) RWY 35, Amdt 1
Tooele, UT, Bolinder Field-Tooele Valley, Takeoff Minimums and Obstacle DP, Amdt 3
Bellingham, WA, Bellingham Intl, ILS OR LOC RWY 16, ILS RWY 16 (SA CAT I), Amdt 7

[FR Doc. 2013–16056 Filed 7–3–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30908; Amdt. No. 3543]

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 July 5, 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 July 5, 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 June 21, 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: §§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, and 97.35.

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
7/25/13	AL	Birmingham	Birmingham-Shuttlesworth Intl.	3/0061	6/13/13	ILS OR LOC RWY 6, ILS RWY 6 (CAT II), Amdt 42.
7/25/13	FL	Daytona Beach	Daytona Beach Intl	3/0406	6/13/13	RNAV (GPS) RWY 34, Amdt 2A.
7/25/13	AR	Lake Village	Lake Village Muni	3/0451	6/13/13	VOR–A, Amdt 8.
7/25/13	AR	Lake Village	Lake Village Muni	3/0452	6/13/13	RNAV (GPS) RWY 1, Orig.
7/25/13	AR	Lake Village	Lake Village Muni	3/0453	6/13/13	RNAV (GPS) RWY 19, Orig.
7/25/13	AR	Lake Village	Lake Village Muni	3/0454	6/13/13	VOR/DME B, Amdt 6.
7/25/13	WA	Deer Park	Deer Park	3/0893	6/19/13	NDB A, Amdt 2.
7/25/13	MI	Grayling	Grayling AAF	3/1339	6/13/13	NDB RWY 14, Amdt 8.
7/25/13	MI	Grayling	Grayling AAF	3/1340	6/13/13	VOR RWY 14, Amdt 2.
7/25/13	MI	Grayling	Grayling AAF	3/1341	6/13/13	RNAV (GPS) RWY 14, Orig.
7/25/13	GA	Americus	Jimmy Carter Rgnl	3/1379	6/14/13	Takeoff Minimums and (Obstacle) DP, Amdt 2.
7/25/13	IL	Danville	Vermilion County	3/1410	6/14/13	VOR/DME RWY 3, Amdt 12.
7/25/13	IL	Danville	Vermilion County	3/1411	6/14/13	ILS OR LOC RWY 21, Amdt 7.
7/25/13	IL	Danville	Vermilion County	3/1412	6/14/13	VOR RWY 21, Amdt 14.
7/25/13	IL	Danville	Vermilion County	3/1413	6/14/13	RNAV (GPS) RWY 34, Orig.
7/25/13	IL	Danville	Vermilion County	3/1414	6/14/13	RNAV (GPS) RWY 3, Orig.
7/25/13	IL	Danville	Vermilion County	3/1415	6/14/13	RNAV (GPS) RWY 21, Orig.
7/25/13	FL	Crestview	Bob Sikes	3/1469	6/13/13	VOR A, AMDT 12.
7/25/13	FL	Crestview	Bob Sikes	3/1470	6/13/13	ILS OR LOC RWY 17, Orig-B.
7/25/13	NE	Fairbury	Fairbury Muni	3/2543	6/14/13	RNAV (GPS) RWY 17, Orig.
7/25/13	FL	Palatka	Palatka Muni-Lt. Kay Larkin Field.	3/2671	6/14/13	RNAV (GPS) RWY 27, Orig.
7/25/13	FL	Palatka	Palatka Muni-Lt. Kay Larkin Field.	3/2672	6/14/13	RNAV (GPS) RWY 9, Orig.
7/25/13	FL	Palatka	Palatka Muni-Lt. Kay Larkin Field.	3/2673	6/14/13	NDB RWY 9, Amdt 3.
7/25/13	GA	Greensboro	Greene County Rgnl	3/2722	6/14/13	VOR/DME B, Amdt 2A.

AIRAC Date	State	City	Airport	FDC No.	FDC Date	Subject
7/25/13	GA	Greensboro	Greene County Rgnl	3/2723	6/14/13	LOC RWY 25, Amdt 3B.
7/25/13	GA	Greensboro	Greene County Rgnl	3/2724	6/14/13	RNAV (GPS) RWY 7, Amdt 1A.
7/25/13	GA	Greensboro	Greene County Rgnl	3/2725	6/14/13	RNAV (GPS) RWY 25, Amdt 1B.
7/25/13	NC	Monroe	Charlotte-Monroe Executive.	3/3338	6/14/13	RNAV (GPS) RWY 5, Amdt 1A.
7/25/13	NC	Monroe	Charlotte-Monroe Executive.	3/3339	6/14/13	RNAV (GPS) RWY 23, Orig.
7/25/13	NC	Monroe	Charlotte-Monroe Executive.	3/3340	6/14/13	ILS OR LOC/NDB RWY 5, Amdt 1.
7/25/13	GA	Dawson	Dawson Muni	3/4058	6/14/13	GPS RWY 31, Orig-A.
7/25/13	GA	Dawson	Dawson Muni	3/4059	6/14/13	VOR/DME RWY 31, Orig-A.
7/25/13	MI	Niles	Jerry Tyler Memorial	3/4589	6/13/13	RNAV (GPS) RWY 15, Orig.
7/25/13	SC	Hilton Head Island	Hilton Head	3/4622	6/14/13	LOC/DME RWY 21, Amdt 5.
7/25/13	ID	Pocatello	Pocatello Rgnl	3/5470	6/14/13	VOR/DME OR TACAN RWY 21, Amdt 10B.
7/25/13	ID	Pocatello	Pocatello Rgnl	3/5471	6/14/13	ILS OR LOC RWY 21, Amdt 26C.
7/25/13	DC	Washington	Washington Dulles Intl	3/5501	6/14/13	RNAV (GPS) Y RWY 19C, Amdt 3B.
7/25/13	AL	Hamilton	Marion County-Rankin Fite.	3/6017	6/14/13	VOR RWY 18, Amdt 5.
7/25/13	AL	Hamilton	Marion County-Rankin Fite.	3/6019	6/14/13	RNAV (GPS) RWY 36, Orig.
7/25/13	MA	Stow	Minute Man Air Field	3/6480	6/14/13	VOR/DME RWY 21, Amdt 3B.
7/25/13	MS	Indianola	Indianola Muni	3/6481	6/14/13	VOR/DME A, Amdt 9A.
7/25/13	MS	Indianola	Indianola Muni	3/6482	6/14/13	VOR/DME B, Amdt 5A.
7/25/13	TN	Clarksville	Outlaw Field	3/9143	6/13/13	LOC RWY 35, Amdt 5F.
7/25/13	FL	Sebring	Sebring Rgnl	3/9208	6/13/13	RNAV (GPS) RWY 14, Orig.
7/25/13	IA	Ottumwa	Ottumwa Rgnl	3/9330	6/13/13	ILS OR LOC RWY 31, Amdt 5B.
7/25/13	WI	Milwaukee	General Mitchell Intl	3/9467	6/14/13	RNAV (GPS) RWY 1L, Amdt 1A.
7/25/13	WI	Milwaukee	General Mitchell Intl	3/9468	6/14/13	ILS OR LOC RWY 1L, Amdt 9B.
7/25/13	WI	Milwaukee	General Mitchell Intl	3/9469	6/14/13	Takeoff Minimums and (Obstacle) DP, Amdt 8.
7/25/13	IA	Waterloo	Waterloo Rgnl	3/9517	6/14/13	LOC BC RWY 30, Amdt 11.
7/25/13	AK	Unalaska	Unalaska	3/9699	6/14/13	Takeoff Minimums and (Obstacle) DP, Amdt 4.
7/25/13	AL	Pell City	St Clair County	3/9717	6/13/13	RNAV (GPS) RWY 3, Amdt 2B.
7/25/13	AL	Pell City	St Clair County	3/9721	6/13/13	RNAV (GPS) RWY 21, Amdt 2A.
7/25/13	AL	Hamilton	Marion County-Rankin Fite.	3/9829	6/14/13	RNAV (GPS) RWY 18, Orig-B.

[FR Doc. 2013–16041 Filed 7–3–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[Docket No. USCBP–2012–0004; CBP Dec. 13–12]

RIN 1515–AD82

Inadmissibility of Consumer Products and Industrial Equipment Noncompliant With Applicable Energy Conservation or Labeling Standards

AGENCIES: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document adopts as a final rule, with changes, proposed amendments to the U.S. Customs and Border Protection (CBP) regulations that provide that CBP will refuse admission into the customs territory of the United States to consumer products and industrial equipment found to be noncompliant with energy conservation and labeling standards pursuant to the Energy Policy and Conservation Act of 1975 (EPCA) and its implementing regulations. The final rule further provides that, upon written or electronic notice from the Department of Energy (DOE) or the Federal Trade Commission (FTC), CBP may conditionally release under bond to the importer such noncompliant products or equipment for purposes of reconditioning, re-labeling, or other action so as to bring the subject product or equipment into compliance. This regulation implements the mandate of the EPCA, as amended.

DATES: Effective August 5, 2013.

FOR FURTHER INFORMATION CONTACT: Virginia H. McPherson, Trade Processes, Trade Policy and Programs, Office of International Trade, (202) 863–6563; William R. Scopa, Partner Government Agencies, Office of International Trade, (202) 863–6544.

SUPPLEMENTARY INFORMATION:

Background

Title III, Part B of the Energy Policy and Conservation Act of 1975 (EPCA), Public Law 94–163 (42 U.S.C. 6291–6309), as amended, established the Energy Conservation Program for Consumer Products Other Than Automobiles, a program covering most major household appliances. Similarly, Title III, Part C of the EPCA, (42 U.S.C. 6311–6317) as amended, added by Public Law 95–619, Title IV, section 441(a), established the Energy Conservation Program for Certain Industrial Equipment, a program covering industrial equipment.

Section 6302(a) of title 42 of the United States Code (42 U.S.C. 6302(a)), and its implementing regulations, prescribe the specific energy conservation and labeling standards applicable to manufacturers and, in some instances, private labelers, distributors, and retailers. Sections 6301 and 6316 of title 42 of the United States Code (42 U.S.C. 6301 and 6316) require the Secretary of the Treasury to issue regulations refusing admission into the customs territory of the United States to covered products or covered equipment offered for importation in violation of 42 U.S.C. 6302. The statute also provides the Secretary with the discretion to authorize the importation of covered products or covered industrial equipment under terms and conditions (including the furnishing of a bond) that ensure that the merchandise will not violate 42 U.S.C. 6302.

On March 26, 2012, U.S. Customs and Border Protection (CBP) published in the **Federal Register** (77 FR 17364) a proposal to amend part 12 of title 19 of the Code of Federal Regulations (19 CFR Part 12) by adding a new § 12.50, which provides that CBP will refuse admission into the customs territory of the United States to imports of products or equipment covered by the EPCA and its implementing regulations, for which CBP has received a written determination of noncompliance with 42 U.S.C. 6302 from the Department of Energy (DOE) or the Federal Trade Commission (FTC), as applicable.

This proposed regulation's goal was to implement the mandate of the EPCA to refuse admission into the United States of certain consumer products and industrial equipment that do not meet applicable labeling or energy conservation requirements.

Proposed § 12.50 was drafted to be consistent with § 429.5(b) of title 10 of the Code of Federal Regulations (10 CFR 429.5(b)), which is a DOE regulation that further notifies the importing public that any covered product or equipment offered for importation that does not meet the applicable energy conservation standards set forth in 42 U.S.C. 6291–6317 will be refused admission into the customs territory of the United States under CBP issued regulations.

CBP solicited comments on the proposed rulemaking.

Discussion of Comments

Eight commenters responded to the solicitation of public comment. A description of the comments received, together with CBP's analyses, is set forth below.

Comment:

One commenter recommends that U.S. government agencies provide training to importers on purchasing goods and industrial equipment that meet relevant applicable energy conservation and labeling admissibility standards.

CBP Response:

CBP agrees that importers should be aware of the EPCA requirements applicable to their respective products and equipment and exercise reasonable care in the importation thereof. While it is not within CBP's purview to provide such training, we note that there is extensive information on EPCA requirements at the Department of Energy Web site *http://www1.eere.energy.gov/buildings/appliance_standards*. DOE has provided training regarding DOE's appliance standards regulatory program to groups of manufacturers through manufacturing trade associations and will provide training upon request. Trade groups may request EPCA compliance training by contacting DOE at *energyefficiency enforcement@hq.doe.gov*.

Comment:

Two commenters are of the view that the 30-day conditional release period is not long enough for an importer to bring non-compliant merchandise into compliance with 42 U.S.C. 6302 and its implementing regulations.

CBP Response:

Non-compliant covered products and equipment that DOE or FTC deems to be in violation of 42 U.S.C. 6302 will be refused admission, unless DOE or FTC recommends release to the importer's premises to bring such products and equipment into compliance in which case CBP may conditionally release such products for such purpose. 77 FR 17365. In addition, as noted in § 12.50(d), conditionally released covered imports are subject to the jurisdiction of DOE and/or FTC. Paragraph (d)(2) of this section provides that the conditional release period may be extended if CBP receives, within the initial 30-day conditional release period or any subsequent authorized extension thereof, a written or electronic recommendation from DOE or FTC stating the reason for a further extension and the anticipated length of the extension.

Comment:

One commenter expresses concern that administering the proposed rule

would be overly burdensome on CBP and detract from the agency's other responsibilities under its mission.

CBP's Response:

As part of CBP's mission, CBP assists other government agencies in enforcing their regulatory requirements on imports and exports. CBP's administrative obligations under the rule will not cause an undue burden on CBP's resources or importers, in part because CBP will have access to substantive advice provided by DOE or FTC.

Comment:

One commenter is of the view that the proposed rule fails to comply with the statutory requirement to ensure that non-compliant covered products and equipment are refused admission into the customs territory of the United States, noting that section 331 of the EPCA requires implementation of an affirmative program to ensure at the time that a covered product or equipment is proposed for importation that the goods meet the applicable efficiency standards and labeling requirements. Specifically, the commenter views the proposed rule as arbitrary and capricious because it evades CBP's nondiscretionary statutory responsibility to refuse admission to noncompliant products or equipment by relying on DOE and FTC's discretionary authority to identify products and equipment as noncompliant. The commenter notes that even if those agencies had the resources to identify noncompliant products and equipment, the statute does not require them to do so. The commenter maintains that the proposed rule also fails to impose measures appropriate to ensure that such products and equipment will come into compliance or be exported or abandoned to the United States.

CBP Response:

CBP disagrees with the commenter's argument that the proposal did not meet its obligation under the statute. The proposed rule does set forth a regulatory scheme whereby CBP will refuse admission to covered products and equipment that do not comply with the EPCA.

Nevertheless, in an effort to clarify the procedures by which a refusal of admission may take place, this document adds language in the final rule to 19 CFR 12.50(b) that states that CBP may make a finding on its own that a covered product or equipment is noncompliant without having received a prior written noncompliance notice from DOE or FTC. In these situations, CBP will confer with DOE or FTC, as applicable, as to disposition of the product or equipment.

Comment:

One commenter states that CBP cannot reasonably rely exclusively on DOE or FTC to identify and notify CBP of noncompliant products and equipment. The commenter further states that under 42 U.S.C. 6305, a citizen may establish that products are noncompliant by bringing a citizen's suit and yet, pursuant to the proposed rule, CBP would not refuse admission to such products and equipment under these circumstances.

CBP Response:

As noted above, CBP is adding language in § 12.50(b) to include a statement indicating that CBP will refuse admission to a covered product or equipment found to be noncompliant with the EPCA even if DOE or FTC has not issued a determination of noncompliance for the good. Therefore, the agency's reliance on DOE and FTC is not exclusive.

Comment:

One commenter maintains that the proposed rule's requirement that DOE and FTC not only name the regulated party that is in violation but also describe the product or equipment in sufficient detail to enable CBP to identify noncompliant covered articles has not been adequately explained and could pose an irrational bar to enforcement.

CBP Response:

CBP does not agree that this requirement will preclude meaningful enforcement. CBP notes, for example, that DOE's current notices of noncompliance already typically provide far more information than simply the name of the regulated party that is in violation. DOE has access to CBP entry information, which includes parties involved in the importation of products regulated by DOE, and which DOE can compare to information in its DOE Compliance and Certification Management System.

Comment:

One commenter suggests that CBP must require importers to provide proof of compliance or other information sufficient to enable the use of existing DOE and FTC resources to identify noncompliant products and facilitate their return to CBP. CBP should create a system that is linked with the DOE Compliance and Certification Management System database and require that importers identify their proposed import as in compliance with applicable standards and labeling requirements and certified as such in the database.

CBP Response:

CBP acknowledges that linked automated systems would facilitate enforcement of the statute. In this regard, it is noted that CBP is actively participating in the development of automated systems in which participating government agencies, including DOE, can share data in order to facilitate cargo processing and enhance supply chain security.

Comment:

One commenter expressed approval of the proposed rulemaking, noting that it puts everyone on a level playing field.

CBP Response:

CBP agrees.

Comment:

One commenter suggests that CBP amend the proposed rule to include an exception for products and equipment intended for export only or transshipment.

CBP Response:

As noted above, the provisions of 42 U.S.C. 6301 empower the Secretary of the Treasury to authorize the importation of such covered products and equipment upon such terms and conditions (including the furnishing of a bond) as may appear to him appropriate to ensure that such covered products and equipment will not violate section 6302 of this title. CBP agrees that imported products and equipment not entered for consumption should be excluded from the definition of ''covered import.'' For example, products and equipment may be entered into customs bonded warehouses and withdrawn for exportation (*see* 19 U.S.C. 1557), admitted into Foreign Trade Zones and then transferred for exportation in zone-restricted status (*see* 19 U.S.C. 81c), or entered for transportation and exportation under bond (*see* 19 U.S.C. 1553). Therefore, CBP is including language in the final rule in § 12.50(a) to clarify that ''covered imports'' means those products and equipment for which an entry for consumption has been filed, including those products and equipment withdrawn from warehouse for consumption or foreign merchandise entered for consumption from a foreign trade zone.

Conclusion

After analysis of the comments and further review of the matter, CBP has determined to adopt as final, with the changes noted above in §§ 12.50(a) and (b) (19 CFR 12.50(a) and (b)), the proposed rule published in the **Federal Register** (77 FR 17364) on March 26, 2012. This final rule also includes non-substantive editorial changes which consist of: A merging of proposed paragraphs (b) and (c) to clarify the fact that CBP's ''action'' is a ''refusal of admission''; a newly redesignated

paragraph (c) which sets forth the manner by which DOE or FTC will notify CBP about noncompliant products and equipment; inclusion of a reference to the relevant statutory authority in the definition of ''noncompliant covered import'' in 19 CFR 12.50(a); and a removal of the reference to ''paragraph (b)'' in 19 CFR 12.50(d)(1)(i) to clarify that CBP's refusal of admission as used in this context pertains to conditional release. Lastly, this document amends proposed 19 CFR 12.50(d)(2) to reflect that an importer may request an extension of the conditional release period from DOE or FTC if made within the initial 30-day conditional release period or any subsequent authorized extension thereof. CBP may permit an extension of the conditional release period if it receives a written or electronic recommendation to that effect from DOE or FTC. If the noncompliant covered import is not timely brought into compliance, and DOE or FTC has not recommended an extension of the conditional release period, CBP will issue a refusal of admission notice to the importer and demand the redelivery of the specified covered product to CBP custody.

Executive Order 12866

Executive Orders 13563 and 12866 direct agencies to assess costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action.''

The Regulatory Flexibility Act

This section examines the impact of the rule on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

This rule establishes a procedure whereby CBP will refuse admission into the customs territory of the United States to consumer products and industrial equipment deemed noncompliant with the EPCA and its implementing regulations. Upon written or electronic notice by DOE or FTC, CBP may conditionally release under bond to the importer such noncompliant products or equipment for purposes of reconditioning, re-labeling, or other action so that they may be brought into compliance with applicable energy conservation and labeling standards.

DOE has identified only a small number of businesses importing noncompliant articles, of which fewer than five were small entities. When notified of their noncompliance, each of these businesses ceased importation of these articles. Given the small number of small entities identified by DOE as having been noncompliant and that the law prohibiting the importation of these noncompliant articles within the United States was enacted in 1975, CBP does not anticipate a significant number of small entities attempting to import articles which violate 42 U.S.C 6302 and its implementing regulations. If a small entity does import an article in violation of 42 U.S.C 6302 and its implementing regulations, the small entity can request DOE or FTC to allow CBP to grant the imported article a conditional release. CBP believes the cost associated with this conditional release to be negligible because this request is virtually costless to the small entity and the importer is already required to maintain a CBP basic importation and entry bond.

No comments were submitted regarding this assessment. Accordingly, based on the above analysis, CBP certifies that this rule will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

As there is no collection of information proposed in this document, the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) are inapplicable.

Signing Authority

This document is being issued in accordance with 19 CFR 0.1(a)(1) of the CBP regulations (19 CFR 0.1(a)(1)) pertaining to the authority of the Secretary of the Treasury (or his or her delegate) to approve regulations related to certain customs revenue functions.

List of Subjects in 19 CFR Part 12

Customs duties and inspection, Electronic products, Entry of merchandise, Imports, Prohibited merchandise, Reporting and recordkeeping requirements, Restricted merchandise.

Amendments to the CBP Regulations

For the reasons stated above, part 12 of title 19 of the Code of Federal Regulations (19 CFR Part 12) is amended as set forth below.

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 continues to read as follows and the specific authority citation is revised to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Section 12.50 also issued under 42 U.S.C. 6301;

* * * * *

■ 2. A center heading and § 12.50 are added to read as follows:

Consumer Products and Industrial Equipment Subject to Energy Conservation or Labeling Standards

§ 12.50 Consumer products and industrial equipment subject to energy conservation or labeling standards.

(a) *Definitions.* For purposes of this section, the following terms have the meanings indicated:

Covered import. The term ''covered import'' means a consumer product or industrial equipment that is classified by the Department of Energy as covered by an applicable energy conservation standard, or by the Federal Trade Commission as covered by an applicable energy labeling standard, pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6291–6317), and for which an entry for consumption has been filed, including products and equipment withdrawn from warehouse for consumption or foreign merchandise entered for consumption from a foreign trade zone.

DOE. The term ''DOE'' means the Department of Energy.

Energy conservation standard. The term ''energy conservation standard'' means any standard meeting the definitions of that term in 42 U.S.C. 6291(6) or 42 U.S.C. 6311(18).

FTC. The term ''FTC'' means the Federal Trade Commission.

Noncompliant covered import. The term ''noncompliant covered import'' means a covered import determined to be in violation of 42 U.S.C. 6302 or 42 U.S.C. 6316 as not in compliance with applicable energy conservation or energy labeling standards.

(b) *CBP action; refusal of admission.* CBP will refuse admission into the customs territory of the United States to

any covered import found to be noncompliant with applicable energy conservation or energy labeling standards. If DOE or FTC notifies CBP that a covered import does not comply with an applicable energy conservation or energy labeling standard, CBP will refuse admission to the covered import, or pursuant to paragraph (d) of this section, CBP may allow conditional release of the covered import so that it may be brought into compliance. CBP may make a finding that a covered import is noncompliant without having received a prior written noncompliance notice from DOE or FTC. In such a situation, CBP will confer with DOE or FTC, as applicable, as to disposition of the import.

(c) *DOE or FTC notice.* Upon a determination that a covered import is not in compliance with applicable energy conservation or labeling standards, DOE or FTC, as applicable, will provide CBP with a written or electronic notice that identifies the importer and contains a description of the noncompliant covered import that is sufficient to enable CBP to identify the subject merchandise and refuse admission thereof into the customs territory of the United States.

(d) *Conditional release.* In lieu of immediate refusal of admission into the customs territory of the United States, CBP, pursuant to a written or electronic recommendation from DOE or FTC, may permit the release of a noncompliant covered import to the importer of record for purposes of reconditioning, re-labeling, or other modification. The release from CBP custody of any such covered import will be deemed conditional and subject to the bond conditions set forth in § 113.62 of this chapter. Conditionally released covered imports are subject to the jurisdiction of DOE and/or FTC.

(1) *Duration.* Unless extended in accordance with paragraph (d)(2) of this section, the conditional release period will terminate upon the earliest occurring of the following events:

(i) The date CBP issues a notice of refusal of admission to the importer;

(ii) The date DOE or FTC issues a notice to CBP stating that the covered import is in compliance and may proceed; or

(iii) At the conclusion of the 30-day period following the date of release.

(2) *Extension.* An importer may request an extension of the conditional release period from DOE or FTC if made within the initial 30-day conditional release period or any subsequent authorized extension thereof. CBP may permit an extension of the conditional release period if recommended electronically or in writing, by DOE or FTC.

(3) *Issuance of redelivery notice and demand for redelivery.* If DOE or FTC notifies CBP in writing or electronically that noncompliant covered imports have not timely been brought into compliance, CBP will issue a refusal of admission notice to the importer and, in addition, CBP will demand the redelivery of the specified covered import to CBP custody. The demand for redelivery may be made concurrently with the notice of refusal of admission.

(4) *Liquidated damages.* A failure to comply with a demand for redelivery made under this paragraph (d) will result in the assessment of liquidated damages equal to three times the value of the covered product. Value as used in this provision means value as determined under 19 U.S.C. 1401a.

Thomas S. Winkowski,

Deputy Commissioner of CBP, Performing the Duties of the Commissioner of CBP.

Approved: July 1, 2013.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2013–16223 Filed 7–3–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0489]

RIN 1625–AA08

Special Local Regulations; Dinghy Poker Run, Middle River; Baltimore County, Essex, MD

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard proposes to establish special local regulations during the ''Dinghy Poker Run,'' a marine event to be held on the waters of Middle River. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to temporarily restrict vessel traffic in a portion of Middle River during the event.

DATES: This rule is effective from July 27, 2013, at 12:30 p.m. until July 28, 2013, at 5:30 p.m. This rule will be enforced from 12:30 p.m. to 5:30 p.m. on July 27 and July 28, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0489]. To view documents mentioned in this preamble as being available in the docket, go to *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 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Ronald Houck, U.S. Coast Guard Sector Baltimore, MD; telephone 410–576–2674, email *Ronald.L.Houck@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. Regulatory History and Information

The Coast Guard is issuing this final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable. The Coast Guard received the information about the event on June 5, 2013, and therefore, it would be impracticable to publish an NPRM. Further, over 300 vessels are expected to participate in this marine event, and a special local regulation for this event is in the public interest.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. As previously discussed, it is impracticable and contrary to the public interest to delay this regulation 30 days, as the Coast Guard received late notice of this event preventing a full notice and comment period.

B. 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 Dinghy Poker Run event.

On July 27, 2013, the Norris Lane Foundation of Abingdon, Maryland, is sponsoring the ''Dinghy Poker Run'' in Baltimore County at Essex, Maryland. The event will occur from 1 p.m. to 5 p.m. Approximately 300 dinghies will operate on a designated course located in a certain portion of the Middle River, which includes Frog Mortar Creek, Dark Head Creek, Hopkins Creek, Norman Creek, Hogpen Creek and Galloway Creek. Participants will be supported by sponsor-provided watercraft. The race course will impede the navigation channel.

C. Discussion of Final Rule

The Coast Guard is establishing special local regulations on specified waters of Middle River. The regulations will be enforced from 12:30 p.m. to 5:30 p.m. on July 27, 2013, and, if necessary due to inclement weather, from 12:30 p.m. to 5:30 p.m. on July 28, 2013. The regulated area includes all waters of Middle River, from shoreline to shoreline, within an area bounded to the north by a line drawn along latitude 39°19′33″ N, and bounded to the south by a line drawn along latitude 39°18′06″ W, located in Baltimore County, at Essex, MD.

The effect of this proposed rule will be to restrict general navigation in the regulated area during the event. Vessels intending to transit Middle River through the regulated area will only be allowed to safely transit the regulated area only when the Coast Guard Patrol Commander has deemed it safe to do so. Due to the need for vessel control during the event, the Coast Guard will temporarily restrict vessel traffic in the event area to provide for the safety of participants, spectators and other transiting vessels. The Coast Guard will provide notice of the special local regulations by Local Notice to Mariners, Broadcast Notice to Mariners, and the official patrol on scene.

D. Regulatory Analyses

We developed this 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 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 regulations will be enforced for a limited period; (2) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the event area, without authorization from the Coast Guard Patrol Commander or official patrol on scene, they may operate in the surrounding area during the enforcement period; and (3) the Coast Guard will provide advance notification of the special local regulations 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 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 would 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 Middle River encompassed within the special local regulations from 12:30 p.m. to 5:30 p.m. on July 27, 2013, and, if necessary due to inclement weather, from 12:30 p.m. to 5:30 p.m. on July 28, 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 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 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 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 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 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 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 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 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this 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 rule involves special local regulations issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. An 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 § 100.35–T05–0489 to read as follows:

§ 100.35–T05–0489 Special Local Regulations; Dinghy Poker Run, Middle River; Baltimore County, Essex, MD.

(a) *Regulated area.* The following location is a regulated area: All waters of the Middle River, from shoreline to shoreline, within an area bounded to the north by a line drawn along latitude 39°19′33″ N, and bounded to the south by a line drawn along latitude 39°18′06″ W, located in Baltimore County, at Essex, MD. All coordinates reference Datum NAD 1983.

(b) *Definitions.* (1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the U.S. Coast Guard who has been designated by the Commander, Coast Guard Sector Baltimore.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Sector Baltimore with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* means all persons and vessels participating in the Dinghy Poker Run event under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Sector Baltimore.

(c) *Special local regulations.* (1) The Coast Guard Patrol Commander may forbid and control the movement of all vessels and persons in the regulated area. When hailed or signaled by an official patrol vessel, a vessel or person in the regulated area shall immediately comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(2) Vessels and persons may contact the Coast Guard Patrol Commander to request permission to pass through the regulated area. If permission is granted, vessels and persons must pass directly through the regulated area, at a safe speed and without loitering.

(3) The Coast Guard Patrol Commander may terminate the event, or the operation of any participant in the event, at any time it is deemed necessary for the protection of life or property.

(4) All Coast Guard vessels enforcing this regulated area can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz).

(5) The Coast Guard will publish a notice in the Fifth Coast Guard District Local Notice to Mariners and issue a marine information broadcast on VHF–FM marine band radio announcing specific event date and times.

(d) *Enforcement periods.* This section will be enforced from 12:30 p.m. to 5:30 p.m. on July 27, 2013, and, if necessary due to inclement weather, from 12:30 p.m. to 5:30 p.m. on July 28, 2013.

Dated: June 12, 2013.

Kevin C. Kiefer,

Captain, U.S. Coast Guard, Captain of the Port Baltimore.

[FR Doc. 2013–16034 Filed 7–3–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2013–0530]

Drawbridge Operation Regulations; Piscataqua River, Portsmouth, NH and Kittery, ME

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulation.

SUMMARY: The Coast Guard is issuing a temporary deviation from the regulations governing the operation of the new US–1 Memorial Bridge across the Piscataqua River, mile 1.9, between Portsmouth, New Hampshire and Kittery, Maine. Under this temporary deviation the bridge may operate on a special opening schedule to facilitate mechanical and structural alignment of the lift span. This deviation is necessary to allow New Hampshire Department of Transportation's contractor sufficient time make final adjustments at the bridge.

DATES: This deviation is effective with actual notice from June 26, 2013, until July 5, 2013. This rule is effective in the Code of Federal Regulations on from July 5, 2013, until July 31, 2013.

ADDRESSES: The docket for this deviation, [USCG–2013–0530] 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 John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364. If you have questions on viewing the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION: The new US–1 Memorial Bridge, across the Piscataqua River, mile 1.9, between Portsmouth, New Hampshire and Kittery, Maine has a vertical clearance in the closed position of 21 feet at MHW and 29 feet at MLW. The existing drawbridge operation regulations are listed at 33 CFR 117.531(b).

The waterway supports both commercial and recreational navigation of various vessel sizes.

The owner of the bridge, New Hampshire Department of Transportation, requested a temporary deviation to facilitate necessary alignment and adjustments to the recently installed main lift span.

Under this temporary deviation, in effect June 26, 2013 through July 31, 2013, the new US–1 (formerly Memorial Bridge) shall operate as follows:

Monday through Friday the draw shall open for the passage of vessel traffic at 6:30 a.m., 9 a.m., 12 p.m., 2 p.m., 4:30 p.m. and 7 p.m., daily.

Saturday and Sunday between 6:30 a.m. and 9:30 p.m. the draw shall open on signal once an hour, on the half hour, for the passage of vessel traffic.

The draw may remain in the closed position from 9:30 p.m. on Sunday, June 30 until 2 p.m. Tuesday July 2, 2013.

Except for the closure period above, the draw shall open on signal at all times for commercial deep draft vessels provided at least a 24 hour advance is given by calling the bridge via VHF FM Ch 13 or by telephone at 603–436–2432.

The draw shall remain in the full open position from 6:30 a.m. on July 4, 2013 through 6:30 a.m. on July 5, 2013.

The bridge shall open as soon as possible in an emergency.

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

Dated: June 25, 2013.

Gary Kassof,

Bridge Program Manager, First Coast Guard District.

[FR Doc. 2013–16072 Filed 7–3–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0330]

RIN 1625–AA00

Safety Zone; Outer Banks Bluegrass Festival; Shallowbag Bay, Manteo, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing of a temporary safety zone on Shallowbag Bay, Manteo, NC on October 4, 2013, for a fireworks display as part of the Outer Banks Bluegrass Festival. This action is necessary to protect the life and property of the maritime public from the hazards posed by fireworks displays. This safety zone is intended to restrict vessels from a portion of Shallowbag Bay River during the Outer Banks Bluegrass Festival Fireworks display.

DATES: This rule is effective August 5, 2013.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0330]. To view documents mentioned in this preamble as being available in the docket, go to *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 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email CWO4 Joseph M. Edge, Sector North Carolina Waterways Management, Coast Guard; telephone (252) 247–4525, email *Joseph.M.Edge@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. Regulatory History and Information

The Coast Guard published a notice of proposed rulemaking titled, ''Safety Zone; Outer Banks Bluegrass Festival, Shallowbag Bay, Manteo, NC on May 17, 2013 (78 FR 29091. We received no comments on the proposed rules.

B. Basis and Purpose

On October 4, 2013, fireworks will be launched from a barge located in Shallowbag Bay in Manteo, North Carolina as part of the Outer Banks Bluegrass Festival. The temporary safety zone created by this rule is necessary to ensure the safety of vessels and spectators from hazards associated with the fireworks display. Such hazards include obstructions to the waterway that may cause death, serious bodily harm, or property damage, as well as the accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. Establishing a safety zone to control vessel movement around the location of the launch area will help ensure the safety of persons and property in the vicinity of this event and help minimize the associated risks.

C. Discussion of the Final Rule

A temporary safety zone is necessary to ensure the safety of spectators and vessels during the setup, loading, and launching of the Outer Banks Bluegrass Festival Fireworks Display. The fireworks display will occur for approximately 15 minutes from 9 p.m. to 9:15 p.m. on October 4, 2013. However, the Safety Zone will be effective and enforced from 8 p.m. until 10 p.m. in order to ensure safety during the setup, loading and removal of the display equipment.

The safety zone will encompass all waters on Shallowbag Bay within a 200 yard radius of a barge anchor in position 35°54′31″ N, longitude 075°39′42″ W from 8 p.m. until 10 p.m. on October 4, 2013. All geographic coordinates are North American Datum 1983 (NAD 83). The effect of this temporary safety zone will be to restrict navigation in the regulated area during the fireworks display. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited

unless authorized by the Captain of the Port Sector North Carolina or his designated representative. The Captain of the Port or his designated representative may be contacted via VHF Channel 16. Notification of the temporary safety zone will be provided to the public via marine information broadcasts.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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. Although this regulation will restrict access to the area, the effect of this rule will not be significant because: (i) The safety zone will only be in effect from 8 p.m. to 10 p.m. on October 4, 2013, (ii) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and (iii) although the safety zone will apply to the section of Shallowbag Bay, vessel traffic will be able to transit safely around the safety zone.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit through or anchor in the specified portion of Shallowbag Bay on October 4, 2013.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect for two hours, from 8 p.m. to 10 p.m. Although the safety zone will apply to a section of Shallowbag Bay, vessel traffic will be able to transit safely around the safety zone. Before the effective period, the Coast Guard will issue maritime advisories widely available to the users of the waterway.

3. Assistance for Small Entities

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

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

4. Collection of Information

This rule 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this 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 determined 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 rule involves the establishment of a temporary safety zone to protect the public from fireworks fallout. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T05–0494 to read as follows:

§ 165.T05–0330 Safety Zone, Shallowbag Bay; Manteo, NC.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: This safety zone will encompass all waters on Shallowbag Bay within a 200 yard radius of a barge anchor in position 35°54′31″ N, longitude 075°39′42″ W. All geographic coordinates are North American Datum 1983 (NAD 83).

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part apply to the area described in paragraph (b) of this section.

(2) Persons or vessels requiring entry into or passage through any portion of the safety zone must first request authorization from the Captain of the Port, or a designated representative, unless the Captain of the Port previously announced via Marine Safety Radio Broadcast on VHF Marine Band Radio channel 22 (157.1 MHz) that this regulation will not be enforced in that portion of the safety zone. The Captain of the Port can be contacted at telephone number (910) 343–3882 or by radio on VHF Marine Band Radio, channels 13 and 16.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 8 p.m. to 10 p.m. on October 4, 2013 unless cancelled earlier by the Captain of the Port.

Dated: June 17, 2013.

A. Popiel,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2013–16080 Filed 7–3–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0551]

RIN 1625–AA00

Safety Zone; America's Cup Safety Zone and No Loitering Area, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone and no loitering area in the navigable waters of the San Francisco Bay near Treasure Island, CA in support of 2013 America's Cup races. This safety zone and no loitering area are established to enhance the safety of spectators and mariners near the north east corner of the America's Cup regulated area. All persons or vessels are prohibited from entering the safety zone and all persons or vessels are prohibited from anchoring or otherwise loitering in the no loitering area during the scheduled races without the permission of the Captain of the Port or their designated representative.

DATES: This rule is effective from July 4, 2013, to September 22, 2013. This rule will be enforced during all America's Cup races. A race schedule can be found in the docket.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number USCG–2011–0551. To view documents mentioned in this preamble as being available in the docket, go to *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 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade William Hawn, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7442 or email at *D11-PF-MarineEvents@uscg.mil.* If you have questions on viewing or submitting material to the docket, call the Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register

A. Regulatory History and Information

On January 30, 2012, the Coast Guard published a notice of proposed rulemaking (NPRM) proposing to regulate the on-water activities associated with the ''America's Cup World Series'' regattas in 2012 and the ''Louis Vuitton Cup,'' ''Red Bull Youth America's Cup,'' and ''America's Cup Finals Match'' scheduled to occur in July, August, and September, 2013 (77 FR 04501). After reviewing all comments received in response to the NPRM, the Coast Guard published a temporary final rule on July 17, 2012, that created a special local regulation (SLR) and safety zone, establishing regulated areas on the water to enhance safety and maximize access to the affected waterways during the America's Cup sailing events (77 FR 41902).

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a)

of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard is not issuing a notice of proposed rulemaking because it is impracticable and contrary to the public interest. The need for an expanded safety zone was not known at the time the previous regulations were issued for this series of races. Only after the Coast Guard learned that the racing vessels involved were faster and more dangerous did the need for this safety zone arise. The America's Cup races would occur before the rulemaking process would be completed, and delaying the effective date of this rule to allow for a comment period would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a large gathering of sailboats for a race. The safety zone and no loitering area are necessary to provide for the safety of event participants, spectators, and other vessels transiting the area. For the safety and time concerns noted, it is in the public interest to have these regulations in effect during the event.

Under 5 U.S.C. 553(d)(3), for the same reasons noted earlier, the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. A 30 day delayed effective date is impracticable and contrary to the public interest.

B. Basis and Purpose

The legal basis for the proposed rule is 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Public Law 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish safety zones.

After further review of safety concerns, the Coast Guard has decided to establish a safety zone and no loitering area in the navigable waters of the San Francisco Bay near Treasure Island, CA in support of 2013 America's Cup races to mitigate the dangers posed by spectator congestion and the vessel's rapidly changing, unpredictable course, high speed, and potential to capsize. Additionally, there have been recent changes in the north east section of the America's Cup race area.

In the interest of time during the creation of the previous rules, the enforcement protocols were developed prior to seeing the 72-foot America's Cup racing vessels (AC72s) operate on the water in order to provide the public ample notice of the activities associated with the upcoming sailing races. Since the publication of the aforementioned regulations, the Coast Guard has been able to observe the AC72s operate on the water. During observation, the Coast Guard identified various potential safety hazards for people and vessels operating in proximity to the America's Cup racing vessels. The Coast Guard witnessed an AC72 capsize while executing race maneuvers in high-speed wind conditions characteristic of San Francisco and noted safety concerns stemming from the AC72's speed, size and unpredictable nature of maneuverability. On June 4, 2013, the Coast Guard also had the opportunity to conduct a tabletop exercise with America's Cup Race Management, the San Francisco Marine Exchange, the San Francisco Bar Pilots, and various other members of the maritime community to assess potential safety issues relating to the 2013 America's Cup sailing regattas and discuss measures for prevention and response. During this exercise, several stakeholders raised the subject of the AC72's speed and unpredictable maneuverability. Additionally, members of the deep-draft commercial shipping community raised concerns pertaining to the anticipated diminution of navigability of the shipping channel due to spectator crowding and congestion associated with the viewing of the America's Cup in vicinity of buoys ''1'' and ''2'', marking the deep water route of the San Francisco Bay Regulated Navigation Area, 33 CFR 165.1181, depicted on NOAA Chart 18650.

C. Discussion of the Final Rule

The Coast Guard is establishing a safety zone and a no loitering area in the San Francisco Bay near Treasure Island, California during America's Cup races in 2013 to enhance the safety of spectators and create a predictable flow of traffic for mariners operating near the America's Cup race course. This safety zone and no loitering area will be effective throughout the duration of the America's Cup races scheduled in 2013.

The racecourse for the 2013 America's Cup sailing regattas will require race participants to sail to the north east corner of the regulated area, whereupon they will turn sharply south toward the finish line. Due to the design of the racecourse and the dangers posed by the America's Cup racing vessels conducting abrupt maneuvers in close proximity to spectators, the Coast Guard is creating a safety zone to provide a safety buffer at the north east corner of the regulated area. The Coast Guard is also establishing a no loitering area adjacent to the north east corner of the regulated area because of the need to minimize congestion in the waters of the commercial shipping channel adjacent to the America's Cup regulated area. This no loitering area will create a predictable flow of traffic in waters between Treasure Island and the regulated area for the America's Cup races, thus mitigating the concerns brought forward by commercial vessel operators.

The Coast Guard will enforce the safety zone and no loitering area during the scheduled America's Cup races in 2013. The safety zone will encompass the navigable waters of the San Francisco Bay within a shape bounded by the following coordinates: 37°49′41″ N, 122°24′17″ W; 37°49′41″ N, 122°24′07″ W; 37°49′26″ N, 122°23′51″ W; 37°49′17″ N, 122°23′51″ W; thence back to the point of origin (NAD 83) and the no loitering area will encompass the navigable waters of the San Francisco Bay within the a shape bounded by the following coordinates: 37°49′55″ N, 122°24′33″ W; 37°50′00″ N, 122°23′47″ W; 37°50′00″ N, 122°23′00″ W; 37°48′59″ N, 122°22′19″ W; 37°48′40″ N, 122°22′40″ W; 37°48′40″ N, 122°23′10″ W; thence back to the point of origin (NAD 83). At the conclusion of the scheduled races the safety and no loitering area shall terminate.

The effect of the safety zone and no loitering area will be to provide a safety buffer to protect persons and vessels from oncoming America's Cup racing vessels and to create a safe and predictable transit area for mariners operating in close proximity to the America's Cup regulated area. At the conclusion of the scheduled races, the safety zone and no loitering area shall terminate. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in safety zone. The no loitering area is open to all traffic for transitory purposes only.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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.

We expect the economic impact of this rule does not rise to the level of necessitating a full Regulatory Evaluation. The safety zone and no loitering area are limited in duration, and are limited to a narrowly tailored geographic area. In addition, although this rule restricts access to a small section of the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will have access to the no loitering area during the event. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule may affect owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing. This safety zone and no loitering area would not have a significant economic impact on a substantial number of small entities for the following reasons. This safety zone and no loitering area would be activated, and thus subject to enforcement, for a limited duration. When the safety zone and no loitering area are activated, vessel traffic could pass safely around the safety zone and through the no loitering area. The maritime public will be advised in advance of this safety zone and no loitering area via Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

This rule 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 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this 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 determined 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 rule involves a safety zone of limited size and duration. This rule is categorically excluded from further review under paragraph 34(g) and 35(b) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a

Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 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 temporary § 165–T11–579 to read as follows:

§ 165–T11–579 Safety zone; America's Cup Safety Zone and No Loitering Area, San Francisco, CA.

(a) *Location.* This temporary safety zone is established for the navigable waters of the San Francisco Bay near Treasure Island, CA as depicted in National Oceanic and Atmospheric Administration (NOAA) Chart 18650. The safety zone will encompass the navigable waters of the San Francisco Bay within a shape bounded by the following coordinates: 37°49′41″ N, 122°24′17″ W; 37°49′41″ N, 122°24′07″ W; 37°49′26″ N, 122°23′51″ W; 37°49′17″ N, 122°23′51″ W; thence back to the point of origin (NAD 83). The no loitering area will encompass the navigable waters of the San Francisco Bay within a shape bounded by the following coordinates: 37°49′55″ N, 122°24′33″ W; 37°50′00″ N, 122°23′47″ W; 37°50′00″ N, 122°23′00″ W; 37°48′59″ N, 122°22′19″ W; 37°48′40″ N, 122°22′40″ W; 37°48′40″ N, 122°23′10″ W; thence back to the point of origin (NAD 83).

(b) *Enforcement Period.* The zone described in paragraph (a) of this section will be effective from July 4, 2013, to September 22, 2013 and will be enforced during all scheduled America's Cup races in 2013. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which this zone will be enforced via Broadcast Notice to Mariners in accordance with 33 CFR 165.7 or via actual notice on-scene.

(c) *Regulations.* (1) The safety zone is closed to all persons and vessels.

(2) The no loitering area is open to all persons and vessels for transitory use only.

(3) Persons and vessels operating within the no loitering area may not anchor or otherwise loiter.

(4) Vessel operators desiring to anchor or otherwise loiter within the no loitering area must contact Sector San Francisco Vessel Traffic Service at (415) 556–2760 or VHF Channel 14 to obtain permission.

(5) All persons and vessels transiting through or operating within the no loitering area must comply with all directions given to them by the COTP or a designated representative.

(6) The public can contact Sector San Francisco Bay at (415) 399–3530 to obtain information concerning enforcement of this rule.

(d) *Enforcement.* All persons and vessels must comply with the instructions of the COTP or the designated on-scene patrol personnel. Patrol personnel comprise commissioned, warrant, and petty officers of the Coast Guard onboard Coast Guard, Coast Guard Auxiliary, local, state, and federal law enforcement vessels. The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by local law enforcement as necessary. Upon being hailed by U.S. Coast Guard patrol personnel by siren, radio, flashing light, or other means, the operator of a vessel must proceed as directed.

Dated: June 19, 2013.

Gregory G. Stump,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2013–16164 Filed 7–3–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2013–0493]

RIN 1625–AA00

Safety Zone; Fifth Coast Guard District Fireworks Displays, Delaware River; Philadelphia, PA.

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is temporarily changing the enforcement date of a safety zone for one recurring fireworks display in the Fifth Coast Guard District. This regulation applies to only one recurring fireworks event held in Delaware River in Philadelphia, Pennsylvania. The fireworks display is normally held on July 4th, but this year it will be held on July 6th. The safety zone is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Delaware River near Philadelphia, Pennsylvania, during the event.

DATES: This rule will be effective on July 6, 2013, from 9:15 p.m. until 10:30 p.m.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2013–0493]. To view documents mentioned in this preamble as being available in the docket, go to *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 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Veronica Smith, U.S. Coast Guard Sector Delaware Bay, Chief of Waterways Management Division; telephone 215–271–4851, email *veronica.l.smith@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. Regulatory History and Information

This regulation for this fireworks display event may be found at 33 CFR 165.506, Table to § 165.506, section (a), line ''16''.

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.''

Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed

rulemaking (NPRM) with respect to this rule because it is impracticable. Insufficient time remains to address the change in date for this event and immediate action is needed to minimize potential danger to the public during the event. The potential dangers posed by fireworks displays makes a safety zone necessary to provide for the safety of participants, spectator craft and other vessels transiting the event area. Because of the timeframe and safety concerns noted, it is impracticable to issue an NPRM for this regulation. The Coast Guard will issue broadcast notice to mariners to advise vessel operators of navigational restrictions. On scene Coast Guard and local law enforcement vessels will also provide actual notice to mariners.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons as stated previously, a 30 day delayed effective date is impracticable and contrary to the public interest.

B. Basis and Purpose

Recurring fireworks displays are frequently held on or adjacent to the navigable waters within the boundary of the Fifth Coast Guard District. For a description of the geographical area of each Coast Guard Sector—Captain of the Port (COTP) Zone, please see 33 CFR 3.25.

The regulation listing annual fireworks displays within the Fifth Coast Guard District and safety zones locations is 33 CFR 165.506. The Table to § 165.506 identifies fireworks displays by COTP zone, with the COTP Delaware Bay zone listed in section ''(a)'' of the Table.

Wawa Welcome America sponsors an annual fireworks display held on July 4th over the waters of Delaware River, Philadelphia, Pennsylvania. The Table to § 165.506, at section (a) event number ''16'', describes the enforcement date and regulated location for this fireworks event.

In the Table, this fireworks display occurs annually on July 4th. However, this year, the fireworks event will be held on July 6, 2013.

A fleet of spectator vessels are anticipated to gather nearby to view the fireworks display. Due to the need for vessel control during the fireworks display, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels. Under provisions of 33 CFR 165.506, during the enforcement period, vessels may not enter the regulated area unless they receive permission from the Coast Guard Patrol Commander.

C. Discussion of the Final Rule

The Coast Guard will temporarily suspend the regulation listed in Table to § 165.506, section (a) event Number ''16'', and insert this temporary regulation at Table to § 165.506, at section (a) as event Number ''18'', in order to reflect that the fireworks display will be held on July 6, 2013, and therefore the enforcement date is changed. This change is needed to accommodate the sponsor's event plan. No other portion of the Table to § 165.506 or other provisions in § 165.506 will be affected by this regulation.

The regulated area of this safety zone includes all the waters of the Delaware River, adjacent to Penn's Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 39°56′31.2″ N, longitude 075°08′28.1″ W; thence to latitude 39°56′29.1″ N, longitude 075°07′56.5″ W, and bounded on the north by the Benjamin Franklin Bridge.

This safety zone will restrict general navigation in the regulated area during the fireworks event. Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area during the effective period. The regulated area is needed to control vessel traffic during the event for the safety of participants and transiting vessels.

In addition to notice in the **Federal Register**, the maritime community will be provided extensive advance notification via the Local Notice to Mariners, and marine information broadcasts so mariners can adjust their plans accordingly.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 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.

This rule prevents traffic from transiting a portion of the Delaware River, in Philadelphia, Pennsylvania during the specified event, the effect of this regulation will not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via marine information broadcasts, local radio stations and area newspapers so that mariners can adjust their plans accordingly. Additionally, this rulemaking changes the enforcement date for Delaware River, Philadelphia, Pennsylvania fireworks demonstration for July 6, 2013 only and does not change the permanent enforcement period that has been published in 33 CFR 165.506, Table to § 165.506 at section (a), event Number ''16''. In some cases vessel traffic may be able to transit the regulated area when the Coast Guard Patrol Commander deems it is safe to do so.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in Delaware River, in Philadelphia, Pennsylvania, where fireworks events are being held. This regulation will not have a significant impact on a substantial number of small entities because it will be enforced only during the fireworks display event that has been permitted by the Coast Guard Captain of the Port. The Captain of the Port will ensure that small entities are able to operate in the regulated area when it is safe to do so. In some cases, vessels will be able to safely transit around the regulated area at various times, and, with the permission of the Patrol Commander, vessels may transit through the regulated area. Before the enforcement period, the Coast Guard will issue maritime advisories so

mariners can adjust their plans accordingly.

3. Assistance for Small Entities

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

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

4. Collection of Information

This rule 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 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 INTFORMATION 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 rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action 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 rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this 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 determined 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 rule involves the establishment of a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

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 amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. In § 165.506, amend the Table to § 165.506, under the heading (a) Coast Guard Sector Delaware Bay—COTP Zone by—

■ a. Suspending entry 16, ''Delaware River, Philadelphia, PA, Safety Zone,'' from 9:15 p.m. on July 4, 2013, until 10:30 p.m. on July 6, 2013.

■ b. Adding entry 18 from 9:15 p.m. until 10:30 p.m. on July 6, 2013, to read as follows:

§ 165.506 Safety Zones; Fireworks Displays in the Fifth Coast Guard District.

* * * * *

Number	Date	Location	Regulated area
*	*	*	* * * * *
(a) Coast Guard Sector Delaware Bay—COTP Zone			
18	July 6 from 9:15 p.m. until 10:30 p.m.	Delaware River, Philadelphia, PA, Safety Zone.	All the waters of the Delaware River, adjacent to Penns Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline at latitude 39°56′31.2″ N, longitude 075°08′28.1″ W; thence to latitude 39°56′29.1″ N, longitude 075°07′56.5″ W, and bounded on the north by the Benjamin Franklin Bridge.

* * * * *

Dated: June 24, 2013.

K. Moore,

Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2013–16049 Filed 7–3–13; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 12–236; RM–11671; DA 13–986]

Radio Broadcasting Services; Roaring Springs, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Audio Division, at the request of Jesus B. Salazar, allots FM Channel 227A and deletes FM Channel 249A at Roaring Springs, Texas, and allots FM Channel 249C3 and deletes FM Channel 276C3 at Roaring Springs. These allotment changes are part of a rule making and hybrid application proposal. Channel 227A can be allotted at Roaring Springs, consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 33–59–36 NL and 100–52–10 WL, with a site restriction of 10.5 km (6.5 miles) north of the community Channel 249C3 can be allotted at Roaring Springs, consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 33–57–55 NL and 100–47–36 WL, with a site restriction of 9.4 km (5.9 miles) northeast of the community *See* Supplementary Information *infra.*

DATES: Effective August 5, 2013.

FOR FURTHER INFORMATION CONTACT: Deborah Dupont, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 12–236, adopted May 2, 2013, and released May 3, 2013. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text of this decision also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, (800) 378–3160, or via the company's Web site, *www.bcpiweb.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506 (c)(4). The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* U.S.C. 801(a)(1)(A).

The Bureau added Channel 249A at Roaring Springs, Texas to the FM Table of Allotments. *See* 69 FR 29241, published May 21, 2004. However, Channel 249A at Roaring Springs, Texas was inadvertently removed from the FM Table by *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services,* 71 FR 76208, published December 20, 2006.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

James D. Bradshaw,

Deputy Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 276C3 at Roaring Springs and by adding Channel 227A and Channel 249C3 at Roaring Springs.

[FR Doc. 2013–16016 Filed 7–3–13; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 78, No. 129
Friday, July 5, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2013–BT–STD–0033]

RIN 1904–AD02

Energy Conservation Program for Consumer Products and Certain Commercial and Industrial Equipment: Proposed Determination of Portable Air Conditioners as a Covered Consumer Product

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Proposed determination of coverage.

SUMMARY: The U.S. Department of Energy (DOE or the ''Department'') has determined tentatively that portable air conditioners (ACs) qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), as amended. DOE has determined that portable ACs meet the criteria for covered products because classifying products of such type as covered products is necessary or appropriate to carry out the purposes of EPCA, and the average U.S. household energy use for portable ACs is likely to exceed 100 kilowatt-hours (kWh) per year.

DATES: DOE will accept written comments, data, and information on this notice, but no later than August 5, 2013.

ADDRESSES: Interested persons may submit comments, identified by docket number EERE–2013–BT–STD–0033, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Brenda.Edwards@ee.doe.gov.* Include EERE–2013–BT–STD–0033 and/or RIN 1904–AD02 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, Proposed Determination for portable ACs, EERE–2013–BT–STD–0033 and/or RIN 1904–AD02, 1000 Independence Avenue SW., Washington, DC 20585–0121. *Phone:* (202) 586–2945. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024. *Phone:* (202) 586–2945. Please submit one signed paper original.

Instructions: All submissions received must include the agency name and docket number or RIN for this rulemaking.

Docket: For access to the docket to read background documents or comments received, go to the U.S. Department of Energy, 6th Floor, 950 L'Enfant Plaza SW., Washington, DC 20024, (202) 586–2945, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at (202) 586–2945 for additional information regarding visiting the Resource Room.

FOR FURTHER INFORMATION CONTACT: Ronald Majette, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–7935. Email: *portable_ACs@ee.doe.gov.*

In the Office of General Counsel, contact Celia Sher, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6122. Email: *Celia.Sher@hq.doe.gov.*

Table of Contents

I. Statutory Authority
II. Current Rulemaking Process
III. Proposed Definition
IV. Evaluation of Portable ACs as a Covered Product Subject to Energy Conservation Standards
  A. Coverage Necessary or Appropriate To Carry Out Purposes of EPCA
  B. Average Household Energy Use
V. Procedural Issues and Regulatory Review
  A. Review Under Executive Order 12866
  B. Review Under the Regulatory Flexibility Act
  C. Review Under the Paperwork Reduction Act of 1995
  D. Review Under the National Environmental Policy Act of 1969
  E. Review Under Executive Order 13132
  F. Review Under Executive Order 12988
  G. Review Under the Unfunded Mandates Reform Act of 1995
  H. Review Under the Treasury and General Government Appropriations Act of 1999
  I. Review Under Executive Order 12630
  J. Review Under the Treasury and General Government Appropriations Act of 2001
  K. Review Under Executive Order 13211
  L. Review Under the Information Quality Bulletin for Peer Review
VI. Public Participation
  A. Submission of Comments
  B. Issues on Which DOE Seeks Comments

I. Statutory Authority

Title III of the Energy Policy and Conservation Act (EPCA), as amended (42 U.S.C. 6291 *et seq.*), sets forth various provisions designed to improve energy efficiency. Part A of Title III of EPCA (42 U.S.C. 6291–6309) established the ''Energy Conservation Program for Consumer Products Other Than Automobiles,'' which covers consumer products and certain commercial products (hereafter referred to as ''covered products'').[1] In addition to specifying a list of covered residential and commercial products, EPCA contains provisions that enable the Secretary of Energy to classify additional types of consumer products as covered products. For a given product to be classified as a covered product, the Secretary must determine that:

(1) Classifying the product as a covered product is necessary for the purposes of EPCA; and

(2) The average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (kWh) per year. (42 U.S.C. 6292(b)(1))

For the Secretary to prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) for covered products added pursuant to 42 U.S.C. 6292(b)(1), he must also determine that:

(1) The average household energy use of the products has exceeded 150 kWh per household for a 12-month period;

(2) The aggregate 12-month energy use of the products has exceeded 4.2 TWh;

(3) Substantial improvement in energy efficiency is technologically feasible; and

(4) Application of a labeling rule under 42 U.S.C. 6294 is unlikely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products

[1] For editorial reasons, upon codification in the U.S. Code, Part B was re-designated Part A.

of such type (or class) that achieve the maximum energy efficiency that is technologically feasible and economically justified. (42 U.S.C. 6295(l)(1)).

Portable ACs are movable units typically designed to provide 8,000–14,000 Btu/hr of cooling capacity for a single room. In contrast to room ACs, they are not permanently installed on the wall or in a window.

If DOE issues a final determination that portable ACs are a covered product, DOE may prescribe test procedures and energy conservation standards for portable ACs. DOE will determine if portable ACs satisfy the provisions of 42 U.S.C. 6295(l)(1) during the course of any energy conservation standards rulemaking.

II. Current Rulemaking Process

DOE has not previously conducted an energy conservation standard rulemaking for portable ACs. If, after public comment, DOE issues a final determination of coverage for this product, DOE may prescribe both test procedures and energy conservation standards for this product.

With respect to test procedures, DOE will consider a proposed test procedure for measuring the energy efficiency, energy use or estimated annual operating cost of portable ACs during a representative average use cycle or period of use that is not unduly burdensome to conduct. (42 U.S.C. 6293(b)(3)) In a test procedure rulemaking, DOE initially prepares a notice of proposed rulemaking (NOPR) and allows interested parties to present oral and written data, views, and arguments with respect to such procedures. In prescribing new test procedures, DOE takes into account relevant information including technological developments relating to energy use or energy efficiency of portable ACs.

With respect to energy conservation standards, DOE is required to publish a NOPR. The NOPR provides DOE's proposal for potential energy conservations standards and a summary of the results of DOE's supporting technical analysis. The details of DOE's energy conservation standards analysis are provided in a technical support document (TSD) that describes the details of DOE's analysis of both the burdens and benefits of potential standards, pursuant to 42 U.S.C. 6295(o). Because portable ACs would be a product that is newly covered under 42 U.S.C. 6292(b)(1), DOE would also consider as part of any energy conservation standard NOPR whether portable ACs satisfy the requirements of 42 U.S.C. 6295(l)(1). After the publication of the NOPR, DOE affords interested persons an opportunity during a period of not less than 60 days to provide oral and written comment. After receiving and considering the comments on the NOPR and not less than 90 days after the publication of the NOPR, DOE would issue the final rule prescribing any new energy conservation standards for portable ACs.

III. Proposed Definition

DOE proposes to add a definition for ''Portable Air Conditioners'' in the Code of Federal Regulations to clarify coverage of any potential test procedure or energy conservation standard that may arise from today's proposed determination. There currently is no statutory definition of portable ACs. DOE has determined preliminarily that adding portable ACs as a covered product is justified. Accordingly, DOE proposes the following definition of portable ACs to consider test procedures and energy conservation standards for portable ACs and to provide clarity for interested parties as it continues its analyses:

A consumer product, other than a ''packaged terminal air conditioner,'' which is powered by a single phase electric current and which is an encased assembly designed as a portable unit that may rest on the floor or other elevated surface for the purpose of providing delivery of conditioned air to an enclosed space. It includes a prime source of refrigeration and may include a means for ventilating and heating.

This proposed definition is mutually exclusive to the current definition for a room AC, which is ''designed as a unit for mounting in a window or through the wall.'' (10 CFR 430.2) DOE seeks feedback from interested parties on its proposed definition of portable ACs.

IV. Evaluation of Portable ACs as a Covered Product Subject to Energy Conservation Standards

The following sections describe DOE's evaluation of whether portable ACs fulfill the criteria for being added as a covered product pursuant to 42 U.S.C. 6292(b)(1). As stated previously, DOE may classify a consumer product as a covered product if (1) classifying products of such type as covered products is necessary and appropriate to carry out the purposes of EPCA; and (2) the average annual per-household energy use by products of such type is likely to exceed 100 kWh (or its Btu equivalent) per year.

A. Coverage Necessary or Appropriate To Carry Out Purposes of EPCA

Coverage of portable ACs is necessary or appropriate to carry out the purposes of EPCA, which include: (1) To conserve energy supplies through energy conservation programs, and, where necessary, the regulation of certain energy uses; and (2) to provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products. (42 U.S.C. 6201) The aggregate energy use of portable ACs has been increasing as these units have become popular in recent years. There were an estimated 973.7 thousand units shipped in North America in 2012, with a projected growth to 1743.7 thousand units by 2018, representing nearly 80% growth in only 6 years.[2] Coverage of portable ACs will enable the conservation of energy supplies through both labeling programs and the regulation of portable AC energy efficiency. There is significant variation in the annual energy consumption of different models currently available, therefore technologies exist to reduce the energy consumption of portable ACs.

B. Average Household Energy Use

DOE calculated average household energy use for portable ACs, in households that use the product, based on a review of the current market and a comparison to room air conditioner energy use. Based on the available models from a number of large online retailers, the typical rated energy efficiency ratio (EER) of portable ACs is approximately 9.5, with a large available range (approximately 8.2–14.3). Typical cooling capacities range from 8,000–14,000 Btu/hr. Under the assumption that portable ACs have a very similar usage profile to window-mounted room ACs of a similar capacity, DOE estimated portable AC annual electricity usage using values developed for residential room ACs (8,000–13,999 Btu/hr capacity).[3] For a typical portable AC with EER 9.5, DOE estimated the average per-household annual electricity consumption to be approximately 650 kWh/yr (750 kWh/yr for EER 8.2, and 400 kWh/yr for EER 14.3). Furthermore, one set of laboratory

[2] Transparency Media Research. *Air Conditioning Systems Market—Global Scenario, Trends, Industry Analysis, Size, Share and Forecast, 2012–2018.* January 2013.

[3] See Technical Support Document: Energy Efficiency Program for Consumer Products: Residential Clothes Dryers and Room Air Conditioner (Direct Final Rule), Washington, DC. April 2011. *http://www.regulations.gov/#!documentDetail;D=EERE-2007-BT-STD-0010-0053.*

tests [4] measured the cooling capacity of units to be half of manufacturers' reported values, suggesting that in-field energy use is much larger than the rated value would imply. Therefore, DOE tentatively determines that the average annual per-household energy use for portable ACs is very likely to exceed 100 kWh/yr, satisfying the provisions of 42 U.S.C. 6292(b)(1).

Based on the above, DOE has determined tentatively that portable ACs qualify as a covered product under Part A of Title III of the EPCA, as amended.

V. Procedural Issues and Regulatory Review

DOE has reviewed its proposed determination of portable ACs under the following executive orders and acts.

A. Review Under Executive Order 12866

The Office of Management and Budget has determined that coverage determination rulemakings do not constitute ''significant regulatory actions'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this proposed action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996) requires preparation of an initial regulatory flexibility analysis for any rule that, by law, must be proposed for public comment, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory flexibility analysis examines the impact of the rule on small entities and considers alternative ways of reducing negative effects. Also, as required by E.O. 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003 to ensure that the potential impact of its rules on small entities are properly considered during the DOE rulemaking process. 68 FR 7990 (February 19, 2003). DOE makes its procedures and policies available on the Office of the General Counsel's Web site at *http://energy.gov/gc/office-general-counsel.*

DOE reviewed today's proposed determination under the provisions of the Regulatory Flexibility Act and the policies and procedures published on February 19, 2003. If adopted, today's proposed determination would set no standards; they would only positively determine that future standards may be warranted and should be explored in an energy conservation standards and test procedure rulemaking. Economic impacts on small entities would be considered in the context of such rulemakings. On the basis of the foregoing, DOE certifies that the proposed determination, if adopted, would have no significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this proposed determination. DOE will transmit this certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

C. Review Under the Paperwork Reduction Act of 1995

This proposed determination, which proposes to determine that portable ACs meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p), will impose no new information or record-keeping requirements. Accordingly, OMB clearance is not required under the Paperwork Reduction Act. (44 U.S.C. 3501 *et seq.*)

D. Review Under the National Environmental Policy Act of 1969

In this notice, DOE proposes to positively determine that future standards may be warranted and that environmental impacts should be explored in an energy conservation standards rulemaking. DOE has determined that review under the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, codified at 42 U.S.C. 4321 *et seq.* is not required at this time. NEPA review can only be initiated ''as soon as environmental impacts can be meaningfully evaluated'' (10 CFR 1021.213(b)). This proposed determination would only determine that future standards may be warranted, but would not itself propose to set any specific standard. DOE has, therefore, determined that there are no environmental impacts to be evaluated at this time. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order (E.O.) 13132, ''Federalism'' 64 FR 43255 (August 10, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to assess carefully the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in developing regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process that it will follow in developing such regulations. 65 FR 13735 (March 14, 2000). DOE has examined today's proposed determination and concludes that it would not preempt State law or have substantial direct effects on the States, on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the product that is the subject of today's proposed determination. States can petition DOE for exemption from such preemption to the extent permitted, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) No further action is required by E.O. 13132.

F. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, ''Civil Justice Reform'' 61 FR 4729 (February 7, 1996), imposes on Federal agencies the duty to: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation specifies the following: (1) The preemptive effect, if any; (2) any effect on existing Federal law or regulation; (3) a clear legal standard for affected conduct while promoting simplification and burden reduction; (4)

[4] Consumer Reports. *Buying Advice: Portable Air Conditioners. http://news.consumerreports.org/home/2008/06/air-condition-1.html.*

the retroactive effect, if any; (5) definitions of key terms; and (6) other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether these standards are met, or whether it is unreasonable to meet one or more of them. DOE completed the required review and determined that, to the extent permitted by law, this proposed determination meets the relevant standards of E.O. 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, codified at 2 U.S.C. 1501 *et seq.*) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector. For regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any 1 year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish a written statement that estimates the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a) and (b)) UMRA requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' UMRA also requires an agency plan for giving notice and opportunity for timely input to small governments that may be potentially affected before establishing any requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820 (March 18, 1997). (This policy also is available at *http://energy.gov/gc/office-general-counsel*). DOE reviewed today's proposed determination pursuant to these existing authorities and its policy statement and determined that the proposed determination contains neither an intergovernmental mandate nor a mandate that may result in the expenditure of $100 million or more in any year, so the UMRA requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. This proposed determination would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

Pursuant to E.O. 12630, ''Governmental Actions and Interference With Constitutionally Protected Property Rights'' 53 FR 8859 (March 15, 1988), DOE determined that this proposed determination would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act of 2001

The Treasury and General Government Appropriation Act of 2001 (44 U.S.C. 3516, note) requires agencies to review most disseminations of information they make to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. The OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's proposed determination under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OMB a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates a final rule or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under E.O. 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the proposal is implemented, and of reasonable alternatives to the proposed action and their expected benefits on energy supply, distribution, and use.

DOE has concluded that today's regulatory action proposing to determine that portable ACs meet the criteria for a covered product for which the Secretary may prescribe an energy conservation standard pursuant to 42 U.S.C. 6295(o) and (p) would not have a significant adverse effect on the supply, distribution, or use of energy. This action is also not a significant regulatory action for purposes of E.O. 12866, and the OIRA Administrator has not designated this proposed determination as a significant energy action under E.O. 12866 or any successor order. Therefore, this proposed determination is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects for this proposed determination.

L. Review Under the Information Quality Bulletin for Peer Review

On December 16, 2004, OMB, in consultation with the Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review (the Bulletin). 70 FR 2664 (January 14, 2005). The Bulletin establishes that certain scientific information shall be peer reviewed by qualified specialists before it is disseminated by the Federal government, including influential scientific information related to agency regulatory actions. The purpose of the Bulletin is to enhance the quality and credibility of the Government's scientific information. DOE has determined that the analyses conducted for this rulemaking do not constitute ''influential scientific information,'' which the Bulletin defines as ''scientific information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions.'' 70 FR 2667 (January 14, 2005). The analyses were subject to pre-dissemination review prior to issuance of this rulemaking.

DOE will determine the appropriate level of review that would be applicable to any future rulemaking to establish energy conservation standards for portable ACs.

VI. Public Participation

A. Submission of Comments

DOE will accept comments, data, and information regarding this notice of proposed determination no later than

the date provided at the beginning of this notice. After the close of the comment period, DOE will review the comments received and determine whether portable ACs are a covered product under EPCA.

Comments, data, and information submitted to DOE's email address for this proposed determination should be provided in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format. Submissions should avoid the use of special characters or any form of encryption, and wherever possible comments should include the electronic signature of the author. No telefacsimiles (faxes) will be accepted.

According to 10 CFR Part 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: one copy of the document should have all the information believed to be confidential deleted. DOE will make its own determination as to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known or available from public sources; (4) whether the information has previously been made available to others without obligations concerning its confidentiality; (5) an explanation of the competitive injury to the submitting persons which would result from public disclosure; (6) a date after which such information might no longer be considered confidential; and (7) why disclosure of the information would be contrary to the public interest.

B. Issues on Which DOE Seeks Comments

DOE welcomes comments on all aspects of this proposed determination. DOE is particularly interested in receiving comments from interested parties on the following issues related to the proposed determination for portable ACs:

- Definition(s) of portable ACs;
- Whether classifying portable ACs as a covered product is necessary or appropriate to carry out the purposes of EPCA;
- Calculations and values for average household energy consumption; and
- Availability or lack of availability of technologies for improving energy efficiency of portable ACs.

The Department is interested in receiving views concerning other relevant issues that participants believe would affect DOE's ability to establish test procedures and energy conservation standards for portable ACs. The Department invites all interested parties to submit in writing by August 5, 2013, comments and information on matters addressed in this notice and on other matters relevant to consideration of a determination for portable ACs.

After the expiration of the period for submitting written statements, the Department will consider all comments and additional information that is obtained from interested parties or through further analyses, and it will prepare a final determination. If DOE determines that portable ACs qualify as a covered product, DOE will consider a test procedure and energy conservation standards for portable ACs. Members of the public will be given an opportunity to submit written and oral comments on any proposed test procedure and standards.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Confidential business information, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on June 27, 2013.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2013–15977 Filed 7–3–13; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 10–51 and 03–123; FCC 13–82]

Structure and Practices of the Video Relay Service Program: Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission issues a further notice of proposed rulemaking (FNPRM) seeking comment on options and proposals to ensure that the entire telecommunications relay services (TRS) program continues to offer functional equivalence to all eligible users and is as immune as possible from any additional waste, fraud, and abuse. These proposals involve a transition plan to a market-based compensation methodology for VRS, funding mechanism for research and development, TRS Fund contribution calculations and reporting method, allowing hearing persons to purchase access to video point to point service, replacement of the current TRS Advisory Council, disaggregation of emergency calls to 911 and additional issues relating to restructure of the VRS program. The Commission continues to solicit input on ways to strengthen VRS to ensure its efficiency and that this service is being offered in a functionally equivalent manner.

DATES: Comments are due on or before August 19, 2013, and reply comments on or before September 18, 2013.

ADDRESSES: You may submit comments, identified by CG Docket Nos. 10–51 and 03–123, by any of the following methods:

Electronic Filers: Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS), through the Commission's Web site *http://fjallfoss.fcc.gov/ecfs2/*. Filers should follow the instructions provided on the Web site for submitting comments. For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and CG Docket Nos. 10–51 and 03–123.

- *Paper filers:* Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial Mail sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be

addressed to 445 12th Street SW., Washington, DC 20554.

■ In addition, parties must serve one copy of each pleading with the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, or via email to *fcc@bcpiweb.com.*

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Eliot Greenwald, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418–2235 or email *Eliot.Greenwald@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Further Notice of Proposed Rulemaking (FNPRM), document FCC 13–82, adopted on June 7, 2013 and released on June 10, 2013, in CG Docket Nos. 10–51 and 03–123. In document FCC 13–82, the Commission adopted an accompanying Report and Order (Report and Order), which is summarized in a separate **Federal Register** Publication. The full text of document FCC 13–82 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone: (800) 378–3160, fax: (202) 488–5563, or Internet: *www.bcpiweb.com.* Document FCC 13–82 can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/cgb/dro/trs.html#orders.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Synopsis

1. In March 2000, the Commission recognized VRS as a reimbursable relay service. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98–67, Report and Order and Further Notice of Proposed Rulemaking; published at 65 FR 38432, June 21, 2000, and at 65 FR 38490, June 21, 2000.

2. In this document, the Commission takes further action to achieve VRS compensation rates that better approximate the actual cost of providing VRS while ensuring that VRS is provided in accordance with the Act. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Order, (*2010 TRS Rate Order*), CG Docket No. 03–123, published at 75 FR 49491, August 13, 2010. Ratemaking based on calculations of allowable costs is inherently a contentious, complicated, and imprecise process, particularly in the VRS context. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Further Notice of Proposed Rulemaking, (*2011 VRS Reform FNPRM*), CG Docket Nos. 10–51 and 03–123, published at 77 FR 4948, February 1, 2012. First, unlike most regulated telecommunications services, VRS is generally provided at no charge to users. There is no pressure from users on VRS suppliers to restrain the amount they charge because the users share none of the costs. Second, a number of questions have arisen over the past several years concerning the methodology used for determining VRS costs as well as the appropriateness of certain costs. Third, the VRS compensation rate has fluctuated significantly over time, with frequent recalculation of rates as cost or demand levels change or as new evidence about cost and demand levels come to light. Finally, the absence of retail prices has encouraged perverse provider behavior and contributed to fraud and abuse—*e.g.,* by resulting in providers artificially generating minutes of use in order to collect more TRS Fund revenues. Therefore, the Commission proposes to transition to a new ratemaking approach that makes use of competitively established pricing, *i.e.,* contract prices set through a competitive bidding process, where feasible.

3. There are several elements in this new approach. First, the outreach and registration verification components of VRS will not be handled by VRS providers but that they will be handled by neutral entities pursuant to contracts. Therefore, as these transfers to neutral entities are implemented, the costs associated with these components of VRS will be removed from compensation rates for all VRS providers.

4. Second, the Commission will also contract with a neutral entity to offer the video communication service components of VRS, disaggregated from VRS CA service, without charge, to those VRS providers that choose to make use of such a common video communication service platform. The costs associated with the disaggregated components of VRS will also be removed from the cost basis for the compensation rates applicable to such standalone VRS CA service providers.

5. Third, the Commission proposes that the contract price that the Commission pays to the neutral video communication service provider for the disaggregated video communication service component of VRS will serve as a benchmark for setting appropriate compensation applicable to any VRS provider that chooses to continue offering a fully integrated service.

6. Fourth, the Commission proposes to establish a compensation rate for the provision of VRS CA service by auctioning a portion of VRS traffic.

Using the Cost of the Neutral Video Communication Service Provider Contract as a Benchmark

7. The Commission tentatively concluded that the contract price that it pays to the neutral video communication service provider for the disaggregated video communication service component of VRS will serve as a benchmark for setting appropriate compensation applicable to any VRS provider that chooses to continue offering a fully integrated service. Such result is appropriate, given that the neutral video communication service provider will be serving many of the same functions as an integrated provider—*i.e.,* user registration and validation, authentication, authorization, ACD platform functions, routing (including emergency call routing), call setup, mapping, call features (such as call forwarding and video mail), and such other features and functions not directly related to the provision of VRS CA services. This would also be consistent with its rules requiring providers only to be compensated for the reasonable costs of providing service. *See* 47 CFR 64.604(c)(5)(iii)(E) of the Commission's rules. Would such an approach ensure an appropriate level of compensation for integrated providers? Specifically, how should the contract price be used to determine the appropriate additional compensation for fully integrated service? Are there overhead or other costs that an integrated VRS provider might incur that a neutral video communication service provider would not, or vice versa? Are there other factors the Commission should consider

when setting compensation for the video communication service component of an integrated VRS provider's service offering? The winning neutral video communication service provider may be compensated on a usage insensitive basis or a usage sensitive basis. Does the compensation structure for the neutral video communication service provider affect this analysis?

Using Auctions To Establish a Per Minute Rate for CA Service

8. Data from the TRS numbering directory indicates that a sizeable percentage of compensable VRS calls are placed to a relatively small number of telephone numbers that terminate to an even smaller number of companies and government agencies.

9. Given this pattern of calling, the Commission proposes that an auction of the right to provide VRS CA service for all calls terminated to an appropriately selected set of telephone numbers representing a sufficient number of minutes of use could be used to establish a market rate for all minutes of use of VRS CA service—including VRS CA service delivered by integrated VRS providers. The Commission seeks comment on this proposal. Is it appropriate to use an auction determined price as a benchmark for regulating other prices?

10. *What Is To Be Auctioned?* If the Commission were to auction the right to provide VRS CA service to a set of telephone numbers, how should those telephone numbers be selected? The top 100 numbers called? All calls to government agencies, entities regulated by the Commission, and/or general business call centers? Some other selection criteria? How can the Commission ensure that the telephone numbers selected account for sufficient minutes of use to ensure that the winning bid represents a market rate for VRS CA service?

11. VRS minutes of use arguably could be categorized, by, for example, time of day or the nature of the called party (*e.g.,* a government agency as opposed to a corporate technical support line). For the purposes of an auction, should the Commission establish and auction more than one category of minutes, where minutes within each category can be considered homogenous and minutes across categories are sufficiently different? If so, what would be appropriate categories? If more than one category is established should the different categories be auctioned simultaneously, as in spectrum auctions with different categories of interrelated licenses, or auctioned sequentially? A simultaneous dynamic (*e.g.,* descending clock) auction has the advantage that it allows bidders to easily switch bids among categories of licenses as relative prices change.

12. *Number of Winners.* Should there be one or multiple auction winners? One approach for a single winner auction would be to select the bidder with the lowest price per minute willing to serve all demand for VRS CA service to the specified telephone numbers. One option is a single-round sealed bid auction in which bidders submit their price offer. Alternatively, the Commission could use a descending clock auction in which bid prices are reduced until only a single bidder remains. A descending clock auction may be simpler for bidders because optimal bidding does not require strategic calculations about what others may bid as in a single-round auction and bidders need not determine an exact bid at the beginning of the auction. How can the Commission ensure before the auction that there are multiple qualified bidders capable of providing quality VRS CA service for all auctioned minutes of use? Are there other ways a single winner auction could be structured to accomplish the Commission's goals?

13. Another option would be to design an auction that allows for multiple winners. One possibility is a descending clock auction, in which the auctioneer calls out a price and winners indicate the percentage of total demand to the eligible numbers they are willing to serve at that price. The auctioneer would continue to reduce the price until the sum of provider bids equals 100%. Given that the Commission has historical data on calling patterns, would such a structure provide flexibility to accommodate the actual number of minutes without creating a high degree of uncertainty as to the number of minutes each auction winner would be expected to service? Are there other ways a multiple winner auction could be structured to accomplish the Commission's goals?

14. In the case of a multiple winner auction, how should specific minutes be assigned to winners? If minutes are truly homogenous, should they be randomly assigned? If minutes, while sufficiently alike to be classified in a single category, are nonetheless somewhat differentiated should the Commission use another procedure? For example, bidders could be randomly assigned priorities and then pick preferences for types of minutes within a given category (*e.g.,* minutes to be terminated to a particular entity). An alternative approach would allow winners of minutes within a given category to bid for the order in which they pick preferences.

15. *Form of Bids.* What form should bids take? The Commission contemplates that bids would take the form of an offer to provide VRS CA service at a price per minute for all demand or a percentage of the demand to certain telephone numbers. Is that the appropriate bid structure? Should bidders be required to specify a fixed quantity of minutes of use they are willing to provide? If bids are for a fixed number of minutes, what should the Commission do if the total minutes of use for which bids are received are insufficient to cover demand? Would additional demand be routed through a user's default provider?

16. *Bidder Qualifications.* What qualifications should the Commission set for bidders? Should the Commission allow entities to bid only after they have been certified by the Commission, or would it be sufficient to condition final auction reward on a bidder's ability to achieve certification? Are there additional criteria that should be established for entities that wish to bid in an auction?

17. *Frequency of Auctions.* How often should auctions be conducted (*i.e.,* for what period of time would bidders win the right to provide exclusive VRS CA service)?

18. *Reserve Price.* Should the Commission set a reserve price and, if so, how? Is the cost data submitted by providers sufficient to allow the Commission to set a reserve price based on historical provider costs? What other mechanism might be used to establish a reserve price?

19. *Ensuring Quality of Service.* How can the Commission ensure that auction winners provide an appropriate level of quality of service? Should it require that auction winners be bonded (*i.e.,* obtain a financial guarantee of performance)? Are the Commission's existing rules on quality of service sufficient to guarantee an appropriate level of performance? Should additional performance metrics with penalties for failure to achieve those metrics be implemented by contract? In the event of a failure to perform, should the party lose all the rights it won in the auction, or should it lose a portion of its rights commensurate with its degree of performance failure until performance improves? If all rights are terminated should it be immediate or phased out over a period of time and, if so, over what period?

Other Issues

20. How can the Commission ensure that there are sufficient bidders for a competitive auction? If it is willing to select only one winner, are any of the suppliers other than the largest incumbent able to serve all the demand? How is competitive behavior affected by the fact that the winning bids will be used as a benchmark for setting prices for non-participants? Would any large incumbent be willing to participate since driving down the price in the auction would reduce its prices on the rest of its business? Would any such disincentive for large incumbents to participate tend to encourage participation by small incumbents and new entrants?

21. *Compensation for Integrated Providers.* The neutral video communication service provider and any winners of an auction of VRS CA service minutes will account for overhead and other costs they incur in setting their bid prices. Is it therefore reasonable to assume that the sum of a benchmark rate for video communication service and a market rate for VRS CA service established by auction would be sufficient to compensate integrated VRS providers for the services they deliver? If not, what other factors should be considered when setting market based compensation rates?

22. *Providers of Multiple Forms of iTRS.* A number of VRS providers also provide other forms of iTRS and VRI, an interpreting service that allows a provider to pre-schedule, for a fee, remote interpreting sessions between ASL users and other individuals who are located in the same room, or in different locations. Several VRS providers also provide VRI. How do such providers allocate costs that may be shared across services? For example, how are costs for facilities and indirect costs such as financial/accounting, legal/regulatory, and human resources allocated between services when submitting cost data for multiple services? How can the Commission and the TRS Fund administrator ensure that entities that provide more than one iTRS service and/or VRI are not being overcompensated for shared resources?

23. *Using Auctions for Other Forms of iTRS.* Would it be appropriate to establish the compensation rate for other forms of iTRS by conducting similar types of auctions? What changes, if any, would the Commission need to consider if setting rates by auction for IP Relay and/or IP CTS?

Cost Recovery

24. Section 225 of the Act creates a cost recovery regime whereby TRS providers are compensated for their reasonable costs of providing service in compliance with the TRS regulations. *See* 47 U.S.C. 225(d)(3); 47 CFR 64.604(c)(5) of the Commission's rules. To be reasonable, the costs of providing service must relate to the provision of service in compliance with the applicable mandatory minimum standards.

25. As noted in Report and Order, the Commission does not believe that the providers' additional costs necessary to implement the requirements adopted today will be substantial, but it recognizes that, in its *First Internet-Based TRS Numbering Order,* it provided a mechanism whereby providers could seek to recover their actual reasonable costs of complying with certain of the new requirements adopted in that Report and Order. *Telecommunications Relay Services and Speech-To-Speech Services For Individuals With Hearing and Speech Disabilities; E911 Requirements For IP-Enabled Services Providers,* CG Docket No. 03–123 and WC Docket No. 05–196, Report and Order; published at 73 FR 41286, July 18, 2008. The Commission seeks comment on whether it should adopt such a mechanism in connection with any comparable requirements adopted today. What costs, if any, would it be appropriate to consider for additional recovery? How long would providers be entitled to seek recovery of such costs? By what standard should the Commission and the Fund administrator review any submitted costs to ensure that the costs are both allowable and reasonable?

Research and Development

26. The Commission seeks comment on the appropriate budget and funding mechanism for research conducted pursuant to the arrangement with the National Science Foundation it directs be entered into in the Report and Order. The Commission proposes to set the initial budget for research under this arrangement at $3 million dollars, which is approximately 40 percent of the expenditures reported by VRS providers for Fund year 2012 on compensable research and development, and seeks comment on this proposal. The Commission further seeks comment on the mechanism by which research and development should be funded under this arrangement. For example, what review criteria should be applied to identify appropriate research? What types of awards would be appropriate?

TRS Fund Contribution Calculations and Reporting

27. The Commission proposes to amend § § 64.604(c)(iii)(B) and (H) of the Commission's rules to match the periodicity of filing requirements from the TRS Fund administrator proposing contribution factors to the Commission for the TRS Fund to those of the Universal Service Fund (currently quarterly). Under this revision and the clarification above of the Office of the Managing Director's (OMD) duties in relation to the TRS Fund, the Fund administrator would request TRS providers to revise their projected minutes of use, and OMD would put the contribution factor proposals on public notice, and adopt a new contribution factor each quarter based on the TRS Fund administrator's proposal under OMD's delegated authority. This would allow for greater flexibility in addressing increases or decreases in requests for reimbursement and projections of service requirements from TRS providers. The Commission seeks comment on this proposal and asks commenters to address the costs and benefits of the proposal.

Allowing Hearing Individuals To Purchase Access to the Neutral Video Communication Service Provider for Point-to-Point Calls

28. The Consumer Groups have urged the Commission to adopt rules that would permit hearing individuals to obtain ten-digit numbers that would allow them to make point-to-point calls with VRS users, and note that if all registration is done through a central database, it presumably would be easier to flag a hearing person's ten-digit number in the system so that it is not eligible for VRS reimbursement while still allowing them to use the system to make direct calls to their deaf or hard of hearing contacts. The Commission seeks comment on this proposal. Should the neutral video communication service provider and/or integrated VRS providers be permitted to sell point-to-point service to hearing individuals? Should hearing individuals that purchase such service be registered in the TRS User Registration Database (TRS–URD) but flagged as ''hearing'' or ''non-compensable?'' How can the Commission ensure that TRS Funds are not used to subsidize such a service? Is it sufficient to require that the charge for such a service be sufficient to cover the costs of providing that service? What other factors must be considered if such a service is implemented?

TRS Fund Advisory Council

29. The Commission proposes to revise the nature, composition, and functions of the advisory body that focuses on TRS issues. It proposes to replace the existing Interstate TRS Fund Advisory Council (TRS Fund Council), which advises the TRS Fund administrator on TRS cost recovery matters, with a new advisory council that will provide advice and recommendations in four areas: (1) Technology; (2) efficiency; (3) outreach; and (4) user experience. Stakeholders and experts on the new Council will provide advice on ways that iTRS can adapt to the evolving and advancing nature of technology in communication technologies that affect the iTRS service, and ensure that iTRS users obtain a functionally equivalent service. The unique insight, institutional knowledge, and expertise that consumer and industry representatives can offer would help ensure that iTRS technologies and services are developed and deployed in a timely manner in response to the evolving needs of iTRS users.

30. The Commission believes that the role and structure of the TRS Fund Council should be redefined to reflect the changing needs of the TRS program. The Commission notes that at various times, the existing TRS Fund Council itself has asked for additional responsibilities, including matters concerning TRS quality. The Commission proposes to dissolve the existing TRS Fund Council. Given that rate methodology decisions currently are made by the Commission, not the TRS Fund administrator, and that it is moving to a regime in which compensation rates for most VRS functions will be set by a contractual competitive bidding process, there will be less need for the Council under its current mission.

31. In place of the existing TRS Fund Council, the Commission proposes to direct the TRS Fund administrator to establish a new advisory committee to provide advice on specified matters related to the TRS program. With respect to VRS, it is intended that the advisory committee provide input to TRS program administrators, including the TRS Fund administrator, the iTRS Outreach Coordinator(s), the VRS access technology reference platform administrator, the TRS–URD administrator, and/or the neutral video communication service provider in the implementation of their responsibilities under this restructuring. The Commission seeks comment on which of the following areas should be included within the new advisory committee's focus: (1) Technology; (2) efficiency; (3) outreach; (4) user experience (reference functional equivalency requirement); (5) eligibility, registration, and verification; and (6) porting and slamming. In addition, comments are solicited on which specific matters within these general areas require input from an advisory committee.

32. *Composition of Proposed Committee's Membership.* The Commission invites input on the appropriate composition of the new advisory committee to ensure that all interested parties are fairly represented. It is believed that the committee should be comprised of consumers who stand to benefit from VRS, researchers, and entities paying into the fund—rather than providers that receive compensation for services. State administrators should also be included if this includes PSTN-based TRS. While it is expected that providers will have an opportunity to make their views known to the committee through open sessions held by the advisory committee, the Commission is concerned that with the change in the council's focus, provider membership in the committee would create a potential conflict of interest when the committee is making decisions regarding recommended technologies, outreach initiatives, quality of service improvements and the like. In addition, provider membership may lead to distracting discussions regarding the relative merits of competing provider services and technologies.

33. The Commission proposes that the Consumer and Governmental Affairs Bureau releases a PN seeking nominations for the new committee. Comments are sought on ways in which the proposed advisory committee may play a productive role in connection with the four proposed areas.

Consistent Regulations of All Forms of iTRS

34. With certain exceptions such as the treatment of iTRS access technology, this proceeding has focused on the structure and practices of the VRS program. There are, however, significant commonalities among VRS, IP Relay, and other forms of iTRS. Indeed, VRS and IP Relay already are subject to the same user registration requirements, both utilize the TRS numbering directory, and VRS and IP CTS now have comparable requirements for certification of eligibility. Indeed, many of the actions taken in the Report and Order to improve the efficiency and availability of the VRS program could be equally beneficial if applied to other forms of iTRS, and such application would further simplify the administration of the TRS program. The Commission therefore seeks comment on extending the structural reforms adopted in the Report and Order to all forms of Internet-based TRS.

35. *Registration and the TRS–URD.* The Commission has taken significant steps to reduce waste, fraud, and abuse in the IP Relay and IP CTS programs in the last year. As is the case with VRS, however, the Commission lacks a definitive count of the number of unique, active users of each service, hindering the ability of the Commission and the TRS Fund administrator to conduct audits and determine compliance with the Commission's rules. The Commission therefore proposes to require each iTRS provider to provide users with the capability to register with that iTRS provider as a ''default provider,'' to populate the TRS–URD with the necessary information for each registered user, and to query the database to ensure each user's eligibility for each call. Given that deaf and hard of hearing Americans may use multiple forms of iTRS, what modifications to the TRS–URD, if any, are necessary to accommodate IP Relay and IP CTS data in the TRS–URD? Should the Commission modify or waive its registration requirements as they pertain to NANP numbers in light of the distinct technical and regulatory issues posed by IP CTS?

36. *Certification and Verification Requirements.* The Commission has adopted detailed eligibility certification and verification requirements for IP CTS and VRS to ensure that the use of those services is limited to those who have a hearing or speech disability. *e.g. Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 13–24 and 03–123, (*IP CTS Report and Order*); published at 78 FR 8030, March 7, 2013. Comment is sought on extending these certification and verification requirements to IP Relay. What criteria should be established when determining a user's eligibility for IP Relay? The Commission previously has required IP Relay providers to take reasonable measures to verify the registration information of new IP Relay registrants. *Misuse Of Internet Protocol (IP) Relay Service; Telecommunications Relay Services And Speech-To-Speech Services For Individuals With Hearing And Speech Disabilities,* CG Docket Nos. 12–38 and 03–123, Order, (*2012 IP Relay Misuse Order*); published at 77 FR

43538, July 25, 2012. Is the information currently required for IP CTS or VRS eligibility certification sufficient for IP Relay, given the history of fraud in this program, or should additional information be required?

37. *Neutral Platform.* The Commission seeks comment on extending the capabilities of the neutral video communication service provider to other forms of iTRS. Would IP Relay and IP CTS benefit from the introduction of ''standalone'' providers of the CA service components of those services? To what extent might new providers of those services be induced to enter the market given the potential reduction of barriers to entry? Would it be appropriate to require provider certification consistent with its VRS rules? Would the availability of single communication service provider allow for or encourage the development of iTRS access technologies capable of delivering multiple forms of iTRS?

38. *Outreach.* The Report and Order initiates a national pilot program to conduct TRS outreach, and no longer allows IP Relay and VRS providers to include the cost of outreach in their yearly cost submissions. The Commission seeks comment on whether similar action is appropriate with regard to IP CTS. To what extent do IP CTS providers currently engage in outreach? Would it be more effective, as is the case with IP Relay and VRS, to conduct IP CTS outreach through a national outreach coordinator?

39. *Other Rules and Obligations.* To what extent should the Commission make applicable to all iTRS providers other VRS-specific rules and obligations adopted herein? Specifically, the general prohibitions on VRS provider practices causing discrimination, waste, fraud, and abuse would appear to be appropriate for application to IP Relay and IP CTS providers. Similarly, the rule on VRS provider compliance plans appears to be appropriate for application to IP Relay and IP CTS providers, and the rules on prevention of slamming appear to be appropriate for application to IP CTS providers. Comment is sought on whether to make these provisions of its rules applicable to all iTRS providers.

Disaggregation of Emergency Calls to 911

40. In the *2011 VRS Reform FNPRM,* the Commission sought comment on whether the proposed changes to a per-user rate methodology and the elimination of the dial-around feature necessitate modifications to VRS emergency calling requirements. These requirements direct VRS providers to transmit all calls to 911, along with the automatic number identification, the caller's registered location, the VRS provider's name, and the CA identification number for each call, to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority serving the caller's registered location. 47 CFR 64.605(b)(2)(ii). Because the Report and Order does not adopt the proposed per-user compensation model, the Commission no longer needs to consider the impact that a change in rate methodology would have on its mandates for emergency calling. Nevertheless, in an effort to improve the efficiency and effectiveness of emergency call handling for VRS users, the Commission invites comment on other ways to ensure that VRS users have access to 911 services that is functionally equivalent to 911 access available to the general population.

41. In particular, in line with the Commission's decision to disaggregate and contract for the provision of the video communication service components of VRS, as well as its proposal to partially include certain CA service components in a competitive bidding process, feedback is sought on whether the Commission should similarly transfer the VRS emergency call handling obligation to a single VRS contractor through a competitive bidding process. Given the urgent and specialized nature of such calls, the Commission asks for comment on the benefits to be gained by routing VRS 911 calls to pre-identified CAs who, under contract, would be specially trained to handle the safety and medical issues that typically characterize emergency calls. To what extent should CAs who handle emergency calls be integrated into general purpose VRS centers or separated out into centralized or regional call centers? In the event of a widespread emergency, should the Commission prescribe a means for addressing call handling if these specialized centers reach capacity?

42. It would also help the Commission to receive public comment on the average number of 911 calls that are made through VRS each month. To that end, commenters—both providers and consumers—are asked to indicate the average length of time that it takes to connect a 911 call made through VRS to the appropriate PSAP or emergency authority, as well as how this compares with making calls directly via voice or TTY. Should the Commission require that VRS calls to 911 be connected within a certain time frame, and, if so, what should that time frame be?

43. Under the Commission's rules, all CAs must be qualified interpreters, *i.e.,* capable of interpreting ''effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.'' 47 CFR 604(a)(1)(iv) of the Commission's rules. Should CAs who handle emergency calls be required to take additional training to better equip them to address the specialized needs of consumers who make these calls? If so, what should the nature of this training be? Commenters are asked to describe the extent to which such training already is provided for the purpose of handling emergency VRS calls.

44. Finally, in March 2013, the Commission's Emergency Access Advisory Committee (EAAC), established under the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), released a report containing recommendations to facilitate effective communication for relay users who need to access 911. According to the EAAC, because current VRS providers have frequently improperly delivered or mishandled emergency calls it would be best to create nationally certified ''Media Communications Line Service,'' (MCLS) centers, that would provide ''translation service for people with disabilities and telecommunicators using video, voice, text and data during NG [next generation] 911 calls.'' The Commission seeks further information about the nature of these proposed centers and in particular, how their services would interface with VRS and other forms of TRS, whether their services should be provided by a single national entity or through regional centers, and whether funding for such centers would be expected to come from the Fund or another source, such as local and state governmental programs supporting emergency 911 services. The EAAC Report also proposed regulatory changes for national and uniform standards for relay service providers in processing 911 calls, training protocols and performance criteria to achieve and maintain highly skilled CAs capable of handling crisis calls, the provision of stress management services for CAs, the availability of caller profiles, and compatibility between emergency call handling procedures by VRS providers and specifications established by the National Emergency Number Association (NENA). The Commission invites comment on each of these recommendations, the appropriateness of integrating any or all of the EAAC's proposals into the Commission's VRS program, and information on the costs

and benefits of adopting each of the EAAC's proposals.

Speed of Answer

45. In the Report and Order, the Commission establishes new benchmarks for the VRS speed of answer requirements. Specifically, as measured on a daily basis: (1) By January 1, 2014, VRS providers must answer 85 percent of all VRS calls within 60 seconds; and (2) by July 1, 2014, VRS providers must answer 85 percent of all VRS calls within 30 seconds. In document FCC 13–82 FNPRM, comment is sought on how the Commission should measure compliance with the new threshold. Specifically, the Commission proposes and seeks comment on the following formula to measure VRS speed-of-answer compliance: (Calls unanswered in 30 seconds or less + calls answered in 30 seconds or less)/(all calls (unanswered and answered)).

46. Alternatively, the Commission proposes and seeks comment on the following formula, which removes unanswered calls for which the caller ended the call prior to the threshold time. Under this formula, the provider's measured speed-of-answer performance would be unaffected by callers that do not give the CA enough time to answer the call within the threshold time period: (Calls answered in 30 seconds or less)/(All calls answered by a CA + Calls abandoned after more than 30 seconds).

47. As noted in the Report and Order, compliance will be determined on a daily basis. Calls will be considered as part of the measurement for the date when the call was handed off to the provider's system for purposes of establishing compliance with the VRS speed-of-answer requirements.

48. To enable the TRS Fund administrator to confirm the correct calculation of speed-of-answer performance, the Commission proposes that providers be required to submit to the TRS Fund administrator certain call detail record information. First, providers would submit an identifier for each inbound call that is unique and used only once and not reused in subsequent periods. Second, submissions would include, for each call, the date and time that each call arrives at the provider's network. Third, for each answered call, the submission would include the time when the first assigned CA answered the incoming call, to the nearest second. Fourth, for each call (including abandoned calls), the provider would submit the time, to the nearest second, that the incoming call ends. The Commission seeks comment on this proposed methodology for calculating and verifying speed-of-answer compliance for video relay service.

49. The Commission also seeks comment on whether to further reduce the permissible wait time for VRS calls by requiring calls to be answered 85 percent of the time within 10 seconds. Making this change would fully harmonize the permissible wait time for VRS with the permissible wait time for other forms of TRS. The Commission further proposes that, if adopted, compliance with this measurement continue to be determined on a daily basis. Feedback is requested on the benefits and the costs of adopting these proposals. Specifically, commenters are asked to address whether the proposed further reduction in the speed of answer would require VRS providers to hire additional CAs, and if so, what effect, if any, there would be on the per minute costs incurred by providers. Finally, commenters are asked to address whether adopting a phase-in period to implement this further reduction would facilitate any necessary hiring of additional interpreters and whether such a phase-in would help mitigate the effects of any additional costs that may be incurred to implement the change.

Administrative, Oversight, and Certification Rules

50. In the *2011 VRS Reform FNPRM,* the Commission sought comment on whether, if it should choose to adopt any of the options set forth therein, there should be changes in its rules relating to the TRS Fund, including (1) Modifying the rules on data that must submitted to or that may be collected by the TRS Fund administrator, (2) modifying the rules governing payments to TRS providers, eligibility for payments from the TRS Fund, and notice of participation in the TRS Fund, (3) modifying the rules governing the obligations of the TRS Fund administrator, Commission review of the TRS Fund administrator's performance, and treatment of TRS customer information, (4) modifications to TRS rules to ensure that they are enforceable, and (5) modifying or enhancing the TRS Fund administrator's authority to conduct audits. *See* 47 CFR 64.604(c)(5)(iii)(D) through (K), (7). The Commission has adopted some changes to these rules, as described above. The Commission seeks additional comment on whether further changes to these rules are necessary and appropriate to effectively implement those reforms.

51. Additionally, comment is invited on the following specific issues. Is the existing general grant of authority to the TRS Fund administrator to request information reasonably ''necessary to determine TRS Fund revenue requirements and payments'' sufficient? Should the Commission explicitly require providers to submit additional detailed information, such as information regarding their financial status?

52. The Commission also seeks comment on whether there should be changes in its rules relating to the certification of VRS providers and/or other iTRS providers, in order to effectively implement the reforms adopted in the accompanying order. For example, Section V.E of the Report and Order creates a new category of VRS providers—standalone VRS CA service providers, which will not be required to own their own platforms for automatic call distribution and routing. Because the Commission's existing VRS rules do require the ownership or lease of such technology, they consequently require applicants for certification to provide both a description of the equipment used for this purpose, as well as the proofs of purchase, leases or license agreements of technology and equipment used to support their call center functions—including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration. The Commission proposes to modify its VRS certification rules to eliminate such requirements and seek comment on this proposal. In addition, it seeks comment on whether and how to modify its VRS certification rules to ensure that standalone VRS CA service providers meet high standards of service and to eliminate incentives and opportunities for waste, fraud, and abuse by such providers. For example, should such providers be required to have certain levels of expertise or experience in the provision of interpreting services, and if so what should these levels be—for example, should such applicants be required to have provided interpreter services for a certain number of years, and if so, for how long? Should such providers be required to have prior experience in the provision of TRS or VRS? Should the Commission adopt specific requirements to ensure the financial stability of such applicants? To what extent should the Commission consider the impact that certifying a standalone provider may have on the availability of community interpreting services in the areas served by that provider? To what extent should the Commission consider the existence of non-competitive measures, such as non-compete contractual clauses for CAs

who provide sign language functions, in determining certification for either standalone VRS CA service providers or integrated VRS providers? The Commission welcomes other comments on considerations that the Commission should take into consideration when certifying such standalone entities or integrated providers.

Restructuring Section 64.604

53. In the *2011 VRS Reform FNPRM,* observing that § 64.604 of the Commission's rules has become somewhat unwieldy since it was adopted in 2000, the Commission sought comment on whether, the provisions in that section should be reorganized. *2011 VRS Reform FNPRM.* The Commission also sought comment on whether it should separate § 64.604 of the Commission's rules into service-specific rules (*e.g.,* VRS, speech-to-speech, captioned telephone relay service), transmission-specific rules (*i.e.,* PSTN-based TRS vs. iTRS), or adopt some other structure. The Commission now proposes to revise the structure of its rules so that they are service-specific and transmission-specific, where appropriate, and seeks additional comment on this proposed structural approach and related issues. For example, it would be preferable, from the perspective of clarity and convenience of access, for all rules applicable to each service to be placed in a single section dedicated to that service? Alternatively, would it be more desirable for the rules to be segregated by category—e.g. operational standards, emergency calling, registration, etc.—with each service addressed in a subsection of the rule for a particular category?

Use of Consumer Information

54. The Commission is adopting a number of privacy protections for users of TRS services. The Consumer Groups proposed that the Commission prohibit a relay provider from using CPNI to contact a relay user for political and regulatory advocacy purposes, unless the user opts in to such contacts. The Consumer Groups argue that just as voice telephone users do not receive political and regulatory advocacy messages when using the telephone, the Commission should emphasize that TRS providers, while permitted to advocate such issues on their Web sites, may not advocate these issues or promote or advertise anything, on Web pages that must be navigated to make a relay call. The Commission seeks comment on the Consumer Groups' proposal in this regard. Would the proposed restrictions advance section 225's functional equivalency mandate as the Consumer Groups appear to suggest? Would they otherwise be consistent with the Act and with the First Amendment? What are the relative costs and benefits of such requirements? Are there other rules governing TRS providers' use of customer information that the Commission should consider?

Unjust and Unreasonable Practices

55. In the Report and Order, the Commission adopts a rule modeled on section 202(a) of the Act designed to address impermissible discrimination by VRS providers, as well as a rule intended to prevent practices that cause or encourage unauthorized or unnecessary use of relay services. Building on those steps, the Commission seeks comment on whether to adopt a rule implementing section 225 of the Act that would prohibit unjust and unreasonable practices for or in connection with TRS services. Like the rule modeled on section 202(a) of the Act, this rule would be modeled on section 201(b) of the Act, and the interpretation of that rule could be informed by the Commission's common carrier precedent under section 201(b) of the Act. Comment is sought on the need for such a rule, as well as the Commission's authority to adopt such a requirement. Would such a requirement advance the statutory mandate for functional equivalency, consistent with the Commission's section 225(d)(1)(A) of the Act, authority to ''prescribe regulations to implement this section, including regulations that—(A) establish functional requirements, guidelines, and operations procedures for telecommunications relay services. . .''? 47 U.S.C. 225(d)(1)(A). Would such a rule be consistent with prior Commission decisions interpreting section 225(d)(1)(E) of the Act and its legislative history? Is there other authority that would provide a basis for the Commission to adopt such a rule? Are there alternative rules that the Commission should consider in this regard, and if so, how should they operate?

Temporary Registration

56. When the Commission directed VRS and IP Relay providers in the *Second Internet-Based TRS Numbering Order* to implement a reasonable means of verifying registration and eligibility information, the Commission added that, ''to the extent technically feasible, Internet-based TRS providers must allow newly registered users to place calls immediately,'' even before completing the verification of such individuals. *Telecommunications Relay Services, Speech-to-Speech Services, E911 Requirements for IP-Enabled Service Providers,* CG Docket No. 03–123, (*Second Internet-Based TRS Numbering Order*); 73 FR 79683, published December 30, 2008, at 79687. In permitting such temporary use of VRS and IP Relay by new registrants, the Commission responded to comments by a coalition of consumer groups, who were concerned that legitimate VRS and IP Relay users would be cut off from service during the transition to the new ten-digit numbering and registration system. In order to enable users to make calls under this ''guest user'' procedure, some providers have been giving users temporary ten-digit numbers and provisioning these numbers to the iTRS Directory. These numbers were allowed to remain valid for the purpose of making VRS and IP Relay calls until such time that the users' identifying information was authenticated or rejected.

Access to Video Mail

57. In 2012, in an effort to address concerns of rampant use of IP Relay by people who did not have hearing or speech disabilities, the Commission prohibited IP Relay providers from handling non-emergency calls made by new IP Relay registrants prior to taking reasonable measures to verify their registration information. *Misuse of Internet Protocol (IP) Relay Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing And Speech Disabilities,* CG Docket Nos. 12–38 and 03–123, (*2012 IP Relay Misuse Order*); published at 77 FR 43538, July 25, 2012. The Commission found that although there may have been some value in allowing unverified users to make calls for a short period of time during the Commission's transition to the IP Relay registration system, the Commission was concerned that reliance on the guest user procedure had resulted in abuse of the IP Relay program by unauthorized IP Relay users. In addition, the Commission was concerned that unverified users had remained in the iTRS numbering directory—and made repeated IP Relay calls—for extended periods of time, despite the obligation of IP Relay providers to institute procedures to verify the accuracy of registration information.

58. In view of the fact that it is now approximately three and a half years since the transition period to ten-digit numbering has ended, the Commission questions whether there is still any reason to continue the guest user procedure for VRS. The Commission

therefore proposes to prohibit VRS providers from handling non-emergency calls made by new VRS registrants prior to verification of their registration information and seek comment on its proposal. In particular, commenters are asked to weigh the costs and benefits of continuing the guest user procedure for VRS against the costs and benefits of eliminating the procedure.

Access to Video Mail

59. The Commission proposes to amend its rules to explicitly require that, if a VRS provider offers a video mail feature to its customers, the provider must ensure that video mail messages can be left by point-to-point callers who are customers of other VRS providers and are using access technology provided by such other providers. As the Commission has previously noted, point to point calls, while not relay calls, do constitute an important form of communication for many VRS users, and any loss of basic functionality for these calls is not acceptable. Therefore, the Commission has ruled that all default providers must support the ability of VRS users to make point-to-point calls without the intervention of an interpreter. Such interoperability is intended to ensure that VRS users can make point-to-point calls to all other VRS users, irrespective of the default provider of the calling and called party. *See* 47 CFR 64.611(e) of the Commission's rules. The Commission also seeks comment on whether the Commission's authority extends to this type of rule

60. The Commission believes that a VRS provider's failure to allow other providers' customers to leave video mail messages causes significant degradation in the value of point-to-point video communication capabilities for all VRS users. It seeks comment on this point, on the percentage of VRS customers who currently have video mail boxes, and on the extent to which customers currently encounter difficulties in attempting to leave messages in video mail boxes of customers registered with other providers. In addition, comment is sought on the extent to which the failure of a provider to allow such messages to be left could endanger a consumer's safety or health, and on whether such failure may unfairly discourage a consumer from switching from one default VRS provider to another.

61. Finally, the Commission seeks comment on the extent to which any new or changed technical standards are necessary to ensure that video mail messages can be left in another provider's mail box, beyond the standards necessary to ensure interoperability of point-to-point calling generally. To the extent that any new or changed standards are needed, comment is also sought on the appropriate forum for developing such standards and on the content of such standards.

Non-Competition Agreements in VRS CA Employment Contracts

62. In 2007, a coalition of five VRS providers petitioned the Commission for a declaratory ruling to prohibit VRS providers from using non-competition agreements in VRS CA employment contracts that limit the ability of VRS CAs to work for competing VRS providers after the VRS CAs terminate their employment with their current employer. Petitioners argued that non-competition agreements are overly broad, harm the VRS market, and are contrary to the public interest. The Commission placed the petition on public notice, and received five comments and two reply comments from organizations and providers. In addition, 109 individual consumers and interpreters submitted comments. Since then, several additional *ex parte* communications on this issue have been filed with the Commission. All commenters except Sorenson and one individual have supported the Coalition Petition. In a recent *ex parte* communication, Purple maintains that such non-competition agreements are contrary to the public interest because they artificially remove VRS CAs from the labor pool, resulting in higher interpreter costs and limiting the ability of VRS companies to compete in the market place, thereby depriving consumers of the full benefits of competition. However, Sorenson, which makes use of such agreements, maintains that they increase the pool of available VRS CAs because they encourage Sorenson to invest in training new VRS CAs, knowing that competitors will not hire away Sorenson's newly-trained CAs.

63. The Commission seeks comment on the extent to which these non-competition agreements have an adverse effect on the provision of VRS, and to the extent that they do, whether the Commission should prohibit these agreements in VRS CA employment contracts. What are the benefits or disadvantages of allowing or prohibiting these agreements? The Commission is especially interested in understanding any harm that these agreements may cause for VRS providers or consumers. Do non-competition agreements limit the pool of VRS CAs that are available to VRS providers? If so, does any such limitation affect the ability of VRS providers to effectively compete in the marketplace? To what extent do these agreements have an impact on the level of compensation paid to VRS CAs, and consequently, the cost of providing VRS? Do the agreements affect speed of answer, accuracy or other quality of service metrics for VRS users? As an alternative to an outright prohibition on non-competition agreements, should the Commission limit the scope of such agreements? If so, how? Commenters are asked to address the costs and benefits of prohibiting or limiting such agreements and how such costs and benefits would affect the TRS Fund. Commenters should support their positions with data to the extent possible. The Commission also asks commenters to address possible sources of authority for the Commission to regulate or prohibit VRS Relay CA non-competition agreements, and seeks feedback on any other matter that might assist the Commission in determining whether and how to regulate these agreements.

CAs Working from Home Environments During Overnight Hours

64. In the *VRS Call Practices R&O* the Commission found that allowing VRS CAs to work from home poses more risks than benefits, and consequently adopted a rule prohibiting VRS CAs from handling relay calls from a location used primarily as their home. *Structure and Practices of the Video Relay Service Program,* CG Docket No. 10–51, (*VRS Call Practices R&O*); published at 76 FR 24393, May 2, 2011, at 24395. The Commission was particularly concerned that the unsupervised home environment is more conducive to fraud than a supervised call center with on-site management. The Commission also concluded that compliance with its mandatory minimum requirements, including the expectation of user privacy, and its technical standards, including requirements for redundancy features, uninterruptible power for emergency use, and the ability to handle 9–1–1 calls, might be compromised in the home environment. Lastly, the Commission was concerned that CAs working in the home environment might not be able to meet service quality standards. Notwithstanding these concerns, the Commission explained that it remained open to revisiting the issue of at-home VRS call handling if, in the future, the Commission determines that ''home-based VRS can be provided in a manner that meets all of the Commission's requirements.'' *Id.* at 24395.

65. In August 2011, CSDVRS filed a petition for partial waiver of the above

prohibition for a maximum of 10 percent of its active VRS CAs on duty and a maximum of 10 percent of CSDVRS's VRS call volume to address its concern for the safety of CAs who work during overnight hours. According to CSDVRS, its remote interpreting program ensures the safety of VRS interpreters, strictly adheres to mandatory minimum TRS standards, utilizes failsafe monitoring to prevent fraud, and ensures that CSDVRS' service to consumers is not interrupted or otherwise degraded by an inability to provide adequate support. CSDVRS further alleges that its at-home interpreting service provides sufficient safeguards against fraud; security for CAs working at home during off-hours because the CAs do not need to report to an office building; and more opportunities to recruit CAs. Finally, CSDVRS argues that it has taken steps to ensure confidentiality, redundancy, the handling of emergency calls, and service quality.

66. The Commission seeks comment on whether it should permit VRS CAs to work from home during the overnight hours when the safety and security of CAs may be endangered from travelling to or from VRS call centers. It asks commenters to address these safety concerns and to propose specific hours when CAs may be permitted to work from home. It also asks commenters to identify rules needed to ensure appropriate safeguards against fraud and to ensure that all of the Commission's mandatory minimum standards and technical standards are met. In particular, commenters are asked to address the concerns expressed by the Commission in the *VRS Call Practices R&O* with regard to privacy, redundancy, uninterruptable power, emergency calling, and service quality, and what measures need to be taken to ensure that functional equivalency is achieved if CAs were to be permitted to work from home during overnight hours. The Commission also asks commenters to address the costs and benefits of permitting CAs to work from home on this limited basis.

Initial Regulatory Flexibility Certification

67. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in document FCC 13–82 FNPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in document FCC 13–82. The Commission will send a copy of document FCC 13–82, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

68. Under Title IV of the Americans with Disabilities Act (ADA), the Commission must ensure that relay services ''are available, to the extent possible and in the most efficient manner'' to persons in the United States with hearing or speech disabilities. Section 225 of the Act defines TRS as a service provided in a manner that is ''functionally equivalent'' to voice telephone services and directs the Commission to establish functional requirements, minimum standards, and other regulations to carry out the statutory mandate. In addition, the Commission's regulations must encourage the use of existing technology and must not discourage the development of new technology. Finally, the Commission must ensure that TRS users ''pay rates no greater than the rates paid for functionally equivalent voice communication services.'' To this end, the costs of providing TRS on a call are supported by shared funding mechanisms at the state and federal levels. The federal fund supporting TRS is the interstate Telecommunications Relay Services Fund (TRS Fund or Fund), which is managed by the TRS Fund administrator, subject to the oversight of the Commission. Video relay service (VRS) is a form of TRS that allows persons with hearing or speech disabilities to use sign language to communicate in near real time through a communications assistant (CA), via video over a broadband Internet connection.

69. In the Report Order, as an important first step in its reforms, the Commission has identified certain discrete areas in which it can explore a new approach of relying on the efforts of one or more non-VRS provider third parties, either in whole or in part, to carry out the Commission's VRS policies. Specifically, the Commission establishes mechanisms:

- To enable research designed to further the Commission's multiple goals of ensuring that TRS is functionally equivalent to voice telephone services and improving the efficiency and availability of TRS;
- For a two-to three year pilot Internet-based TRS (iTRS) National Outreach Program (iTRS–NOP) and to select one or more independent iTRS Outreach Coordinators;
- For the development and deployment of a VRS access technology reference platform;
- To contract for a central TRS–URD which incorporates a centralized eligibility verification requirement to ensure accurate registration and verification of users, to achieve more effective fraud and abuse prevention, and to allow the Commission to know, for the first time, the number of individuals that actually use VRS; and
- To contract for a neutral party to build, operate, and maintain a neutral video communication service platform, which will allow eligible relay interpretation service providers to compete as VRS providers.

70. The Commission also includes in document FCC 13–82 Report and Order incremental measures to improve the efficiency of the program, help protect against waste, fraud, and abuse, improve its administration of the program, and to generally ensure that VRS users' experiences reflect the policies and goals of section 225 of the Act. Specifically, the Commission:

- Adopts a general prohibition on practices resulting in waste, fraud, and abuse;
- Requires providers to adopt regulatory compliance plans subject to Commission review;
- Amends the VRS speed of answer rules by reducing the permissible wait time for a VRS call to be answered within 30 seconds, 85 percent of the time, to be measured on a daily basis;
- Adopts rules to protect relay consumers against unauthorized default provider changes, also known as ''slamming,'' by VRS and Internet Protocol (IP) Relay providers;
- Adopts rules to protect the privacy of customer information relating to all relay services authorized under section 225 of the Act and to point-to-point video services offered by VRS providers;
- Adopts permanent rules requiring that providers certify, under penalty of perjury, that their certification applications and annual compliance filings required under § 64.606(g) of the Commission's rules are truthful, accurate, and complete; and
- Adjusts a volume-based three-tier rate structure by modifying the tier boundaries and calling for a series of incremental rate reductions, every six months, over a four-year period.

71. In the FNPRM, the Commission seeks comment on a series of proposals to further improve the structure and efficiency of the VRS program, to ensure that it is available to all eligible users and offers functional equivalence—particularly given advances in commercially-available technology—

and is as immune as possible from the waste, fraud, and abuse that threaten the long-term viability of the program as it currently operates.

72. In the FNPRM, the Commission proposes to replace cost-of-service ratemaking with a more market-based approach by establishing a compensation rate for the provision of VRS communications assistant (CA) service through an auction process. Specifically, the Commission proposes to auction contracts to VRS providers to provide service to those governmental agencies and businesses that receive a substantial volume of VRS calls. The proposal, if adopted would provide for the winners of these auctions to receive the contracts to provide VRS to those agencies and businesses, and the rates for all other VRS traffic would be based on the rates of these competitively bid contracts.

73. In the FNPRM, the Commission also seeks comment on whether there should be changes to the Commission's rules relating to certification of VRS providers and/or other iTRS providers, including whether to modify the rules to ensure that standalone VRS CA service providers meet high standards of service and to eliminate incentives and opportunities for waste, fraud, and abuse. To this end the Commission asks whether there should be requirements for certain levels of expertise or experience in the provision of interpreting services; requirements of prior experience in the provision of TRS or VRS; and requirements to ensure financial stability. The FNPRM asks whether the Commission should consider the impact of certifying the standalone provider on the availability of community interpreting services. In addition, the FNPRM asks whether the certification application should ask for information regarding whether interpreter employment contracts for both standalone CA service providers and integrated VRS providers include non-compete clauses.

74. The Commission also seeks comment in the FNPRM on whether to extend the structural reforms and other rules adopted in the Report and Order with regard to VRS to other forms of Internet-based TRS (iTRS). These would include:

- Extending use of the TRS–URD to IP Relay and Internet Protocol captioned telephone service (IP CTS);
- Extending user certification and verification requirements to IP Relay;
- Extending the capabilities of the neutral video communication service provider to IP Relay and IP CTS;
- Conducting IP CTS outreach through a national outreach coordinator;
- Extending the general prohibitions on discrimination, waste, fraud, and abuse to IP Relay and IP CTS;
- Extending the rules on compliance plans to IP Relay and IP CTS;
- Extending the prohibitions on slamming to IP CTS; and
- The extent to which other VRS-specific rules should be extended to other forms of iTRS.

75. In the FNPRM, the Commission also seeks comment on a number of other issues as follows:

- Whether to adopt a mechanism whereby providers could seek to recover the actual reasonable costs of complying with certain of the new requirements adopted in the Report and Order;
- The appropriate budget and funding mechanism for research contracting to improve the efficiency and availability of TRS;
- Whether to match the periodicity of filing requirements from the TRS Fund administrator proposing contribution factors to the Commission for the TRS Fund to those of the Universal Service Fund (currently quarterly) rather than annually;
- Whether to permit hearing individuals to obtain ten-digit phone numbers that would allow them to make point-to-point video calls to VRS users, so long as TRS Funds are not used to subsidize such service;
- Whether to replace the current TRS Fund Advisory Council, which advises the TRS Fund administrator on TRS cost recovery matters, with a new advisory council that would provide advice and recommendations to the iTRS database administrator on technology, efficiency, outreach, and user experience;
- Whether to transfer the VRS emergency call handling obligation to a single VRS contractor through a competitive bidding process;
- The methodology for measuring compliance with the new VRS speed of answer requirements and whether to further reduce the permitted speed of answer time for VRS to 10 seconds for 85 percent of the calls;
- Whether the existing grant of authority to the TRS Fund administrator to request information reasonably ''necessary to determine TRS Fund revenue requirements and payments'' is sufficient, or whether the Commission should explicitly require TRS providers to submit additional detailed information, such as information regarding their financial status (*e.g.,* cash flow to debt ratio);
- Whether to separate § 64.604 of the Commission's rules into service-specific rules or transmission-specific rules or to adopt some other structure;
- Whether to prohibit TRS providers from using Customer Proprietary Network Information (CPNI) for the purpose of contacting TRS users for political and advocacy purposes, unless the user affirmatively agrees to such contacts through an opt-in procedure;
- Whether to adopt a rule implementing section 225 of the Act that would prohibit unjust and unreasonable practices on the part of TRS providers and would be modeled after section 201(b) of the Act, which prohibits unjust and unreasonable practices on the part of common carriers;
- Whether to terminate the ''guest user'' procedure for VRS, which requires VRS providers to provide temporary service to users while verification of the user's eligibility is pending;
- Whether to explicitly require that, if a VRS provider offers a video mail feature to its customers, the provider must ensure that video mail messages can be left by point-to-point video callers who are customers of other VRS providers and are using access technology provided by such other providers;
- Whether to prohibit non-competition agreements in VRS CA employment contracts;
- Whether to permit VRS CAs to work from home during the overnight hours.

76. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

77. The Commission believes that the entities that may be affected by the proposed rules are VRS providers and other TRS providers that are eligible to receive compensation from the TRS Fund. Neither the Commission nor the SBA has developed a definition of ''small entity'' specifically directed toward TRS providers. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers, for which the small business size standard is all such firms having 1,500 or fewer employees. Currently, there are ten TRS providers that are

authorized by the Commission to receive compensation from the Fund. Six of these entities may be small businesses under the SBA size standard.

78. If the Commission were to adopt a mechanism whereby providers could seek to recover the actual reasonable costs of complying with certain of the new requirements adopted in the Report and Order, providers, including small entities, would be subject to the recordkeeping and reporting requirements associated with such cost recovery.

79. If the Commission were to adopt an auction process to award contracts to provide service to part of the VRS market, VRS providers, including small entities, may wish to participate. Such participation would entail compliance with the various filing, reporting, recordkeeping and bidding requirements associated with the action process.

80. If the Commission were to adopt additional certification requirements for VRS providers and/or other iTRS providers, small entities would be subject to the qualification, reporting, recordkeeping and other compliance obligations. Additional qualification and/or reporting requirements might include certain levels of expertise or experience in the provision of interpreting services, prior experience in the provision of TRS or VRS, assurances of financial stability, including the provision of financial information, the anticipated impact on the availability of community interpreting services, and whether interpreter employment contracts include non-compete clauses.

81. If the Commission were to extend the use of the TRS–URD to IP Relay and IP CTS, providers of those services, including small entities would be required to collect certain information from consumers and enter that information in the TRS–URD. However, the TRS–URD would actually reduce the regulatory burden on IP Relay and IP CTS providers, including small entities, because (1) the providers would no longer be required to verify user information, which would be accomplished centrally by a single entity contracted by the Commission, and (2) the providers would have reduced burdens when collecting information from users who switch providers, because the user information of those consumers would already be in the database.

82. If the Commission were to extend user certification and verification requirements to IP Relay, there would be no additional compliance obligations imposed on IP Relay providers, including small businesses, because the user certification and verification would be managed centrally by a Commission-contracted entity.

83. If the Commission were to extend to IP Relay and IP CTS providers, including small entities, the option to use the platform of the neutral video communication service provider for network operations, such providers would be able to operate more efficiently because they would be relieved of the obligation to provide their own communication service platform. Although providers, including small entities, who elect to continue to operate their own communication service platform, would be required to ensure that such platform is interoperable with the platform of the neutral communication service provider, the interoperability requirement would benefit small entities because the interoperability requirement would facilitate their ability to compete with larger providers.

84. If the Commission were to extend to IP Relay and IP CTS providers, including small entities, the general prohibition on practices resulting in waste, fraud, and abuse, this would in effect be a codification and clarification of the already existing prohibition on such practices. Therefore, no new regulatory compliance obligations would be imposed.

85. If the Commission were to extend to IP Relay and IP CTS providers, including small entities, the requirement to adopt regulatory compliance plans, submit such plans to the Commission and certify that they are in compliance, these additional requirements would result in new reporting, recordkeeping, and compliance requirements for such providers.

86. If the Commission were to extend to IP CTS providers, including small entities, the rules to protect consumers against unauthorized default provider changes, also known as ''slamming,'' such requirements would result in additional regulatory compliance requirements for such providers.

87. If the Commission were to require the TRS Fund administrator to propose changes to the Fund contribution factor with the same periodicity as is done with the Universal Service Fund (currently quarterly) rather than annually, such requirement may impose on TRS providers receiving compensation form the Fund, including small entities, a requirement to submit to the Commission their usage projections quarterly rather than annually.

88. If the Commission were to permit hearing individuals to obtain ten-digit phone numbers that would allow them to make point-to-point video calls to VRS users, VRS providers, including small entities, would be obligated to register and provide service to hearing users. Since it would be prohibited to use TRS Funds to subsidize such service, VRS providers, including small entities, either would absorb the cost of providing such service or would collect payments for service from the hearing users. Thus, such change in regulations would impose additional compliance obligations on VRS providers, including small entities.

89. If the Commission were to transfer the VRS emergency call handling obligation to a single VRS contractor through a competitive bidding process, VRS providers, including small entities, that desire to provide emergency call handling would have the additional regulatory obligation of participating in a competitive bidding process. However, those VRS providers, including small entities, that do not desire to provide emergency call handling, would be relieved of such obligations.

90. If the Commission were to adopt new regulations regarding the methodology for measuring compliance with the new VRS speed of answer requirements or if the Commission were to further reduce the permitted speed of answer time for VRS to 10 seconds for 85 percent of the calls, VRS providers, including small entities, would be obligated to comply with such regulations.

91. If the Commission were to explicitly require TRS providers, including small entities, to submit additional detailed information to the Commission, such as information regarding their financial status (*e.g.,* cash flow to debt ratio), the Commission would be imposing additional reporting requirements on such providers.

92. If the Commission were to restructure § 64.604 of its rules, such restructuring would not impose additional regulatory obligations on TRS providers, including small entities.

93. If the Commission were to prohibit TRS providers, including small entities, from using CPNI for the purpose of contacting TRS users for political and advocacy purposes, unless the user affirmatively agrees to such contacts through an opt-in procedure, this would impose additional regulatory compliance obligations on TRS providers, including small entities.

94. If the Commission were to adopt a rule that would prohibit unjust and unreasonable practices on the part of

TRS providers, it would impose additional regulatory compliance obligations on TRS providers, including small entities.

95. If the Commission were to terminate the ''guest user'' procedure for VRS, which requires VRS providers to provide temporary service to users while verification of the user's eligibility is pending, the change in rules would not impose new compliance requirements on VRS providers, including small entities, because VRS providers are already required to refuse service to unqualified individuals. The new requirements would simply expand the circumstances under which individuals would be denied service.

96. If the Commission were to explicitly require that, if a VRS provider offers a video mail feature to its customers, the provider must ensure that video mail messages can be left by point-to-point video callers who are customers of other VRS providers and are using access technology provided by such other providers, VRS providers, including small entities, would be obligated to comply with such regulations.

97. If the Commission were to prohibit non-competition agreements in VRS CA employment contracts, VRS providers, including small entities, would be obligated to comply with such regulations and would be subject to additional recordkeeping and reporting requirements if the Commission were to require that such information be included with certification applications and/or annual reports.

98. If the Commission were to permit VRS CAs to work from home during the overnight hours, it would reduce the regulatory burdens on VRS providers, including small entities, because VRS providers, including small entities, would be afforded more flexibility with VRS CA staffing.

99. The RFA requires an agency to describe any significant alternatives, specific to small entities, that it has considered in developing its approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

100. In general, alternatives to proposed rules are discussed only when those rules pose a significant adverse economic impact on small entities. In this context, however, the proposed rules generally confer benefits as explained below.

101. If the Commission were to adopt a mechanism whereby providers could seek to recover the actual reasonable costs of complying with certain of the new requirements adopted in the Report and Order, providers, including small entities, would be subject to the recordkeeping and reporting requirements associated with such cost recovery. However, because compliance with such requirements would result in cost recovery by providers, including small entities, small entities would benefit from such recordkeeping and reporting requirements.

102. If the Commission were to adopt an auction process to award contracts to provide service to part of the VRS market, VRS providers, including small entities, may wish to participate. Such participation would entail compliance with the various filing, reporting, recordkeeping and bidding requirements associated with the action process. However, those providers, including small entities, who were not interested in serving the market segments subject to the auction process would not be participating in the auction.

103. If the Commission were to adopt additional certification requirements for VRS providers and/or other iTRS providers, small entities would be subject to the qualification, reporting, recordkeeping and other compliance obligations. Additional qualification and/or reporting requirements might include certain levels of expertise or experience in the provision of interpreting services, prior experience in the provision of TRS or VRS, assurances of financial stability, including the provision of financial information, the anticipated impact on the availability of community interpreting services, and whether interpreter employment contracts include non-compete clauses. If the Commission were to adopt any such certification requirements, it would weigh the public interest benefits of the new requirements against the impact on VRS and other iTRS providers, including small entities, and would consider how to minimize the impact on small entities. For example, since the neutral video communication service provider would relieve small providers who elect to utilize the common platform of the qualification, reporting, recordkeeping and other compliance obligations associated with providing video communication service, those small entities could potentially have fewer regulatory burdens than larger entities utilizing their own video communication service platforms.

104. If the Commission were to extend the use of the TRS–URD to IP Relay and IP CTS, providers of those services, including small entities would be required to collect certain information from consumers and enter that information in the TRS–URD. However, the TRS–URD would actually reduce the regulatory burden on IP Relay and IP CTS providers, including small entities, because (1) the providers would no longer be required to verify user information, which would be accomplished centrally by a single entity contracted by the Commission, and (2) the providers would have reduced burdens when collecting information from users who switch providers, because the user information of those consumers would already be in the database.

105. If the Commission were to extend user certification and verification requirements to IP Relay, there would be no additional compliance obligations imposed on IP Relay providers, including small businesses, because the user certification and verification would be managed centrally by a Commission-contracted entity.

106. If the Commission were to extend to IP Relay and IP CTS providers, including small entities, the option to use the platform of the neutral video communication service provider for network operations, such providers would be able to operate more efficiently because they would be relieved of the obligation to provide their own communication service platform. Although providers, including small entities, who elect to continue to operate their own communication service platform, would be required to ensure that such platform is interoperable with the platform of the neutral communication service provider, the interoperability requirement would benefit small entities because the interoperability requirement would facilitate their ability to compete with larger providers.

107. If the Commission were to extend to IP Relay and IP CTS providers, including small entities, the general prohibition on practices resulting in waste, fraud, and abuse, this would in effect be a codification and clarification of the already existing prohibition on such practices. Therefore, no new regulatory compliance obligations would be imposed.

108. If the Commission were to extend to IP Relay and IP CTS providers, including small entities, the requirement to adopt regulatory compliance plans, submit such plans to the Commission and certify that they are in compliance, these additional requirements would result in new reporting, recordkeeping, and compliance requirements for such providers. In determining whether to enact any such requirements, the Commission would weigh the public interest benefits of the new requirements in curbing waste, fraud, and abuse and the need to control the expenditure of public funds against the impact on VRS and other iTRS providers, including small entities, and would consider how to minimize the impact on small entities. For example, since the neutral video communication service provider would relieve small providers who elect to utilize the common platform of the compliance plan obligations associated with providing video communication service, those small entities could potentially have fewer regulatory burdens than larger entities utilizing their own video communication service platforms.

109. If the Commission were to extend to IP CTS providers, including small entities, the rules to protect consumers against unauthorized default provider changes, also known as ''slamming,'' such requirements would result in additional regulatory compliance requirements for such providers. However, in addition to protecting consumers, these requirements would also protect IP CTS providers, including small entities, from unauthorized provider changes, thereby enhancing the ability of such entities to compete.

110. If the Commission were to require the TRS Fund administrator to propose changes to the Fund contribution factor with the same periodicity as is done with the Universal Service Fund (currently quarterly) rather than annually, such requirement may impose on TRS providers receiving compensation from the Fund, including small entities, a requirement to revise their usage projections more often than the current annual requirement. Although this change would impose an additional obligation on TRS providers, including small entities, the change would also benefit such providers due to the fact that more frequent revisions to the Fund contribution factor will help ensure that there are sufficient monies in the Fund to compensate providers. In determining whether to require TRS providers to revise their usage projections more often, the Commission will consider how to minimize the impact on small entities, such as considering whether to exempt small providers from providing quarterly more often and requiring only annual estimates from such small providers.

111. If the Commission were to permit hearing individuals to obtain ten-digit phone numbers that would allow them to make point-to-point video calls to VRS users, VRS providers, including small entities, would be obligated to register and provide service to hearing users. Since it would be prohibited to use TRS Funds to subsidize such service, VRS providers, including small entities, either would absorb the cost of providing such service or would collect payments for service from the hearing users. In determining whether to adopt these proposed regulatory changes, the Commission would weigh the benefits of facilitating communication between individuals with hearing and speech disabilities and individuals without such disabilities against the additional compliance obligations on VRS providers, including small entities.

112. If the Commission were to transfer the VRS emergency call handling obligation to a single VRS contractor through a competitive bidding process, VRS providers, including small entities, that desire to provide emergency call handling would have the additional regulatory obligation of participating in a competitive bidding process. However, those VRS providers, including small entities, that do not desire to provide emergency call handling, would be relieved of such obligations.

113. If the Commission were to adopt new regulations regarding the methodology for measuring compliance with the new VRS speed of answer requirements, VRS providers, including small entities, would be obligated to comply with such regulations. Such regulations would be in the public interest and would benefit VRS providers, including small entities, because they would provide additional certainty to VRS providers, including small entities, on how to comply with and report compliance with the VRS speed of answer requirements. If the Commission were to further reduce the permitted speed of answer time to 10 seconds for 85 percent of the calls, VRS providers, including small entities, would be required to comply with such regulations. Adopting such a requirement would be in the public interest because it would result in service to VRS consumers that would be comparable to the permitted speed of answer wait time for other forms of TRS and would be more functionally equivalent than a permitted wait time of 30 seconds for 85 percent of the calls. Nevertheless, in determining whether to further reduce the permitted speed of answer time, the Commission will consider how to minimize the impact on small entities, such as considering whether to phase-in a further reduction in permitted speed of answer time.

114. If the Commission were to explicitly require TRS providers, including small entities, to submit additional detailed information to the Commission, such as information regarding their financial status (*e.g.,* cash flow to debt ratio), the Commission would be imposing additional reporting requirements on such providers. In determining whether to enact such requirements, the Commission would weigh the public interest benefits of how these requirements would help combat waste, fraud, and abuse and help preserve the integrity of the TRS Fund against the impact of imposing such requirements on TRS providers, including small entities. In determining whether to require TRS providers to provide such information, the Commission will consider how to minimize the impact on small entities, such as considering the level of detail that would be required of small providers.

115. If the Commission were to restructure § 64.604 of its rules, such restructuring would not impose additional regulatory obligations on TRS providers, including small entities.

116. If the Commission were to prohibit TRS providers, including small entities, from using CPNI for the purpose of contacting TRS users for political and advocacy purposes, unless the user affirmatively agrees to such contacts through an opt-in procedure, this would impose additional regulatory compliance obligations on TRS providers, including small entities. In deciding whether to enact such requirements, the Commission would weigh the public interest benefits in protecting consumers from misuse of CPNI against the impact on TRS providers, including small entities, and would examine whether any such requirements would infringe on the First Amendment rights of TRS providers. For example, the Commission would consider whether there would be a difference in terms of the First Amendment between utilizing CPNI to help develop a contact list for political and advocacy purposes as compared to developing a contact list for political and advocacy purposes without the use of CPNI.

117. If the Commission were to adopt an explicit rule that would prohibit

unjust and unreasonable practices on the part of TRS providers, it would not likely impose additional regulatory compliance obligations on TRS providers, including small entities, because a prohibition on unjust and unreasonable practices is implicit in the current TRS requirements.

118. If the Commission were to terminate the ''guest user'' procedure for VRS, which requires VRS providers to provide temporary service to users while verification of the user's eligibility is pending, the change in rules would not impose new compliance requirements on VRS providers, including small entities, because VRS providers are already required to refuse service to unqualified individuals. The new requirements would simply expand the circumstances under which individuals would be denied service.

119. If the Commission were to explicitly require that, if a VRS provider offers a video mail feature to its customers, the provider must ensure that video mail messages can be left by video point-to-point callers who are customers of other VRS providers and are using access technology provided by such other providers, VRS providers, including small entities, would be obligated to comply with such regulations. However, such regulations would benefit small entities because the regulations would enhance the ability of small entities to compete by ensuring that point-to-point callers using the services of all VRS providers, including small entities, would be able to leave video mail messages with consumers using any VRS provider.

120. If the Commission were to prohibit non-competition agreements in VRS CA employment contracts, VRS providers, including small entities, would be obligated to comply with such regulations and would be subject to additional recordkeeping and reporting requirements if the Commission were to require that such information be included with certification applications and/or annual reports. However, such regulations would benefit small entities because the regulations would enhance the ability of small entities to compete by ensuring that all VRS providers, including small entities, would be able to hire VRS CAs without the pool of available VRS CAs being limited by non-competition agreements.

121. If the Commission were to permit VRS CAs to work from home during the overnight hours, it would reduce the regulatory burdens on VRS providers, including small entities, because VRS providers, including small entities, would be afforded more flexibility with VRS CA staffing.

Ordering Clauses

Pursuant to sections 1, 2, 4(i), (j), 225, 251 254 and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), (j) and (o), 225, 251, 254 and 303(r), document FCC 13–82 *is adopted.*

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of document FCC 13–82 including the Initial Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Reporting and recordkeeping requirements, Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–15925 Filed 7–2–13; 11:15 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[MB Docket No. 11–43; DA 13–1438]

Inquiry Regarding Video Description in Video Programming Distributed on Television and on the Internet

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; solicitation of comments.

SUMMARY: In this document, the Federal Communications Commission (Commission) solicits public comment on issues related to video description in video programming that is delivered via both television and the Internet. The comments received in response to these inquiries will inform a report to Congress required by the CVAA on the status, benefits, and costs of video description on television and Internet-provided video programming, which must be completed no later than July 1, 2014.

DATES: Comments may be filed on or before September 4, 2013, and reply comments may be filed on or before October 2, 2013.

ADDRESSES: You may submit comments, identified by MB Docket No. 11–43, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/*. Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Maria Mullarkey, *Maria.Mullarkey@fcc.gov,* of the Policy Division, Media Bureau, (202) 418–2120.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Public Notice in MB Docket No. 11–43, DA 13–1438, released on June 25, 2013. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/*. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Summary

1. By the Public Notice, the Media Bureau seeks comment on video description of video programming that is delivered via both television and the Internet. Pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA''), the

Commission released a *Report and Order*[1] on August 25, 2011, published at 76 FR 55585, September 8, 2011, reinstating the video description rules previously vacated by the U.S. Court of Appeals for the District of Columbia Circuit.[2] Under the reinstated rules, certain television broadcast stations and MVPDs have an obligation to provide video description for a portion of the video programming[3] that they offer to consumers. Video description is ''[t]he insertion of audio narrated descriptions of a television program's key visual elements into natural pauses between the program's dialogue.''[4] It makes video programming accessible to individuals who are blind or visually impaired. The Media Bureau seeks comment on specific inquiries related to video description in video programming that is delivered via both television and the Internet, as the CVAA requires.[5] The comments received in response to these inquiries will inform a report to Congress required by the CVAA on the status, benefits, and costs of video description on television and Internet-provided video programming, which must be completed no later than July 1, 2014.[6]

2. *Background.* The video description rules require commercial television broadcast stations that are affiliated with one of the top four commercial television broadcast networks and are located in the top 25 television markets to provide 50 hours per calendar quarter of video-described prime time or children's programming.[7] In addition, MVPD systems that serve 50,000 or more subscribers must provide 50 hours of video description per calendar quarter during prime time or children's programming on each of the top five national nonbroadcast networks that they carry on those systems.[8] The rules also impose video description ''pass through'' obligations on all network-affiliated broadcast stations regardless of market size,[9] and on all MVPDs regardless of the number of subscribers.[10] Any programming aired with video description must include video description if it is re-aired on the same station or MVPD channel. The video description rules were reinstated as of October 8, 2011, and broadcasters and MVPDs were required to be in full compliance with the video description requirements beginning on July 1, 2012.[11] Video description services for television are provided on a secondary audio stream, and typically a consumer can access video description through an on-screen menu provided by the home television receiver or set-top box. The Commission recently adopted rules requiring apparatus that is designed to receive, play back, or record video programming transmitted simultaneously with sound to make secondary audio streams available for video description services.[12] Those rules go into effect on June 24, 2013, except for the rules that require approval by the Office of Management and Budget.[13] In a separate rulemaking proceeding, the Commission recently issued a *Notice of Proposed Rulemaking* seeking comment on issues related to implementation of Sections 204 and 205 of the CVAA, which generally require that user interfaces on digital apparatus used to view video programming, as well as on-screen text menus and guides on navigation devices, be accessible to and usable by individuals who are blind or visually impaired.[14]

3. *Video Description in Television Programming.* Section 713(f)(3)(A) of the Communications Act of 1934 as amended (the ''Communications Act''), as added by the CVAA, directs the Commission to inquire about the following specific issues related to video description in television programming:

- The availability, use, and benefits of video description on video programming distributed on television;
- The technical and creative issues associated with providing such video description; and
- The financial costs of providing such video description for providers of

[1] *Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010,* Report and Order, 26 FCC Rcd 11847 (2011) (''*2011 Video Description Order*''). *See* 47 U.S.C. 613(f)(1)–(2).

[2] In 2000, the Commission adopted rules requiring certain broadcasters and multichannel video programming distributors (''MVPDs'') to carry programming with video description. *See Implementation of Video Description of Video Programming,* Report and Order, 15 FCC Rcd 15230 (2000) (''*2000 Video Description Order*''). The D.C. Circuit vacated the rules five months after they went into effect, on the ground that the Commission lacked authority to promulgate video description rules. *Motion Picture Ass'n of Am., Inc.* v. *FCC,* 309 F.3d 796 (D.C. Cir. 2002).

[3] In this context, ''video programming'' is defined as ''[p]rogramming provided by, or generally considered comparable to programming provided by, a television broadcast station, but not including consumer-generated media.'' 47 CFR 79.3(a)(4).

[4] *Id.* 79.3(a)(3).

[5] 47 U.S.C. 613(f)(3)(A)–(B). Congress directed the Commission to ''commence the . . . inquiries not later than 1 year after the completion of the phase-in of the reinstated regulations. . . .'' *Id.* 613(f)(3). Broadcasters and MVPDs were required to be in full compliance with the video description rules beginning on July 1, 2012. *See 2011 Video Description Order,* 26 FCC Rcd at 11864, para. 34. Thus, the inquiries must be commenced no later than July 1, 2013.

[6] 47 U.S.C. 613(f)(3) (requiring the Commission to report to Congress two years after the completion of the phase-in of the reinstated video description rules on the findings for the inquiries set forth in this section).

[7] 47 CFR 79.3(b)(1). *See 2011 Video Description Order,* 26 FCC Rcd at 11849, para. 4. Beginning July 1, 2015, full-power affiliates of the top four television broadcast networks located in markets 25 to 60 will also be subject to this requirement. *See* 47 CFR 79.3(b)(2); *2011 Video Description Order,* 26 FCC Rcd at 11856, para. 16.

[8] 47 CFR 79.3(b)(4). *See also 2011 Video Description Order,* 26 FCC Rcd at 11849–50, para. 4. For purposes of the video description rules, the top five national nonbroadcast networks include only those that reach 50 percent or more of MVPD households and have at least 50 hours per quarter of prime time programming that is not live or near-live or otherwise exempt under the video description rules. 47 CFR 79.3(b)(4). *See also 2011 Video Description Order,* 26 FCC Rcd at 11854–55, paras. 12–15. Thus, for purposes of the rules, the top five nonbroadcast networks are USA, the Disney Channel, TNT, Nickelodeon, and TBS. *2011 Video Description Order,* 26 FCC Rcd at 11854, para. 12. The list of top five networks will be reviewed every three years for changes in ratings. *Id.* at 11857, para. 18.

[9] Specifically, any broadcast station affiliated or otherwise associated with a television network must pass through video description when it is provided by the network, if the station has the technical capability necessary to do so and if that technology is not being used for another purpose related to the programming. 47 CFR 79.3(b)(3). *See also 2011 Video Description Order,* 26 FCC Rcd at 11850, para. 4.

[10] Similarly, MVPD systems of any size must pass through video description provided by a broadcast station or nonbroadcast network, if the channel on which the MVPD distributes the station or programming has the technical capability necessary to do so and if that technology is not being used for another purpose related to the programming. 47 CFR 79.3(b)(5)(i)–(ii). *See also 2011 Video Description Order,* 26 FCC Rcd at 11850, para. 4.

[11] *See 2011 Video Description Order,* 26 FCC Rcd at 11864, para. 34.

[12] *See Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010,* Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871, 4907, para. 49 (2013) (''*Emergency Information/Video Description Order*''). Covered entities must comply with the apparatus rules by May 26, 2015.

[13] *See* Public Notice, *Notice of Effective Date of New Emergency Information Rules and Emergency Information/Video Description Apparatus Rules and Announcement of Comment and Reply Comment Deadlines for Related Further Notice of Proposed Rulemaking,* DA 13–1240 (rel. May 29, 2013) (''*Effective Date PN*'').

[14] *See Accessibility of User Interfaces, and Video Programming Guides and Menus,* Notice of Proposed Rulemaking, MB Docket No. 12–108, FCC 13–77 (rel. May 30, 2013) (''*User Interfaces/Programming Guides NPRM*''). The *User Interfaces/Programming Guides NPRM* also seeks comment on the statutory requirement that certain devices must provide access to video description features through a mechanism reasonably comparable to a button, key, or icon. *Id.* at 19–20, para. 45. Any comments relating to these issues should be filed in MB Docket No. 12–108. Comments are due July 15, 2013, and reply comments are due August 7, 2013. *See* Public Notice, *Media Bureau Announces Comment and Reply Comment Deadlines for the Notice of Proposed Rulemaking Regarding Accessibility of User Interfaces and Video Programming Guides/Menus and Establishes Schedule for Ex Parte Meetings,* DA 13–1398 (rel. June 18, 2013).

video programming and program owners.[15]

In accordance with Congress' directive, we request comment on each of the issues set forth above, including information on pertinent developments since the video description rules were reinstated in October 2011. Specifically, we solicit data on the amount of video-described programming that is currently available to consumers on television, as well as the types of programming that are provided with video description. We seek comment on both programming that is video-described by covered entities to comply with the Commission's rules and programming that is video-described voluntarily. How much video-described programming is being provided voluntarily? We also seek comment on the extent to which consumers use video description services when viewing television programming, as well as the benefits to consumers of such services, including whether the benefits of video description extend to audiences without visual disabilities. Is the availability of video description indicated in program guides or other sources? [16] If it is, is it indicated audibly, and is there a common industry method to indicate that the program is video-described?

4. We seek comment on any technical or creative issues involved with the provision of video-described television programming, whether related to the creation, distribution, or viewing of such programming. We request information regarding the costs of providing video description for video programming on television. What financial costs have been incurred by program owners and video programming providers and distributors, particularly large market broadcast affiliates and large MVPDs that are currently subject to the requirements, to create and distribute video-described programming? What financial costs, if any, have been incurred by network-affiliated broadcast stations and MVPDs to comply with the video description pass through requirements? We further ask commenters to provide information on any other relevant legal and policy issues regarding the provision of video description in television programming that can help inform the Commission's report to Congress.

5. In the *2011 Video Description Order,* the Commission also indicated that it would revisit the need for providing an exception to the video description pass through requirements [17] and to the requirements applicable to subsequent airings of programs [18] when the technology used to provide video description is being used for other program-related content.[19] At that time, the Commission explained that eliminating the exception may lead covered entities to replace other program-related content (*e.g.,* foreign language audio) with video description on the secondary audio stream or, alternatively, to provide video description on a third audio stream tagged in a particular manner (*e.g.,* ''visually impaired''), which could make it difficult for consumers to access.[20] We seek comment on whether we should revisit the need for an exception for other program-related content. We note that the Commission has already addressed issues regarding the capacity to provide more than one audio stream in the *Emergency Information/Video Description Order* and concluded that it should not mandate more than two audio streams.[21] Apparatus are required to make video description available only on a secondary audio stream.[22] Further, in the *Emergency Information/Video Description Order,* the Commission adopted rules requiring that emergency information provided on a secondary audio stream supersede all other programming on the secondary audio stream, including video description.[23] We are not seeking to revisit these issues here.

6. *Video Description in Video Programming Distributed on the Internet.* Section 713(f)(3)(B) of the Communications Act also directs the Commission to make the following inquiry related to video description in video programming distributed on the Internet:

- The technical and operational issues, costs, and benefits of providing video descriptions for video programming that is delivered using Internet protocol (''IP'').[24]

In accordance with Congress' directive, we seek comment on the inquiry set forth above. We note that the Commission's video description regulations require video description only by certain television broadcast stations and MVPDs and that, at this time, the requirements do not apply to IP-delivered video programming that is not otherwise an MVPD service.[25] What technical and operational issues are involved with providing video descriptions for IP-delivered video programming? As noted above, the Commission recently adopted rules requiring certain apparatus to make secondary audio streams available for video description services.[26] Are there other technologies or functionalities that must be developed to accommodate the delivery of video-described programming on the Internet and to make such programming accessible to individuals who are blind or visually impaired? [27] What are the costs of providing video description for IP-delivered video programming and what are the benefits to consumers of making video-described programming available on the Internet? We also seek comment on the feasibility of enforcing video description requirements for IP-delivered video programming that is not provided by broadcast stations or MVPDs. We further ask commenters to

[15] 47 U.S.C. 613(f)(3)(A).

[16] *See 2011 Video Description Order,* 26 FCC Rcd at 11871–72, para. 51 (declining, at that time, ''to require that the availability of video description on certain programs be publicized in a certain manner,'' but stating the Commission's expectation ''that programmers, stations, and systems will provide this information to viewers in an accessible manner, including on their Web sites and to companies that publish television listings information''). *See also User Interfaces/Programming Guides NPRM* at 19–20, paras. 45–46.

[17] *See supra* notes 9–10.

[18] *See* 47 CFR 79.3(c)(3)–(4) (requiring certain television stations and MVPDs to include video description on subsequent airings for programs that have already aired with video description, ''unless it is using the technology used to provide video description for another purpose related to the programming that would conflict with providing the video description'').

[19] *See 2011 Video Description Order,* 26 FCC Rcd at 11863, para. 31.

[20] *See id.* In the *Further Notice of Proposed Rulemaking* (''*FNPRM*'') adopted with the *Emergency Information/Video Description Order,* the Commission inquires whether an audio stream containing video description should include a particular tag (*e.g.,* ''VI''). *See Emergency Information/Video Description Order,* 28 FCC Rcd at 4928–29, para. 85. Any comments relating to this issue should be filed in MB Docket Nos. 12–107, 11–43. Comments are due July 23, 2013, and reply comments are due August 22, 2013. *Effective Date PN* at 1.

[21] *See Emergency Information/Video Description Order,* 28 FCC Rcd at 4882–83, para. 14.

[22] *See id.* at 4907, para. 49.

[23] *See id.* at 4892–94, para. 26.

[24] 47 U.S.C. 613(f)(3)(B).

[25] In the pending *FNPRM,* the Commission is seeking comment on whether an MVPD system must comply with the video description rules when it permits its subscribers to access linear video programming via tablets, laptops, personal computers, smartphones, or similar devices. *See Emergency Information/Video Description Order,* 28 FCC Rcd at 4927–28, paras. 83–84. Any comments relating to these issues should be filed in MB Docket Nos. 12–107, 11–43. *See supra* note 20.

[26] *Id.* at 4907, para. 49.

[27] *See, e.g.,* Second Report of the Video Programming Accessibility Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010: Video Description, at 27–28 (Apr. 9, 2012), *available at http://vpaac.wikispaces.com/file/view/120409+VPAAC+Video+Description+REPORT+AS+SUBMITTED+4-9-2012.pdf.*

provide information on any other relevant legal and policy issues regarding the provision of video description on video programming distributed on the Internet that can help inform the Commission's report to Congress.

7. *Permit-but-Disclose.* The proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules.[28] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

8. *Comments and Replies.* Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments and Reply Comments may be filed using the Commission's Electronic Comment Filing System (''ECFS'').[29]

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

9. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

10. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

11. *Additional Information.* For additional information on this proceeding, contact Maria Mullarkey, *Maria.Mullarkey@fcc.gov*, of the Media Bureau, Policy Division, (202) 418–2120. Press contact: Janice Wise (202–418–8165; *Janice.Wise@fcc.gov*).

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2013–16019 Filed 7–3–13; 8:45 am]

BILLING CODE 6712–01–P

[28] 47 CFR 1.1200 *et seq.*

[29] *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

Notices

Federal Register
Vol. 78, No. 129
Friday, July 5, 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

Draft Environmental Assessment for the J. Phil Campbell, Senior, Natural Resource Conservation Center Land Transfer

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of the Draft Environmental Assessment for the J. Phil Campbell, Senior, Natural Resource Conservation Center Land Transfer.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the United States Department of Agriculture (USDA) has prepared a Draft Environmental Assessment (EA) for the proposed transfer of 1,070 acres of land at the J. Phil Campbell, Senior (JPC), Natural Resource Conservation Center (NRCC) from the USDA Agricultural Research Service (ARS) in Watkinsville, Georgia, to the University of Georgia (UGA) College of Agricultural and Environmental Sciences (CAES). This notice is announcing the opening of a 30-day public comment period.

DATES: Comments must be received on or before August 5, 2013.

ADDRESSES: You may submit comments related to the Proposed JPC–NRCC Land Transfer by any of the following methods: Email: *cal.mather@ars.usda.gov*, Fax: 309–681–6683. Mail: USDA–ARS–SHEMB, NCAUR, 1815 North University Avenue, Room 2016, Peoria, Ilinois 61604. Copies of the Draft EA for the JPC–NRCC Land Transfer are available for public inspection during normal business hours at the following locations:

- JPC–REC Headquarters, 1420 Experiment Station Road, Watkinsville, Georgia 30677
- Oconee County Public Library, 1080 Experiment Station Road, Watkinsville, Georgia 30677
- Athens-Clarke County Public Library, 2025 Baxter Street, Athens, Georgia 30606

FOR FURTHER INFORMATION CONTACT: Cal Mather, Environmental Protection Specialist, USDA–ARS–SHEMB, NCAUR, 1815 North University Street, Room 2016, Peoria, Illinois 61604; 309–681–6608.

SUPPLEMENTARY INFORMATION: The USDA is proposing to transfer 1,070 acres of land and facilities at the JPC–NRCC from USDA–ARS in Watkinsville, Georgia, to the UGA CAES. As a condition of the transfer, UGA would commit to using the property for agricultural and natural resources research for a period of 25 years, supporting the strategic goals of USDA and establishing a Beginning Farmers and Ranchers Program at the Property. UGA would assume responsibility and maintenance of the constructed facilities and land to be conveyed from USDA. The JPC–NRCC has been in operation as a USDA–ARS research station since 1937, with the mission ''to develop and transfer environmentally sustainable and profitable agricultural systems to landowners and managers in order to protect the natural resource base, build accord with non-agricultural sectors, and support healthy rural economies.'' The facility was closed under Public Law (Pub. L.) 112–55, Consolidated and Further Continuing Appropriations Act, 2012. In August 2012, a 5-year revocable permit was issued between USDA and the Board of Regents of UGA that allows the CAES to utilize the Property as a Research and Education Center (REC) and conduct a wide range of research, teaching, extension, and demonstration activities. Since August 2012 it has been operated by the CAES as the JPC–REC under this permit. A Memorandum of Understanding was executed on March 25, 2013, that would allow the formal transfer of the Property from USDA to the Board of Regents of the UGA. Under the terms of the Public Law, the Secretary of Agriculture will decide whether to formally transfer the Property from USDA to the UGA or have USDA retain the possession of the Property. If the decision is made to transfer the Property, it will be done with no monetary cost to the University and a Quit Claim Deed will be prepared by the USDA to convey the title/property rights to UGA. The Quit Claim Deed would incorporate any use restrictions identified by the NEPA process, as well as the 25-year use restriction for agricultural and natural resources research as required by Section 732 of the Public Law. Two alternatives are analyzed in the Draft EA, the No Action Alternative and the Proposed Action. The draft EA addresses potential impacts of these alternatives on the natural and human environment.

- Alternative 1—No Action. The USDA would retain possession of the 1,070 acres of land and facilities at the JPC–REC (former JPC–NRCC). USDA would no longer operate and/or maintain the property and current research at the JPC–REC would cease.
- Alternative 2—Proposed Action. The USDA would formerly transfer 1,070 acres of land at the JPC–REC to the Board of Regents of UGA. As a condition of the transfer, UGA would commit to using the Property for agricultural and natural resources research for a period of 25 years, supporting the strategic goals of USDA and establishing a Beginning Farmers and Ranchers Program at the Property. UGA would assume responsibility and maintenance of the constructed facilities and land to be conveyed from USDA.

In addition, one alternative was considered in the Draft EA but eliminated from detailed study. In this alternative, USDA would retain possession of the land and it would be transferred to the General Services Administration for disposal. Since it cannot reasonably be determined who would ultimately take possession of the property and how it would be utilized, it was not analyzed in detail in the EA. The USDA will use and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f) as provided for in 36 CFR 800.2(d)(3)). Following the public comment period, comments will be used to prepare the Final EA. The USDA will respond to each substantive comment by making appropriate revisions to the document or by explaining why a comment did not warrant a change. A Notice of Availability of the Final EA will be published in the **Federal Register**. All comments, including any personal

identifying information included in the comment will become a matter of public record. 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: June 25, 2013.

Edward B. Knipling,

Administrator, Agricultural Research Service.

[FR Doc. 2013–16209 Filed 7–3–13; 8:45 am]

BILLING CODE 3410–03–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Michigan 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 (FACA), that a planning meeting of the Michigan Advisory Committee to the Commission will convene by conference call at 11:00 a.m. EST and adjourn at 1:00 p.m. EST on July 24, 2013. The purpose of the meeting is to allow Committee members the opportunity to advise the Commission on various civil rights issues in Michigan. The meeting will include an orientation to new members followed by presentations and discussion of various civil rights issues.

This meeting is available to the public through the following toll-free call-in number: 888–438–5524, conference ID: 7822139. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by August 7, 2013. The address is US Commission on Civil Rights, Midwestern Regional Office, 55 W. Monroe St., Suite 410, Chicago, IL 60603. Comments may be emailed to *callen@usccr.gov*. Records generated by this meeting may be inspected and reproduced at the Midwestern Regional Office, as they become available, both before and after the meeting, and they will be uploaded onto the database at *www.facadatabase.gov*. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Midwestern Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated in Chicago, IL: June 26, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–16131 Filed 7–3–13; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Business Meeting.

DATE AND TIME: Friday, July 12, 2013; 9:30 a.m. EST

PLACE: 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20425.

MEETING AGENDA

I. Approval of Agenda

II. Program Planning

- Approval of Final Draft of 2013 Statutory Enforcement Report
- Discussion re: Proposed Findings and Recommendations for the 2013 Statutory Enforcement Report
- Status Update on the Sex Trafficking: A Gender-Based Violation of Civil Rights Report
- Status Update on the Federal Civil Rights Engagement with Arab and Muslim American Communities Post 9/11 Report

III. Management and Operations

- Staff Director's report
- Chief of Regional Programs' report

IV. Approval of State Advisory Committee Appointment Slates

- Kentucky
- Maine
- New Hampshire
- New York

V. Adjourn Meeting

CONTACT PERSON FOR FURTHER INFORMATION: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

Dated: July 1, 2013.

TinaLouise Martin,

Director of Management/Human Resources.

[FR Doc. 2013–16196 Filed 7–2–13; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–71–2013]

Foreign-Trade Zone 182—Fort Wayne, Indiana; Application for Reorganization (Expansion of Service Area); Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of Fort Wayne, grantee of Foreign-Trade Zone 182, requesting authority to reorganize the zone to expand its service area under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on June 28, 2013.

FTZ 182 was approved by the Board on December 23, 1991 (Board Order 549, 57 FR 1450, 1/14/1992) and reorganized under the ASF on June 22, 2011 (Board Order 1770, 78 FR 39070, 7/5/2011). The zone project currently has a service area that includes Adams, Allen, DeKalb, Huntington, Noble, Wabash, Wells and Whitley Counties, Indiana.

The applicant is now requesting authority to expand the service area of the zone to include Blackford, Jay, LaGrange, Randolph and Steuben Counties as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The proposed expanded service area is adjacent to the Fort Wayne, Indiana Customs and Border Protection Port of Entry

In accordance with the FTZ Board's regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is September 3, 2013. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 18, 2013.

A copy of the application 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 FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: June 28, 2013.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2013–16172 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–70–2013]

Foreign-Trade Zone (FTZ) 183—Austin, Texas; Notification of Proposed Production Activity; Samsung Austin Semiconductor, LLC (Semiconductors); Austin, Texas

Samsung Austin Semiconductor, LLC (Samsung), operator of Subzone 183B, submitted a notification of proposed production activity to the FTZ Board for its facility in Austin, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 26, 2013.

Samsung currently has authority to produce semiconductor memory devices for export within Subzone 183B. The current request would add an imported component to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Export production under FTZ procedures could exempt Samsung from customs duty payments on the foreign status component included here as well as on the components included in the existing scope of authority for the company. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The additional component sourced from abroad is: acetic acid (duty rate 1.8%).

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 August 14, 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: Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: June 28, 2013.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2013–16173 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[B–69–2013]

Foreign-Trade Zone (FTZ) 32—Miami, Florida; Notification of Proposed Production Activity; Almod Diamonds, Ltd. (Jewelry and Precious Stones); Miami, Florida

The Greater Miami Foreign-Trade Zone, Inc., grantee of FTZ 32, submitted a notification of proposed production activity to the FTZ Board on behalf of Almod Diamonds, Ltd. (ADL), located in Miami, Florida. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 21, 2013.

The ADL facility is located within Site 1 of FTZ 32. The facility is used for the production (restoration and repair) of jewelry comprised of precious metals and gemstones. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt ADL from customs duty payments on the foreign status materials and components used in export production. On its domestic sales, ADL would be able to choose the duty rates during customs entry procedures that apply to jewelry, precious metals, gemstones, pearls, and related scrap (free—13.5%) 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: jewelry of base metals (*e.g.,* silver, gold, platinum, palladium) or precious/semi-precious stones; other cut precious stones; pearls; and imitation jewelry (duty rate ranges from free to 13.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is August 14, 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 FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

FOR FURTHER INFORMATION CONTACT: Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: June 27, 2013.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2013–16175 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1905]

Reorganization and Expansion of Foreign-Trade Zone 45 Under Alternative Site Framework, Portland, Oregon

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Port of Portland, grantee of Foreign-Trade Zone 45, submitted an application to the Board (FTZ Docket B–3–2013, docketed 01/15/2013) for

authority to reorganize and expand under the ASF with a service area of Clackamas, Multnomah and Washington Counties, Oregon, in and adjacent to the Portland, Oregon U.S. Customs and Border Protection port of entry, FTZ 45's existing Sites 1, 2, 3, 6 and new Site 9 would be categorized as magnet sites, and existing Site 7 would be categorized as a usage-driven site, acreage would be reduced at Site 2 and Sites 4, 5 and 8 would be removed from the zone;

Whereas, notice inviting public comment was given in the **Federal Register** (78 FR 4381–4382, 01/22/2013) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendation of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize and expand FTZ 45 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 2, 3, 6 and 9 if not activated by June 30, 2018, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Site 7 if no foreign-status merchandise is admitted for a *bona fide* customs purpose by June 30, 2016.

Signed at Washington, DC, this 27th day of June 2013.

Paul Piquado,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2013–16170 Filed 7–3–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–820]

Certain Hot-Rolled Carbon Steel Flat Products from India: Rescission of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on certain hot-rolled carbon steel flat products (hot rolled steel) from India for the period December 1, 2011, through November 30, 2012.

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

FOR FURTHER INFORMATION CONTACT: Christopher Hargett, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4161.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 2013, the Department initiated an administrative review of hot rolled steel from India covering the period December 1, 2011, through November 30, 2012, based on a request by United States Steel Corporation (U.S. Steel) and Nucor Corporation (Nucor).[1] The review covers eight companies.[2]

Nucor and U.S. Steel withdrew their requests for an administrative review of these companies on April 12, 2013, and April 25, 2013, respectively.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the *Initiation Notice.* In this case, U.S. Steel and Nucor withdrew their requests within the 90-day deadline and no other parties requested an administrative review of the antidumping duty order. Therefore, we are rescinding the administrative review of hot rolled steel from India covering the period December 1, 2011, through November 30, 2012, of the eight companies listed in the *Initiation Notice.*

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all entries of hot rolled steel from India during the period of review. Because the Department is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry or withdrawal from warehouse for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notifications

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 Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 27, 2013

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–16168 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 6291 (January 30, 2013) (*Initiation Notice*).

[2] *See id.,* 78 FR 6292.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review; 2011–2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) has determined that requests for new shipper reviews (NSRs) of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) meet the statutory and regulatory requirements for initiation.

The period of review (POR) is November 1, 2012, through April 30, 2013.

DATES: Effective July 5, 2013.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

The Department published the antidumping duty order on fresh garlic from the PRC in the **Federal Register** on November 16, 1994.[1] On May 8 and 24, 2013, the Department received timely requests for NSRs from Cangshan Qingshui Vegetable Foods Co., Ltd. (Qingshui) and *Jinxiang Merry Vegetable Co.,* Ltd. (Merry), in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(c).

Qingshui and Merry each certified that each is both the exporter and producer of the fresh garlic upon which their requests for NSRs are based. Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Qingshui and Merry each certified that they did not export fresh garlic for sale to the United States during the period of investigation (POI).[2] Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Qingshui and Merry each certified that, since the investigation was initiated, they have never been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.[3] Further, as required by 19 CFR 351.214(b)(2)(iii)(B), they each certified that their export activities are not controlled by the central government of the PRC.[4] Also, Qingshui and Merry each certified they had no subsequent shipments.[5]

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Qingshui and Merry each submitted documentation establishing the following: (1) The dates on which the fresh garlic was first entered; (2) the volumes of those shipments; and (3) the dates of their first sales to unaffiliated customers in the United States.[6]

The Department queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that shipments reported by Qingshui and Merry had entered the United States for consumption and that liquidation had been properly suspended for antidumping duties. The information which the Department examined was consistent with that provided by Qingshui and Merry in their requests.[7]

Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request an NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states that if the request for the review is made during the six-month period ending with the end of the semiannual anniversary month, the Secretary will initiate an NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 315.214(g)(1)(i)(B) states that if the NSR was initiated in the month immediately following the semiannual anniversary month, the POR will be the six-month period immediately preceding the semiannual anniversary month. Within one year of the dates on which their fresh garlic was first entered, Qingshui and Merry made the requests for NSRs in May, which is the semiannual anniversary month of the order. Therefore, the Secretary must initiate these reviews in June and the POR is November 1, 2012, through April 30, 2013.[8]

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, the Department finds that Qingshui's and Merry's requests meet the threshold requirements for initiation of an NSR. The Department intends to issue the preliminary results within 180 days after the date on which these review are initiated and the final results within 90 days after the date on which we issue the preliminary results.[9]

It is the Department's usual practice, in cases involving non-market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate (*i.e.,* a separate rate) provide evidence of *de jure* and *de facto* absence of government control over the company's export activities.[10] Accordingly, the Department will issue questionnaires to Qingshui and Merry that include a separate rate section. These reviews will proceed if the responses provide sufficient indication that the exporter and producer are not subject to either de *jure* or de *facto* government control with respect to their exports of fresh garlic.

The Department will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for certain entries of the subject merchandise from Qingshui and Merry in accordance with section 75l(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Specifically, the bonding privilege will only apply to entries of subject merchandise exported and produced by Qingshui, and exported and produced by Merry, the sales of which are the basis for these NSR requests.

Interested parties requiring access to proprietary information in these NSRs should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(l)(i).

Dated: June 28, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–16176 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping Duty Order: Fresh Garlic From the People's Republic of China,* 59 FR 59209 (November 16, 1994).

[2] *See* Qingshui's request for an NSR dated May 8, 2013 at Exhibit 1 and Merry's request for an NSR dated May 24, 2013 at Exhibit 1.

[3] *Id.*

[4] *Id.*

[5] *See* Memoranda to the File regarding ''Initiation of Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China: Cangshan Qingshui Vegetable Foods Co., Ltd.'' and ''Initiation of Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China: Jinxiang Merry Vegetable Co., Ltd.,'' both dated concurrently with this notice.

[6] *Id.*

[7] *Id.*

[8] The initiation notice will be published in the **Federal Register** in July 2013.

[9] See section 751(a)(2)(B)(iv) of the Act.

[10] See Import Administration Policy Bulletin, Number: 05.1. (*http://ia.ita.doc.gov/policy/bull05-l.pdf*).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–821]

Certain Hot-Rolled Carbon Steel Flat Products From India: Rescission of Countervailing Duty Administrative Review; 2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') is rescinding the administrative review of the

countervailing duty order on certain hot-rolled carbon steel flat products (''hot-rolled steel'') from India for the period January 1, 2012, through December 31, 2012.

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

FOR FURTHER INFORMATION CONTACT: Robert Copyak, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2209.

SUPPLEMENTARY INFORMATION:

Background

The Department initiated an administrative review of the countervailing duty order on hot-rolled steel from India covering the period January 1, 2012, through December 31, 2012, based on requests by United States Steel Corporation (''U.S. Steel'') and Nucor Corporation (''Nucor'').[1]

U.S. Steel and Nucor withdrew their requests for an administrative review in their entirety on April 12, 2013, and April 25, 2013, respectively.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, U.S. Steel and Nucor withdrew their requests within the 90-day deadline and no other parties requested an administrative review of the countervailing duty order. Therefore, we are rescinding the administrative review of hot-rolled steel from India covering the period January 1, 2012, through December 31, 2012, in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (''CBP'') to assess countervailing duties on all entries of hot-rolled steel from India during the period of review at rates equal to the cash deposit of estimated countervailing duties required at the time of entry or withdrawal from warehouse for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice.

Notifications

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 countervailing duties prior to liquidation of the relevant entries during this review period.

This notice also serves as a final reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 27, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–16169 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 6291 (January 30, 2013) (''*Initiation Notice''*), as corrected in *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 25418, 25422 (May 1, 2013).

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No. 130612543–3543–01]

RIN 0625–XC007

De Facto Criteria for Establishing a Separate Rate in Antidumping Proceedings Involving Non-Market Economy Countries

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Determination to Address Certain Criteria on a Case-by-Case Basis.

SUMMARY: On December 16, 2010, the Department of Commerce (''the Department'') published a **Federal Register** notice announcing that it was considering revising its current practice with respect to the *de facto* criteria [1] examined for purposes of determining whether to grant separate rate status to individual exporters in antidumping proceedings involving non-market economy (''NME'') countries. Through that notice, the Department invited the public to comment on the current test.[2] Numerous parties filed comments in response, addressing the Department's current practice and proposing additional criteria for the Department to consider in its analysis. The Department has determined that several of these comments warrant consideration on a case-by-case basis, as discussed below, when assessing whether a foreign producer/exporter in an NME country is sufficiently free of government control of its export activities to warrant separate rate status.[3]

DATES: Effective Date: Date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Eugene Degnan, Program Manager, Office 8, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0414.

SUPPLEMENTARY INFORMATION:

Background

In proceedings involving NME countries, the Department has had a rebuttable presumption that the export activities of all companies within the country are subject to government control and, thus, should be assessed a single antidumping duty rate, *i.e.,* the NME-Entity rate.[4] It has been the Department's practice to assign all exporters of merchandise subject to an antidumping investigation or review from an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent of the government in its export activities, on both a *de jure* and *de facto* basis, so as to be entitled to a separate rate. The Department has analyzed each entity exporting the subject merchandise that applies for a separate rate under a test that was first articulated in *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China, 56 FR 20588* (May 6, 1991) (''*Sparklers''*), as further developed in *Final Determination of Sales at Less Than Fair Value: Silicon*

[1] The Department did not make a request for comments on the *de jure* criteria currently examined for purposes of establishing a company's separate rate.

[2] *See De Facto Criteria for Establishing a Separate Rate in Antidumping Proceedings Involving Non-Market Economy Countries,* 75 FR 78676 (December 16, 2010).

[3] The Department currently considers the following countries to be NME countries—Armenia, Belarus, Georgia, the Kyrgyz Republic, Moldova, the People's Republic of China, the Republic of Azerbaijan, the Socialist Republic of Vietnam, Tajikistan, Turkmenistan and Uzbekistan.

[4] *See* 19 CFR 107(d) (providing that ''in an antidumping proceeding involving imports from a nonmarket economy country, 'rates' may consist of a single dumping margin applicable to all exporters and producers'').

Carbide from the People's Republic of China, 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*'').[5] However, if the Department determined that an exporter of NME-produced merchandise is wholly foreign-owned or located in a market economy (''ME'') country, the exporter has not been subject to the separate rates test.

On December 16, 2010, the Department published a **Federal Register** notice announcing that it was considering revising its approach with respect to the *de facto* criteria examined for purposes of determining whether to grant separate rate status to individual exporters in antidumping proceedings involving NME countries.[6] Through that notice, the Department invited the public to comment on modifying the test. Between January 18 and 31, 2011, the Department received comments from numerous parties.[7] These comments and this Determination to Address Certain Criteria on a Case-by-Case Basis can be accessed using the Federal eRulemaking Portal at *http://www.Regulations.gov* under Docket Number ITA–2011–0010.

The Separate Rate Test

Typically, the Department has considered four criteria in evaluating whether a respondent is subject to *de facto* governmental control over its export activities. They are: (1) Whether the respondent's export prices are set by or are subject to the approval of a governmental agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding the disposition of profits or financing of losses.[8] The Department has determined that an analysis of *de facto* control is critical in determining whether an exporter should receive a separate rate.

When conducting its *de facto* separate rate analysis, the Department has asked an exporter requesting a separate rate questions regarding: (1) Ownership of the exporter and whether any individual owners hold office at any level of the NME government; (2) export sales negotiations and prices; (3) composition of company management, the process through which they were selected, and whether any managers held government positions; (4) the disposition of profits; and (5) affiliations with any companies involved in the production or sale in the home market, third-country markets, or the United States of merchandise which would fall under the description of merchandise covered by the scope of the proceeding. The Department's full Separate Rate Status Application, Separate Rate Certification, and NME Antidumping Questionnaire are available on the Department's Web site at *http://www.trade.gov/ia.*

Response to Comments

Case-by-case Consideration of Changes

The Department agrees that certain suggestions by parties should be considered on a case-by-case basis in administrative proceedings where record information indicates that such consideration is warranted.

A. Refine the *de facto* Test With Requests for Additional Documentary Support and Additional Questions Regarding the Relevant Criteria

Several commenters suggested that the Department more closely examine whether the government has direct or indirect power to appoint, remove, or control the selection of an entity's directors, senior officials, or other members of senior management, and whether it is able to direct the financial affairs of the company by, *e.g.,* making selling or purchasing decisions. Several commenters argue that the Department currently conducts only a cursory review of the separate rate criteria, essentially shifting the burden to petitioners to show government control. They argue the burden should be shifted back to respondents and the Department should apply enhanced scrutiny to determine if there are additional types of documentation that would serve to support, or undermine, a respondent's claim that it is entitled to a rate separate from that of the NME-wide entity. Several commenters also suggested that the Department examine whether members of the government or its ruling party hold senior management positions in the enterprise because the government may maintain control over certain industries or enterprises by installing party members or government officials in positions where they directly participate in decision-making and management. One commenter asserted that the Department should find that a respondent is materially dependent on the government and deny the respondent a separate rate where two or more company managers or members of the board of directors are members of the local, provincial, or national government. Another commenter argued that the Department should consider whether any of the directors or managers of the respondent serve as directors or managers for any state-owned entities.

As an initial matter, the Department does not agree that it has shifted the burden of proof onto petitioners or that the *de facto* criteria are designed to place an evidentiary burden on one party versus another. Instead, the criteria have been established because they are necessary to determine whether an exporter is sufficiently independent in its export activities to be entitled to a ''separate rate.'' The Department agrees, however, that identifying and reviewing additional information regarding certain of the topics raised by the commenters could be useful in

[5] *See also* Policy Bulletin 05.1, which states: ''[w]hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.''

[6] *See De Facto Criteria for Establishing a Separate Rate in Antidumping Proceedings Involving Non-Market Economy Countries,* 75 FR 78676 (December 16, 2010).

[7] Commenters included: (1) the Ministry of Commerce of the People's Republic of China (''GOC''); (2) the Ministry of Industry and Trade of the Socialist Republic of Vietnam (''GOV''); (3) the Committee to Support U.S. Trade Laws (''CSUSTL''); (4) King and Spalding on behalf of: (A) American Furniture Manufacturers Committee for Legal Trade and its individual Members (AFMC); (B) Polyethylene Retail Carrier Bag Committee and its individual members (PRCB Committee); (C) Laminated Woven Sacks Committee and its individual members (LWS Committee); (D) US Magnesium LLC; (E) Bridgestone Americas, Inc. & Bridgestone Americas Tire Operations LLC (collectively Bridgestone); and (F) AK Steel Corporation; (5) Kelley Drye & Warren LLP on behalf of: (A) American Honey Producers Association; (B) American Spring Wire Corp., (C) Christopher Ranch, LLC; (D) Council Tool Company Inc.; (E) DAK Americas, LLC; (F) East Jordan Iron Works Inc.; (G) The Garlic Company; (H) Insteel Wire Products Company; (I) Neenah Foundry Company; (J) Nashville Wire Products, Inc.; (K) Norit Americas, Inc.; (L) SGL Carbon LLC; (M) Sioux Honey Association; (N) Superior SSW Holding Co., Inc.; (O) Sumiden Wire Products Corp.; (P) U.S. Foundry & Manufacturing Co.; (Q) Valley Garlic; (R) Vessey and Company; (6) Nucor; (7) Retail Industry Leaders Association (''RILA''); (8) Stewart & Stewart; (9) the Southern Shrimp Alliance (''SSA); (10) US Steel; (11) Vietnam Chamber of Commerce and Industry; and (12) Zhao-King, LLC (''ZK'').

[8] *See Silicon Carbide; see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China,* 60 FR 22544, 22545 (May 8, 1995).

evaluating the extent to which a government controls an entity's pricing, selling and purchasing decisions as they relate to the company's export activities, when the record does not already clearly demonstrate the respondent's claimed independence. In general, the respondent companies are the parties in possession of the information regarding their day-to-day operations. The Department will therefore consider, on a case-by-case basis, issuing supplemental questionnaires to identify and review additional documentation and information that would directly or indirectly relate to the issue of *de facto* government control by any level of government in cases where the respondent's initial questionnaire responses do not provide sufficient information to support its claim. Depending on the record evidence, the supplemental questions might address: (1) Selection and removal of directors and managers at the producing/exporting company; (2) identification of parties that have the authority to approve contracts and bank transactions, *etc.,* on behalf of the company; (3) ownership, including individual and corporate (direct and indirect shareholdings or equity holdings); (4) whether any corporate owners are state-owned, state-controlled, or otherwise affiliated with the State, at the national or sub-national government levels; and (5) whether any managers hold government positions at the national or sub-national government levels, among possible considerations. The specific facts of each case would be instructive to the Department in deciding to issue such questionnaires and what information such questionnaires would address.

B. Conduct More Separate Rate Verifications Where Budget and Resources Allow

Several commenters suggested that the Department should conduct more verifications of entities claiming eligibility for a separate rate, particularly those entities for which record evidence indicates their claim of freedom from government control over export activities is questionable. The commenters suggest that such verifications could include, for example, the following: (1) Increased issue-focused verifications of exporters and their producing suppliers; (2) more focus on companies that have previously failed verification; or (3) enhanced verification of companies that previously received partial or total adverse facts available determinations based on their failure to cooperate to the best of their ability.

The Department agrees that conducting verification may be helpful in enhancing the Department's ability to enforce the AD law, particularly when the issue of freedom from government control over a firm's export activities is brought into question by record evidence and past practice. The Department has conducted verification in such cases in the past, where budget and resources allow, and consistent with this practice and these comments, the Department will continue to consider verification of separate rate information where warranted, on a case-by-case basis.

C. Do Not Automatically Grant Separate Rates to Firms With Trading Arms and/or Producers Located in Market Economies

One commenter suggested that the Department should end its practice of automatically granting separate rates to companies with export offices in ME countries because the respondent can simply set up a shell company in an ME to avoid a separate rate analysis.

We agree that there is a legitimate concern that NME producers under government control selling through affiliated third-country resellers may, in fact, control that reseller and, in such cases, the reseller's exporting activities would also be under government control. However, we do not consider that the potential for this scenario warrants a wholesale change in practice. Rather, in cases where a respondent has a producing entity in the PRC and an affiliated reseller in an ME country, we will endeavor to examine, on a case-by-case basis, whether any supplemental information is required to determine if the affiliated reseller is under government control through the producer located in the NME country. In circumstances when the record indicates there may be government control through the NME producer, we may require both the NME producer and the ME exporter to provide information similar to that requested in the NME Separate Rate Application.

D. Deny the Respondent a Separate Rate Where the Integrity of Its Data and Recordkeeping Systems Does Not Allow it To Provide Complete Ownership Information, Because Such a Lack of Information Precludes the Department From Effectively Undertaking an Adequate Separate Rate Analysis

The Department has discovered, through its administration of the antidumping duty law, that certain respondents fail to disclose their complete ownership, or substantiate their claimed ownership, on the administrative record, despite the Department's request for those data. This creates a substantial problem for the Department. When the company cannot demonstrate complete ownership, the Department is effectively precluded from conducting a full separate rate analysis. For example, absent such data, we are not able to make meaningful determinations about the: (1) Appointment of the Board of Directors, (2) selection of management, (3) day-to-day operational control of the company, and (4) affiliation with other parties, including those that might be managed/operated by the government. Thus, without complete and verifiable ownership information on the administrative record, the Department generally is left with no evidentiary basis to find that the company is independent from *de facto* government control of its export activities. Accordingly, in these cases, the Department has treated the respondent as part of the NME-wide entity and denies the respondent a separate rate.[9]

If a respondent withholds or otherwise does not provide complete ownership information, the Department has normally concluded that the respondent has failed to act to the best of its ability in not providing such necessary information, pursuant to section 776(b) of the Act. That conclusion was warranted because, in the ordinary course of business, a company is expected to maintain complete ownership information. Additionally, in such cases, as a result of the failure to provide complete ownership information, the Department has applied an adverse inference in assigning a facts available rate to the NME-wide entity of which that respondent is a part.[10] Under this analysis, the Department has not determined that ownership by an NME government automatically equated with control by the government. Instead, the Department determined that, when a producer or exporter fails to supply complete ownership information, we lacked an adequate basis on which to determine whether the respondent is subject to government control of its export activities. On the basis of the

[9] *See, e.g., Porcelain-on-Steel Cooking Ware from the People's Republic of China: Notice of Final Results of Antidumping Duty Administrative Review,* 71 FR 24641 (April 26, 2006), and accompanying Issues and Decision Memorandum at Comment 1 (applying facts available because Commerce could not verify the respondent's ownership information).

[10] *See id.* at Comment 2. *See also Certain Frozen Warmwater Shrimp from the People's Republic of China: Preliminary Notice of Intent to Rescind Antidumping Duty New Shipper Review,* 72 FR 41058, 41060 (July 26, 2007).

comments received, we see no reason to deviate from this analytical approach.

Comments the Department Believes Do Not Warrant a Reconsideration of Department Practice at This Time

Numerous commenters asserted that the *de facto* analysis should include a threshold determination of state ownership, which would be dispositive of whether the NME government is exercising control over an entity's export activities. Some commenters further suggested that government control should be found: (1) Where any level of the NME government ownership is five percent or more; (2) where the separate rate applicant, or its parent company or ultimate owner, is under the supervision of a central, provisional, or local State-owned Assets Supervision and Administration Commission (''SASAC'') in the PRC; or (3) where, in a countervailing duty investigation, the Department has previously found the applicant to be so closely related to the government to be an ''authority'' under Section 771(5)(B) of the Tariff Act of 1930. Several other commenters argued that the Department should examine whether any shareholder owning more than ten percent of company stock has a leadership role in the Communist Party. Other commenters asserted that the Department should find that a respondent is materially dependent on the government and deny the respondent a separate rate where two or more company managers or members of the board of directors are members of the Communist Party or the PRC's People's Liberation Army or where any company manager, board member, or shareholder owning more than ten percent of company stock has a leadership role in the Communist Party or the local, provincial, or national state offices of the Communist Party.

As the Department has stated in the past, we do not believe that ownership by the government, on its own, is sufficient to warrant a determination that the government controls the export activities of a given exporter and/or producer. In *Silicon Carbide,* we determined that, while state-owned enterprises were previously subject to central government control, reform had brought significant changes and devolved control of government-owned enterprises such that the application of a single country-wide rate to all respondents in an NME country was not always warranted.[11] As such, we determined that an NME respondent may receive a separate rate if it establishes both *de jure* and *de facto* absence of governmental control of its export activities.

Further, a determination by the Department that a company is an ''authority'' in a countervailing duty investigation is not the same as determining the degree of control the government has over a company's export activities for purposes of an antidumping proceeding. Specifically, an ''authority'' analysis, exclusive to the countervailing duty law, is ultimately concerned with whether the government has provided a subsidy. On the other hand, the focus of the antidumping law with respect to the separate rates analysis is to determine whether the export activities of the respondent are controlled by the government. The U.S. antidumping and countervailing duty laws are distinct and separate, operating on different principles, concepts and requirements and remedying distinct unfair trade practices. Accordingly, we have declined to incorporate these proposed refinements to our separate rate analysis.

Certain commenters argued that the Department should require all respondents to disclose the extent to which they export subject merchandise manufactured or supplied by another party, in order to analyze the extent that the respondent's activities may be directed by that party. Finally, one commenter suggested that the Department should require separate rate applications from NME exporters and their NME suppliers in combination to address the possibilities of (a) state-controlled producers using independent exporters as conduits for subject merchandise or (b) exporters benefiting indirectly from government control of a producer. The Department's separate rate test already requires that all NME exporters demonstrate that they operate free of government control of their export activities. Generally, we do not find it necessary to require the producer to provide the same information already provided by the exporter. However, where, for example, the record indicates that a government-controlled supplier may control the export activities of the respondent, we may deem it appropriate to investigate the issue further. Accordingly, we have declined to incorporate these proposed refinements to our separate rate analysis.

A number of commenters did not address the *de facto* criteria of the Department's separate rate analysis as applied to individual exporters. For example, some commenters representing either foreign producers/exporters or the Chinese or Vietnamese governments argued that the Department should eliminate the separate rate test entirely or reverse the presumption of government control. One commenter argued that government control should be found only if the Department's collapsing criteria are satisfied with regard to the respondent and the government. These comments essentially argue for elimination of the separate rate test and, thus, are not responsive to the Department's request regarding enhancement of the *de facto* criteria.

Other commenters suggested the Department examine industry-wide or national initiatives that go far beyond government involvement in day-to-day operational decisions. For example, commenters asked the Department to inquire into whether the industry was subject to: (1) A government industrial plan governing either imports, exports, production or asset transfer; (2) government rules or regulations governing items such as foreign investment, asset transfers, capacity utilization, quality improvements, technological innovation, and purchasing decisions; (3) a mandatory export price/quota scheme or import price/quota scheme, as determined by a government-entity or a trade association; or (4) an export licensing scheme.

The Department already examines laws and regulations regarding export licenses, certificates and other restrictions to an entity's ability to export under our *de jure* analysis. *See* the Department's Separate Rate Application at Section III. Thus, because the Department's analysis treats these issues as relevant to the *de jure* analysis, we consider them beyond the scope of this request for comments on the *de facto* criteria. Further, the remainder of these comments refer to macro-level factors which are not a part of the separate rate analysis, but, instead, relate more directly to an analysis of a market-oriented industry (''MOI'') or a market-economy status (''MES'') claim, which do not involve a single entity, but rather an industry or the economy as a whole.

As the Department explained in its December 16, 2010, **Federal Register** notice, the Department requested comments only on possible refinements to the *de facto* criteria of its separate rates test. We understand that certain commenters wish to address the separate rate analysis in its entirety, but this is beyond the scope of the request for comments and, accordingly, the Department has not considered them further.

[11] *See Silicon Carbide.*

Conclusion

In sum, after reviewing and considering interested party comments and concerns, the Department has determined, as discussed above, that to the extent that we agree with some of the comments received, the Department will consider addressing the issues raised in those comments in our future administrative proceedings on a case-by-case basis.

Dated: June 28, 2013.

Paul Piquado

Assistant Secretary for Import Administration.

[FR Doc. 2013–16171 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The Manufacturing Council will hold a meeting to discuss the work the Council will focus on for the remainder of their term. This will be the first meeting since the Council established subcommittees. The subcommittees—Workforce and Public Perception of Manufacturing; Innovation, Research and Development; Tax Policy and Export Growth; and Manufacturing Energy Policy—will share with the full Council the key issues they will address in their specific subcommittees. The subcommittees will present the scope of their proposed work for the remainder of their term to the full Council for discussion. The Council was re-chartered on April 5, 2012, to advise the Secretary of Commerce on government programs and policies that affect U.S. manufacturing and provide a means of ensuring regular contact between the U.S. Government and the manufacturing sector.

DATES: July 23, 2013, 10:00 a.m.–12:30 p.m. Eastern Daylight Time (EDT).

ADDRESSES: Department of Commerce, 1401 Constitution Avenue NW., Room 4830, Washington, DC 20230. Because of building security, all non-government attendees must pre-register. This meeting will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than July 16, 2013, to Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC, 20230, telephone 202–482–1369, *elizabeth.emanuel@trade.gov.* Last minute requests will be accepted, but may be impossible to fill.

FOR FURTHER INFORMATION CONTACT: Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC, 20230, telephone: 202–482–1369, email: *elizabeth.emanuel@trade.gov.*

SUPPLEMENTARY INFORMATION: A limited amount of time, from 12:15–12:30, will be made available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to 3 minutes per person. Individuals wishing to reserve speaking time during the meeting must contact Ms. Emanuel and submit a brief statement of the general nature of the comments, as well as the name and address of the proposed speaker by 5:00 p.m. EDT on Thursday, July 18th. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, the International Trade Administration may conduct a lottery to determine the speakers. Speakers are requested to bring at least 20 copies of their oral comments for distribution to the members of the Manufacturing Council and to the public at the meeting. Any member of the public may submit pertinent written comments concerning the Manufacturing Council's affairs at any time before or after the meeting. Comments may be submitted to Elizabeth Emanuel, the Manufacturing Council, Room 4043, 1401 Constitution Avenue NW., Washington, DC, 20230, telephone: 202–482–1369, email: *elizabeth.emanuel@trade.gov.* To be considered during the meeting, written comments must be received by 5:00 p.m. EDT on Thursday, July 18, 2013, to ensure transmission to the Manufacturing Council prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting. Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: July 1, 2013.

Elizabeth Emanuel,

Executive Secretary, the Manufacturing Council.

[FR Doc. 2013–16174 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Survey of Fish Processors and Disruptions Caused by Hurricane Sandy

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 3, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Min-Yang Lee, (508) 495–2026, or *Min-Yang.Lee@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

The Northeast Fisheries Science Center's Social Sciences Branch seeks to collect data on distribution networks and business practices from fish processors that process groundfish and sea scallops in the Northeast United States. It also seeks to collect data on business disruptions due to Hurricane Sandy for those firms. The data collected will improve research and analysis on the economic impacts of potential fishery management actions, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and the Regulatory Flexibility Act.

II. Method of Collection

This information will be collected by in-person, face-to-face interviews.

III. Data

OMB Control Number: None.
Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20.

Estimated Time Per Response: 1 hour, 30 minutes.

Estimated Total Annual Burden Hours: 30.

Estimated Total Annual Cost to Public: $0 in capital costs and $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 28, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–16096 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Gulf of Alaska Trawl Fishery, Rationalization Sociocultural Study

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 3, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 66165, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Amber Himes-Cornell (Phone: (206) 526–4221), *amber.himes@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

Historically, changes in fisheries management regulations have been shown to result in impacts to individuals within the fishery. An understanding of social impacts in fisheries—achieved through the collection of data on fishing communities, as well as on individuals who fish—is a requirement under several federal laws. Laws such as the National Environmental Policy Act and the Magnuson-Stevens Fishery Conservation and Management Act (as amended 2007) describe such requirements. The collection of this data not only helps to inform legal requirements for the existing management actions, but will inform future management actions requiring equivalent information.

Fisheries rationalization programs have an impact on those individuals participating in the affected fishery, as well as their communities and may also have indirect effects on other fishery participants. The North Pacific Fishery Management Council is considering the implementation of a new, yet to be defined, rationalization program for the Gulf of Alaska trawl fishery. This research aims to study the affected individuals both prior to and after the implementation of the rationalization program. The data collected will provide a baseline description of the industry as well as allow for analysis of changes the rationalization program may create for individuals and communities. The measurement of these changes will lead to a greater understanding of the social impacts the management measure may have on the individuals and communities affected by fisheries regulations. To achieve these goals, it is critical to collect the necessary data prior to the implementation of the rationalization program for comparison to data collected after the management program has been implemented. This study will be inclusive of both a Phase 1 pre-implementation data collection effort, as well as a Phase 2, post-implementation data collection effort to achieve the stated objectives.

II. Method of Collection

Literature reviews, secondary sources including Internet sources, United States Census data, key informants, focus groups, paper surveys, electronic surveys, and in-person interviews will be utilized in combination to obtain the greatest breadth of information as possible.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions.

Estimated Number of Respondents: 500.

Estimated Time per Response: 1 hour and 30 minutes.

Estimated Total Annual Burden Hours: 750.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 28, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–16094 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Mandatory Shrimp Vessel and Gear Characterization Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before September 3, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Anik Clemens, (727) 551–5611 or *Anik.Clemens@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Gulf of Mexico Fishery Management Council (Council) to prepare and amend fishery management plans for any fishery in waters under its jurisdiction. National Marine Fisheries Service (NMFS) manages the shrimp fishery in the waters of the Gulf of Mexico under the Shrimp Fishery Management Plan (FMP). The regulations for the Gulf Shrimp Vessel and Gear Characterization Form may be found at 50 CFR 622.51(a)(3).

Owners or operators of vessels applying for or renewing a commercial vessel moratorium permit for Gulf shrimp must complete an annual Gulf Shrimp Vessel and Gear Characterization Form. The form will be provided by NMFS at the time of permit application and renewal. Compliance with this reporting requirement is required for permit issuance and renewal.

Through this form, NMFS is collecting census-level information on fishing vessel and gear characteristics in the Gulf of Mexico Exclusive Economic Zone (EEZ) shrimp fishery to conduct analyses that will improve fishery management decision-making in this fishery; ensure that national goals, objectives, and requirements of the Magnuson-Stevens Act, National Environmental Policy Act (NEPA), Regulatory Flexibility Act (RFA), Endangered Species Act (ESA), and Executive Order (E.O.) 12866 are met; and quantify achievement of the performance measures in the NMFS' Operating Plans. This information is vital in assessing the economic, social, and environmental effects of fishery management decisions and regulations on individual shrimp fishing enterprises, fishing communities, and the nation as a whole.

There has been a minor adjustment to responses and burden. Currently, there are approximately 1,529 permitted vessels in the Gulf shrimp fishery.

II. Method of Collection

Respondents are mailed hard copies of the form. The forms must be completed and mailed back to NMFS before their permits expire.

III. Data

OMB Control Number: 0648–0542.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,529.

Estimated Time per Response: Reports, 20 minutes.

Estimated Total Annual Burden Hours: 510.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 28, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–16095 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC533

Takes of Marine Mammals Incidental to Specified Activities; Navy Training Conducted at the Silver Strand Training Complex, San Diego Bay

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) has been issued to the U.S. Navy (Navy) to take marine mammals, by harassment, incidental to conducting training exercises at the Silver Strand Training Complex (SSTC) in the vicinity of San Diego Bay, California.

DATES: This authorization is effective from July 18, 2013, until July 17, 2014.

ADDRESSES: A copy of the application, IHA, and/or a list of references used in this document may be obtained by visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the Office of Protected Resources, National Marine Fisheries

Service, 1315 East-West Highway, Silver Spring, MD 20910–3225.

FOR FURTHER INFORMATION CONTACT: Michelle Magliocca, 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 (Secretary) 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) if certain findings are made and regulations are issued or, if the taking is limited to harassment, 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 taking 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.'' The National Defense Authorization Act of 2004 (NDAA) (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations and amended the definition of ''harassment'' as it applies to a ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA): (i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States 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.

Summary of Request

NMFS received an application on December 19, 2012, from the Navy for the taking, by harassment, of marine mammals incidental to conducting training exercises at the Navy's Silver Strand Training Complex (SSTC) in the vicinity of San Diego Bay, California. On April 24, 2013, NMFS published a **Federal Register** notice (78 FR 24161) requesting comments from the public concerning the Navy's proposed training activities and NMFS' proposed authorization.

Description of the Specific Activity

The Navy has conducted a review of its continuing and proposed training conducted at the SSTC to determine whether there is a potential for harassment of marine mammals. Underwater detonation training and pile driving, as summarized below (and detailed in the proposed IHA **Federal Register** notice), may result in the incidental take of marine mammals from elevated levels of sound. Other training events conducted at the SSTC, which are not expected to rise to the level of harassment, are described in the SSTC Final Environmental Impact Statement (*http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*).

Underwater Detonations

Underwater detonations are conducted by Explosive Ordnance Disposal (EOD) units, Naval Special Warfare (NSW) units, MH–60S Mine Countermeasure helicopter squadrons, and Mobile Diving and Salvage units at the SSTC. The training provides Navy personnel with hands-on experience with the design, deployment, and detonation of underwater clearance devices of the general type and size that they are required to understand and utilize in combat. EOD units conduct most of the underwater detonation training at the SSTC as part of their training in the detection, avoidance, and neutralization of mines. Tables 1–3 and 2–1 in the Navy's LOA application describe in detail the types of underwater detonation training events conducted at the SSTC. Below is a basic description of some underwater detonation procedures that typically apply to underwater training events at the SSTC, with the exception of the Unmanned Underwater Vehicle Neutralization and Airborne Mine Neutralization System.

- Prior to getting underway, all EOD and NSW personnel conduct a detailed safety and procedure briefing to familiarize everyone with the goals, objectives, and safety requirements (including mitigation zones) applicable to the particular training event.
- For safety reasons, and in accordance with Navy directives, given the training nature of many of these events, underwater detonations only occur during daylight and are only conducted in sea-states of up to Beaufort 3 (presence of large wavelets, crests beginning to break, presence of glassy foam, and/or perhaps scattered whitecaps).
- EOD or NSW personnel can be transported to the planned detonation site via small boat or helicopter depending on the training event. Small boats can include 7-m Rigid Hull Inflatable Boats (RHIB), zodiacs, or other similar craft as available to the particular unit.
- Once on site, the applicable mitigation zone is established and visual survey commences for 30 minutes. Divers enter the water to conduct the training objective which could include searching for a training object such as a simulated mine or mine-like shape.
- For the detonation part of the training, the explosive charge and associate charge initiating device are taken to the detonation point. The explosives used are military forms of C–4. In order to detonate C–4, a fusing and initiating device is required.
- Following a particular underwater detonation, additional personnel in the support boats (or helicopter) keep watch within the mitigation zone for 30 minutes.
- Concurrent with the post-detonation survey, divers return to the detonation site to confirm the explosives detonated correctly and retrieve any residual material (pieces of wire, tape, large fragments, etc.).

The Navy uses both time-delay and positive control to initiate underwater detonations, depending on the training event and objectives. The time-delay method uses a Time-delay Firing Device (TDFD) and the positive control method most commonly uses a Remote Firing Device (RFD). TDFDs are the simplest, safest, least expensive, most operationally acceptable method of initiating an underwater detonation. TDFDs are preferred due to their light weight, low magnetic signature (in cases of mines sensitive to magnetic fields), and reduced risk of accidental

detonation from nearby radios or other electronics. The Navy considers it critical that EOD and NSW platoons qualify annually with necessary time-delay certification, maintain proficiency, and train to face real-world scenarios that require use of TDFDs.

Pile Driving

Installation and removal of Elevated Causeway System (ELCAS) support piles may also result in the harassment of marine mammals. The ELCAS is a modular pre-fabricated causeway pier that links offshore amphibious supply ships with associated lighterage (i.e., small cargo boats and barges). Offloaded vehicles and supplies can be driven on the causeway to and from shore.

During ELCAS training events, 24-inch wide hollow steel piles would be driven into the sand in the surf zone with an impact hammer. About 101 piles would be driven into the beach and surf zone with a diesel impact hammer over the course of about 10 days, 24-hours per day (i.e., day and night). Each pile takes an average of 10 minutes to install, with around 250 to 300 impacts per pile. Pile driving includes a semi-soft start as part of the normal operating procedure based on the design of the drive equipment. The pile driver increases impact strength as resistance goes up. At first, the pile driver piston drops a few inches. As resistance goes up, the pile driver piston drops from a higher distance, providing more impact due to gravity. The pile driver can take 5 to 7 minutes to reach full impact strength. As chapters of piles are installed, causeway platforms are then hoisted and secured onto the piles with hydraulic jacks and cranes. At the end of training, the ELCAS piles would be removed with a vibratory extractor. Removal takes about 15 minutes per pile over a period of around 3 days. ELCAS training may occur along both the ocean side (SSTC-North boat and beach lanes) and with the designated training lane within Bravo beach on the bayside of SSTC. Up to four ELCAS training/installation events may occur during the year.

Dates and Duration of Activities

The Navy's activities will occur between July 2013 and July 2014. Most underwater detonation training events include one or two detonations. Table 2–1 in the Navy's LOA application shows the 19 different types and number of training events per year in the SSTC. Pile installation and removal would occur over an approximate 13-day period, up to four times per year. NMFS has issued a 1-year IHA that may be superseded if we issue a Letter of Authorization under regulations for the Navy's Hawaii-Southern California Training and Testing (HSTT) (which would include the SSTC) prior to expiration of the IHA.

Location of Activities

The SSTC (Figure 1–1 of the Navy's IHA application) is located in and adjacent to San Diego Bay, south of Coronado, California and north of Imperial Beach, California. The complex is composed of ocean and bay training lanes, adjacent beach training areas, ocean anchorages, and inland training areas. To facilitate range management and scheduling, the SSTC is divided into numerous training sub-areas. A more detailed description of the area can be found in the proposed IHA **Federal Register** notice (78 FR 24161, April 24, 2013).

Comments and Responses

A notice of proposed authorization and request for public comment was published on April 24, 2013 (78 FR 24161). During the 30-day public comment period, we received comments from the Marine Mammal Commission (Commission), the Bureau of Ocean Energy Management (BOEM), and two private citizens. BOEM's comments related to typos in the proposed IHA notice and recommended clarifications. One of the private citizens was generally opposed to naval activities, while the other commended the Navy for minimizing threats to marine mammals. NMFS' responses to specific comments on the proposed mitigation and monitoring measures are provided below.

Comment 1: The Commission recommends that the Navy ensure protection of marine mammals in the areas where detonations will occur by (1) conducting in-situ sound measurements of underwater detonations and (2) using that information to establish appropriately sized mitigation and buffer zones.

Response: The Navy conducted empirical field measurements of underwater detonations at San Clemente Island and the SSTC in 2002. During these tests, 2-pound and 15-pound net explosive weight charges were placed at 6 and 15 feet of water and peak pressures and energies were measured for both bottom placed detonations and detonations off the bottom. The Navy found that, in general, single-charge underwater detonations, empirically measured, were similar to or less than propagation model predictions. Results from these tests were used to determine ZOIs and mitigation zones for Very Shallow Water (VSW) underwater detonations.

The Navy plans to conduct a new set of empirical underwater detonation propagation measurements at SSTC in the summer/fall of 2013 and winter of 2014. Data from that study will be incorporated into the Navy's model for future actions.

As described in the proposed IHA notice (78 FR 24161, April 24, 2013), the Navy will conduct an underwater acoustic propagation monitoring project during the first available ELCAS deployment at the SSTC. The acoustic monitoring will provide empirical field data on actual ELCAS pile driving and removal underwater source levels, and propagation specific to ELCAS training at the SSTC. These results will be used to either confirm or refine the Navy's exposure predictions and expand the mitigation zones if necessary.

Comment 2: The Commission recommends that the Navy adjust the size of the mitigation zones (and subsequent monitoring) using the average swim speed of the fastest swimming marine mammal occurring in the area during the use of TDFDs.

Response: NMFS disagrees that the size of the mitigation zones needs to be adjusted.

The Navy already accounts for swim speeds above 3 knots by including at least an additional 200 yards when practicable. NMFS believes that there is a very low likelihood of an animal entering the buffer zone during the brief amount of time that exposure may occur without being detected. Even in the absence of mitigation, the Navy's modeling suggests that zero animals are likely to randomly enter the safety radius in the small amount of times that the detonations actually occur and no take by Level A harassment or mortality was requested or authorized. It is unlikely that an animal will swim into the zone during the brief amount of time that it might be exposed to a detonation without being detected by the multiple boats encircling the detonation area and observing the mitigation zone.

Additionally, given the Navy's available resources, and considering the small size of boats typically used for monitoring, the required mitigation zones are the maximum distances that can be effectively monitored. Due to the type of training required during the use of TDFDs, the Navy has limited survey vessels and manpower available for monitoring. Scheduling additional vessels and crews would degrade the overall training readiness of the other unit(s) involved. If the Navy adopted a more precautionary swim speed and implemented larger mitigation zones,

surveillance resources could not be increased and the same number of boats would be spread out over a larger area, diluting the Navy's ability to effectively monitor the mitigation zone.

Comment 3: The Commission recommends that the Navy monitor the extent of the Level B harassment zones using additional shore- or vessel-based observers to (1) determine the numbers of marine mammals taken during pile driving and removal activities and (2) characterize the effects on them.

Response: Consistent with previous authorizations for activities at SSTC, the Navy proposed to monitor a 50-yard radius during ELCAS pile driving and removal events. This mitigation zone is based on the predicted range to Level A harassment (180 dB) for cetaceans, and is applied conservatively to both cetaceans and pinnipeds. The Navy proposed to monitor for the presence of marine mammals beginning 30 minutes before any ELCAS pile driving or removal event, continuing during pile driving and removal, and ending 30 minutes after completion of any pile driving or removal event. At least one observer would monitor the mitigation zone from shore. If a marine mammal is seen within the 50-yard radius, pile driving and removal events would be shutdown or delayed until the animal has voluntarily left the mitigation zone.

The 50-yard mitigation zone for ELCAS mitigation is practical for the Navy and NMFS believes that this distance will prevent Level A harassment and reduce the potential for Level B harassment. Monitoring of the Level B harassment zone is impractical for the Navy given the size of the zone (>1,000 yards) and limited number of resources (e.g., small boats and personnel). NMFS believes that the 50-yard mitigation zone will prevent Level A harassment and reduce the potential for Level B harassment, especially considering the limited duration of the activity (about 3 days of pile driving and 10 days of pile removal) and the close proximity to shore (1,000 yards).

Potential Effects on Marine Mammals

The Potential Effects on Marine Mammals section of the proposed IHA included a qualitative discussion of the different ways that underwater detonation events and pile driving and removal activities would impact marine mammals without consideration of mitigation and monitoring measures (78 FR 24161, April 24, 2013; pages 24167–24172). Marine mammals may experience direct physiological effects (e.g., threshold shift and non-acoustic injury), acoustic masking, impaired communication, and behavioral disturbance. The information contained in this section of the proposed IHA has not changed.

Mitigation Measures

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. The NDAA of 2004 amended the MMPA as it relates to military-readiness activities and the authorization process such that ''least practicable adverse impact'' shall include consideration of personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity. The activities described in the Navy's LOA application and summarized earlier in this document are considered military readiness activities.

NMFS reviewed the proposed activities and the proposed mitigation measures as described in the Navy's LOA application to determine if they would result in the least practicable adverse effect on marine mammals, which includes a careful balancing of the likely benefit of any particular measure to the marine mammals with the likely effect of that measure on personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity. NMFS described the Navy's proposed mitigation measures in detail in the proposed IHA (78 FR 24161, April 24, 2013; pages 24172–24175). These required mitigation measures, summarized below, have not changed.

Mitigation zones for all underwater detonation events and pile driving and removal activities;

Underwater detonations will only occur during daylight hours;

Anchored floats will be used to mark the outer limits of the mitigation zone (vsw, pos);

A safety observer will ensure the detonation site is clear before an underwater detonation event;

Boat-based and shore-based observers will monitor for marine mammals before, during, and after underwater detonation events, depending on the type of activity;

Any observed injured or stressed marine mammal will be reported to the Navy and NMFS;

Time-delays longer than 10 minutes will not be used;

If a marine mammals is sighted within a mitigation zone, underwater detonation events and ELCAS training will be delayed or stopped until the animal voluntarily leaves or the zone is clear from sightings for 30 minutes, depending on the type of activity; and

The Navy will implement a soft start for all ELCAS pile driving.

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, where applicable, ''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.

This section of the proposed IHA included a detailed description of the Navy's proposed monitoring measures (78 FR 24161, April 24, 2013; pages 24175–24176). These required monitoring measures, summarized below, have not changed. In addition to the mitigation monitoring described above, the Navy will monitor a subset of SSTC underwater detonation events to validate the Navy's pre- and post-event mitigation effectiveness, and observe marine mammal reaction, or lack of reaction to SSTC training events. The Navy will also conduct an acoustic monitoring project during the first field deployment of the ELCAS.

Reporting

In order to issue an ITA for an activity, section 101(a)(5)(A) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring. This section of the proposed IHA included a detailed description of the Navy's proposed reporting measures. These required reporting measures, summarized below, have not changed.

General notification of injured or dead marine mammals; and

Monitoring/exercise report due 90 days after the expiration of the IHA.

Past Monitoring and Reporting

The Navy has complied with monitoring and reporting requirements under their previous IHAs for the SSTC.

To date, two underwater demolition training events have been observed by protected species observers between July 2012 and November 2012. Broad scale Navy-funded monitoring in support of the Navy's Southern California (SOCAL) Range Complex Letter of Authorization has typically focused on the offshore waters north and west of the SSTC. The Navy obtained special flight permission to survey the vicinity of the SSTC during part of three aerial surveys under the SOCAL monitoring plan in 2011–2012. As anticipated, marine mammal sightings were limited and included several California sea lions and a few unidentified dolphins, although the dolphin sightings were several miles offshore from the normal SSTC training area.

Estimated Take by Incidental Harassment

In the Estimated Take by Incidental Harassment section of the proposed IHA, NMFS provided a detailed description of the potential effects to marine mammals from underwater detonations and ELCAS pile driving and removal under the MMPA's definitions of Level A and Level B harassment and attempted to quantify the effects that might occur from the specified activities (78 FR 24161, April 24, 2013; pages 24176–24178). The proposed IHA also included a description of the Navy's quantitative exposure modeling methodology. That information has not changed; however, there was an error in the column headlines of Table 6, which were corrected and are provided below. In summary, for all underwater detonations and ELCAS pile driving activities, the Navy's impact model predicts that no mortality and/or Level A harassment (injury) will occur to marine mammal species and stocks within the action area (Tables 5 and 6).

TABLE 5—THE NAVY'S MODELED ESTIMATES OF SPECIES EXPOSED TO UNDERWATER DETONATIONS WITHOUT IMPLEMENTATION OF MITIGATION MEASURES

Species	Annual marine mammal exposure (all sources)			
	Level B behavior (multiple successive explosive events only)	Level B TTS	Level A	Mortality
	177 dB re 1 μPa	182 dB re 1 μPa^2-s/23 psi	205 dB re 1 μPa^2-s/13.0 psi-ms	30.5 psi-ms
Gray Whale:				
Warm	N/A	N/A	N/A	N/A
Cold	0	0	0	0
Bottlenose Dolphin:				
Warm	30	43	0	0
Cold	40	55	0	0
California Sea Lion:				
Warm	4	4	0	0
Cold	40	51	0	0
Harbor Seal:				
Warm	0	0	0	0
Cold	0	0	0	0
Long-beaked common dolphin:				
Warm	14	21	0	0
Cold	7	10	0	0
Pacific white-sided dolphin:				
Warm	2	3	0	0
Cold	3	4	0	0
Risso's dolphin:				
Warm	3	4	0	0
Cold	11	15	0	0
Short-beaked common dolphin:				
Warm	123	177	0	0
Cold	62	86	0	0
Total Annual Exposures	339	473	0	0

TABLE 6—EXPOSURE ESTIMATES FROM ELCAS PILE DRIVING AND REMOVAL PRIOR TO IMPLEMENTATION OF MITIGATION

Species	Annual marine mammal exposure (all sources)			
	Level B behavior (Non-Impulse)	Level B Behavior (Impulse)	Level A (Cetacean)	Level A (Pinniped)
	120 dB_{rms} re 1 μPa	160 dB_{rms} re 1 μPa	180 dB_{rms} re 1 μPa	190 dB_{rms} re 1 μPa
Gray Whale:				
Installation	N/A	0	0	0
Removal	6	N/A	0	0
Bottlenose Dolphin:				
Installation	N/A	40	0	0
Removal	168	N/A	0	0
California Sea Lion:.				

TABLE 6—EXPOSURE ESTIMATES FROM ELCAS PILE DRIVING AND REMOVAL PRIOR TO IMPLEMENTATION OF MITIGATION—Continued

Species	Annual marine mammal exposure (all sources)			
	Level B behavior (Non-Impulse)	Level B Behavior (Impulse)	Level A (Cetacean)	Level A (Pinniped)
	120 dB_{rms} re 1 µPa	160 dB_{rms} re 1 µPa	180 dB_{rms} re 1 µPa	190 dB_{rms} re 1 µPa
Installation	N/A	20	0	0
Removal	102	N/A	0	0
Harbor Seal:				
Installation	N/A	0	0	0
Removal	12	N/A	0	0
Long-beaked common dolphin:				
Installation	N/A	0	0	0
Removal	54	N/A	0	0
Pacific white-sided dolphin:				
Installation	N/A	0	0	0
Removal	12	N/A	0	0
Risso's dolphin:				
Installation	N/A	0	0	0
Removal	30	N/A	0	0
Short-beaked common dolphin:				
Installation	N/A	80	0	0
Removal	462	N/A	0	0
Total Annual Exposures	846	140	0	0

Anticipated Effects on Habitat

The Anticipated Effects on Habitat section of the proposed IHA included a detailed discussion of the potential impacts on habitats used by marine mammals (78 FR 24161, April 24, 2013; pages 24178–24179). The information contained in the proposed IHA has not changed. In summary, the specified activities are not expected to result in any permanent impact on marine mammal habitat or food resources.

Subsistence Harvest of Marine Mammals

NMFS has determined that the Navy's training activities at the SSTC will not have an unmitigable adverse impact on the availability of the affected species or stocks for subsistence use since there are no such uses in the specified area.

Negligible Impact Analysis and Determination

Pursuant to NMFS' regulations implementing the MMPA, an applicant is required to estimate the number of animals that will be ''taken'' by the specified activities (i.e., takes by harassment only, or takes by harassment, injury, and/or death). This estimate informs the analysis that NMFS must perform to determine whether the activity will have a ''negligible impact'' on the species or stock. Level B (behavioral) harassment occurs at the level of the individual(s) and does not assume any resulting population-level consequences, though there are known avenues through which behavioral disturbance of individuals can result in population-level effects. A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), or any of the other variables mentioned in the first paragraph (if known), as well as the number and nature of estimated Level A takes, the number of estimated mortalities, and effects on habitat.

The proposed IHA included a section that addressed the analysis and negligible impact determination of the Navy's activities on the affected species or stocks (78 FR 24161, April 24, 2013; pages 24179–24180). The information in the proposed IHA has not changed and our determination is summarized here. Taking the discussion in the proposed IHA into account, we have determined that the Navy's underwater detonations and ELCAS pile driving and removal will have a negligible impact on the marine mammal species and stocks present in the SSTC. This determination is based on relatively small zones of influence for the underwater detonations; shallow water areas that will contain the spreading of explosive energy; low marine mammal densities within the action area; NMFS' anticipation that no mortalities or injuries to marine mammals will occur; and the required mitigation and monitoring measures detailed in the IHA.

Endangered Species Act (ESA)

No marine mammal species are listed as endangered or threatened under the ESA with confirmed or possible occurrence in the study area. Therefore, section 7 consultation under the ESA for NMFS's issuance of an MMPA authorization is not warranted.

National Environmental Policy Act (NEPA)

The Navy prepared a Final Environmental Impact Statement (EIS) for the proposed SSTC training activities, which was released in January 2011 and is available at *http://www.silverstrandtrainingcomplexeis.com/EIS.aspx/*. NMFS is a cooperating agency (as defined by the Council on Environmental Quality (40 CFR 1501.6)) in the preparation of the EIS. NMFS has subsequently adopted the FEIS for the SSTC training activities.

As a result of these determinations, NMFS has issued an IHA to the Navy to

conduct training activities at the SSTC Study Area, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: July 1, 2013.

Helen M. Golde,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–16156 Filed 7–3–13; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC 2009–0088]

Submission for OMB Review; Comment Request—Third Party Conformity Assessment Body Registration Form

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the **Federal Register** of April 19, 2013 (76 FR 23545), the Consumer Product Safety Commission (CPSC or Commission) published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), to announce the CPSC's intention to seek extension of an approval of information collection regarding a form used to evaluate whether third party conformity assessment bodies meet the requirements to test for compliance to specified children's product safety rules.

No comments were received in response to that notice. Therefore, by publication of this notice, the Commission announces that it has submitted to the Office of Management and Budget (OMB), a request for extension of approval of those collections of information, without change.

DATES: Fax comments to OMB not later than August 5, 2013.

ADDRESSES: OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified by Docket No. CPSC–2009–0088. In addition, written comments also should be submitted at: *http://www.regulations.gov,* under Docket No. CPSC–2009–0088, or by mail/hand delivery/courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

Request for Renewal of Approval of Collection of Information. The Consumer Product Safety Improvement Act of 2008 (CPSIA) requires third party testing to be conducted by a third party conformity assessment body for any children's product that is subject to a children's product safety rule before importing for consumption or warehousing or distributing in commerce. To assess a third party conformity assessment body's qualifications for acceptance by CPSC, information related to location, accreditation, and ownership must be collected from the third party conformity assessment body. The CPSC uses an online collection form, CPSC Form 223, to gather information from third party conformity assessment bodies seeking acceptance by CPSC. The information collected relates to location, accreditation, and ownership. Commission staff uses this information to assess:

- A third party conformity assessment body's status as either an independent third party conformity assessment body, a government-owned or government-controlled conformity assessment body, or a firewalled conformity assessment body;
- Qualifications for acceptance by CPSC to test for compliance to specified children's product safety rules; and
- Eligibility for acceptance on the CPSC Web site.

On March 12, 2013, the Commission published a final rule (16 CFR part 1112) in the **Federal Register** regarding the requirements for third party conformity assessment bodies. The final rule became effective on June 10, 2013. Now that 16 CFR part 1112 is in effect, the rule will require the collection of information in CPSC Form 223:

- Upon initial application by the third party conformity assessment body for acceptance by CPSC;
- At the time any of the information on the CPSC Form 223 changes; and
- At least every two years, as part of a regular audit process.

A. Estimated Burden

The CPSC estimates the burden of the collection of information in CPSC Form 223 is as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Activity	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total hours
Initial Registration	55	1	55	1	55
Re-Registration	204	1	204	1	204
Changes in Information	3	1	3	0.25	0.75
Total					259.75

These estimates are based on the following information:

- From March 19, 2012 to March 19, 2013, 56 new third party conformity assessment bodies were accepted by the CPSC. Since 2011, the number of new third party conformity assessment bodies (53) accepted by the CPSC has remained stable. Based on these historical levels of acceptance, the estimated number of third party conformity assessment bodies that would be accepted by CPSC would be 55.
- Under the final rule, 16 CFR part 1112, third party conformity assessment bodies are required to resubmit CPSC Form 223 every two years. Because all third party conformity assessment bodies have not submitted their initial CPSC Form 223s at the same time, only some portion would be expected to resubmit a CPSC Form 223 in any one year. Based on the two year

resubmission requirement, we estimate that approximately half of the third party conformity assessment bodies would be required to resubmit in any one year. As of March 2013, 409 third party conformity assessment bodies have been accepted by CPSC for testing. Approximately half (204) of these firms would be expected to resubmit with CPSC in any given year.

• Under the final rule, 16 CFR part 1112, third party conformity assessment bodies are required to keep the information submitted on CPSC Form 223 up to date and submit a new CPSC Form 223 whenever the information on the CPSC Form 223 changes. Based on current experience with third party conformity assessment bodies, CPSC staff estimates that third party conformity assessment bodies will make no more than three revisions per year to update applicable Form 223 information. A ''change in information'' is a change that does not require review of laboratory accreditation documents, such as scope or test methods. Examples of revised information include: changes in the Web site URL; changes in the name of the laboratory; and a change of the point of contact.

The total burden is estimated at 259.75 hours, which is rounded up to 260 hours. CPSC staff estimates that hourly compensation for the time required for recordkeeping is $27.12 per hour (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' Table 9, total compensation for sales, office, and related workers in goods-producing industries: *http:www.bls.gov/ncs*). The total cost burden to the respondents is approximately $7,052 ($27.12 × 260 hours = $7,051.20).

Dated: July 1, 2013.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2013–16121 Filed 7–3–13; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC 2009–0073]

Submission for OMB Review; Comment Request—Virginia Graeme Baker Pool and Spa Safety Act; Compliance Form

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the **Federal Register** of April 19, 2013 (76 FR 23546), the Consumer Product Safety Commission (CPSC or Commission) published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), to announce the CPSC's intention to seek extension of an approval regarding a form used to verify whether pools and spas are in compliance with the Virginia Graeme Baker Pool and Spa Safety Act.

No comments were received in response to that notice. Therefore, by publication of this notice, the Commission announces that it has submitted to the Office of Management and Budget (OMB), a request for extension of approval of those collections of information, without change.

DATES: Fax comments to OMB not later than August 5, 2013.

ADDRESSES: OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified by Docket No. CPSC–2009–0073. In addition, written comments also should be submitted at: *http://www.regulations.gov,* under Docket No. CPSC–2009–0073, or by mail/hand delivery/courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

Request for Renewal of Approval of Collections of Information. Based on previous experience, CPSC staff estimates completion of approximately 97 pool inspections per year under the Virginia Graeme Baker Pool and Spa Safety Act. Investigators typically interview pool owners or operators or staff at the time of the inspection. In addition, investigators collect drain cover and sump certification documents as part of the pool inspection. Inspection of a pool or spa facility under the Virginia Graeme Baker Pool and Spa Safety Act generally requires approximately three hours. The annual total testing burden hours for such inspections thus are estimated at 291 (97 inspections × 3 hours per inspection). We estimate that hourly compensation for the time required for testing is $61.06 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' December 2012, Table 9, total compensation for management, professional, and related workers in goods-producing industries: *http://www.bls.gov/ncs*). Accordingly, we estimate the annual cost to be $17,768 ($61.06 × 291).

Dated: July 1, 2013.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2013–16122 Filed 7–3–13; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC 2009–0066]

Submission for OMB Review; Comment Request—Recordkeeping Requirements Under the Safety Standard for Infant Walkers

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the **Federal Register** of April 19, 2013 (76 FR 23544), the Consumer Product Safety Commission (CPSC or Commission) published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), to announce the CPSC's intention to seek extension of an approval of information collection for the recordkeeping requirements in the safety standard for infant walkers, 16 CFR part 1216.

No comments were received in response to that notice. Therefore, by publication of this notice, the Commission announces that it has submitted to the Office of Management and Budget (OMB) a request for extension of approval of those collections of information, without change.

DATES: Fax comments to OMB not later than August 5, 2013.

ADDRESSES: OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified by Docket No. CPSC–2009–0066. In addition, written comments also should be submitted at: *http://www.regulations.gov,* under Docket No.

CPSC–2009–0066, or by mail/hand delivery/courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7815, or by email to: *rsquibb@cpsc.gov*.

SUPPLEMENTARY INFORMATION: Request for Renewal of Approval of Collections of Information. Section 9.1 of ASTM F977–07 (which has been incorporated by reference in the safety standard for infant walkers, 16 CFR part 1216) requires infant walkers to be provided with easy-to-read instructions regarding assembly, maintenance, cleaning, and use.

There are 16 known firms supplying infant walkers to the U.S. market. All 16 firms are assumed to use labels already on both their products and their packaging, but they might need to make some modifications to their existing labels as a result of the mandatory rule. The estimated time required to make these modifications is about one hour per model. Each of these firms supplies an average of four different models of infant walkers; therefore, the estimated burden hours associated with labels is 1 hour × 16 firms × 4 models per firm = 64 annual hours.

Section 9.1 of ASTM F977–07 requires instructions to be supplied with the product. Supplying instructions with infant walkers is a usual and customary practice, as these products generally require some assembly, often necessitating instruction. There are no burden hours associated with the instruction requirement in section 9.1 because any burden associated with supplying instructions with infant walkers would be ''usual and customary'' and not within the definition of ''burden'' under OMB's regulations.

CPSC staff estimates that hourly compensation for the time required to create and update labels is $27.12 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' December 2012, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost associated with the proposed requirements is $1,736 ($27.12 per hour × 64 hours = $1,736).

Dated: July 1, 2013.

Todd A. Stevenson,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2013–16120 Filed 7–3–13; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 12–1, CPSC Docket No. 12–2 and CPSC Docket No. 13–2]

Notice of Telephonic Prehearing Conference

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: Notice of telephonic prehearing conference for the consolidated case: In the Matter of MAXFIELD AND OBERTON HOLDINGS, LLC; CRAIG ZUCKER, individually and as officer of MAXFIELD AND OBERTON HOLDINGS, LLC; ZEN MAGNETS, LLC; and STAR NETWORKS USA, LLC; CPSC Docket No. 12–1; CPSC Docket No. 12–2; and CPSC Docket No. 13–2.

DATES: July 29, 2013, 12:00 p.m. Mountain/1:00 p.m. Central/2:00 p.m. Eastern.

ADDRESSES: Members of the public are welcome to attend the prehearing conference at the Courtroom of Hon. Dean C. Metry at 601 25th Street, 5th Floor Courtroom, Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Jan Emig, Paralegal Specialist, U.S. Coast Guard ALJ Program, (409) 765–1300.

SUPPLEMENTARY INFORMATION: Any or all of the following shall be considered during the prehearing conference:

(1) Petitions for leave to intervene;

(2) Motions, including motions for consolidation of proceedings and for certification of class actions;

(3) Identification, simplification and clarification of the issues;

(4) Necessity or desirability of amending the pleadings;

(5) Stipulations and admissions of fact and of the content and authenticity of documents;

(6) Oppositions to notices of depositions;

(7) Motions for protective orders to limit or modify discovery;

(8) Issuance of subpoenas to compel the appearance of witnesses and the production of documents;

(9) Limitation of the number of witnesses, particularly to avoid duplicate expert witnesses;

(10) Matters of which official notice should be taken and matters which may be resolved by reliance upon the laws administered by the Commission or upon the Commission's substantive standards, regulations, and consumer product safety rules;

(11) Disclosure of the names of witnesses and of documents or other physical exhibits which are intended to be introduced into evidence;

(12) Consideration of offers of settlement;

(13) Establishment of a schedule for the exchange of final witness lists, prepared testimony and documents, and for the date, time and place of the hearing, with due regard to the convenience of the parties; and

(14) Such other matters as may aid in the efficient presentation or disposition of the proceedings.

Telephonic conferencing arrangements to contact the parties will be made by the court. Mary B. Murphy, Esq. and Jennifer Argabright, Esq., Counsel for the U.S. Consumer Product Safety Commission, shall be contacted by a third party conferencing center at (301) 504–7809. David C. Japha, Esq., Counsel for ZEN MAGNETS, LLC and STAR NETWORKS USA, LLC shall be contacted by a third party conferencing center at (303) 964–9500. John R. Fleder, Esq., Counsel for CRAIG ZUCKER, shall be contacted by a third party conferencing center at (202) 737–4580. Erika Z. Jones, Esq., Counsel for CRAIG ZUCKER, shall be contacted by a third party conferencing center at (202) 263–3232.

Authority: Consumer Product Safety Act, 15 U.S.C. 2064.

Dated: June 28, 2013.

Todd A. Stevenson,

Secretary.

[FR Doc. 2013–16119 Filed 7–3–13; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Amendment of the Threat Reduction Advisory Committee

AGENCY: DoD.

ACTION: Amendment of Federal Advisory Committee.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix), the Government in the Sunshine Act of

1976 (5 U.S.C. 552b), and 41 CFR 102–3.50(d), the Department of Defense gives notice that it is amending the charter for the Threat Reduction Advisory Committee (''the Committee''). The Committee has been determined to be in the public interest.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Committee shall provide independent advice and recommendations on matters relating to combating Weapons of Mass Destruction (WMD), as set forth in this notice. The Committee shall provide the Secretary of Defense, through the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) and the Assistant Secretary of Defense for Nuclear, Chemical and Biological Defense Programs (ASD(NCB)), independent advice and recommendations on:

a. Reducing the threat to the United States, its military forces, and its allies and partners posed by nuclear, biological, chemical, conventional, and special weapons.

b. Combating WMD to include non-proliferation, counterproliferation, and consequence management.

c. Nuclear deterrence transformation, nuclear material lockdown and accountability.

d. Nuclear weapons effects.

e. The nexus of counterproliferation and counter WMD terrorism.

f. Other AT&L; NCB; and Defense Threat Reduction Agency mission-related matters, as requested by the USD(AT&L).

The Committee shall be composed of not more than 21 members who are eminent authorities in the fields of national defense, geopolitical and national security affairs, WMD, nuclear physics, chemistry, and biology.

The Committee members are appointed by the Secretary of Defense, and their appointments will be renewed on an annual basis. The Committee members who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. 3109 to serve as special government employee (SGE) members, with annual renewals.

Committee members shall, with the exception of travel and per diem for official travel, serve without compensation, unless authorized by the Secretary of Defense.

The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Assistant Secretary of Defense for Nuclear, Chemical and Biological Defense Programs shall select the Committee's Chairperson and Vice Chairperson from the Committee membership at large.

The Secretary of Defense may approve the appointment of Committee members for one-to-four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees.

Each Committee member is appointed to provide advice to the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Department, when necessary and consistent with the Committee's mission, may establish subcommittees, task forces, and working groups. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(AT&L).

Such subcommittees or panels shall not work independently of the chartered Committee, and shall report their findings and advice solely to the Committee for full deliberation and discussion. Subcommittees or working groups have no authority to make decisions and recommendations verbally or in writing on behalf of the chartered Committee, nor can they report directly or release documents to the Agency or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Committee members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Committee member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one-to-four years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

Subcommittee members, if not full-time or permanent part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 to serve as SGE members, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Committee-related travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures.

In addition, the DFO is required to be in attendance at all committee and subcommittee meetings for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, an Alternate DFO, duly appointed to the Committee according to DoD policies and procedures, shall attend the entire duration of the Committee or subcommittee meeting.

The DFO, or the Alternate DFO, shall call all of the Committee's and subcommittee's meetings; prepare and approve all meeting agendas; adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures; and chair meetings when directed to do so by the official to whom the Committee reports.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to the Threat Reduction Advisory Committee membership about the Committee's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of Threat Reduction Advisory Committee.

All written statements shall be submitted to the Designated Federal Officer for the Threat Reduction Advisory Committee, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Threat Reduction Advisory Committee Designated Federal Officer can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/rpt/search.asp*.

The Designated Federal Officer, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Threat Reduction Advisory Committee. The Designated Federal Officer, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: July 1, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–16127 Filed 7–3–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the National Commission on the Structure of the Air Force

AGENCY: Director of Administration and Management, DoD.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150, the Department of Defense (DoD) announces that the following Federal advisory committee meeting of the National Commission on the Structure of the Air Force (''the Commission'') will take place.

DATES: *Date of Open Meeting, including Hearing and Commission Discussion:* Tuesday, July 16, 2013, from 1:00 p.m. to 5:00 p.m. Registration will begin at 12:00 p.m.

ADDRESSES: Clarion Hotel & Conference Center, Davenport Room, 815 Route 37 West, Toms River, New Jersey 08755.

FOR FURTHER INFORMATION CONTACT: Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950. Email: *dfoafstrucomm@osd.mil.* Desk (703) 545–9113. Facsimile (703) 692–5625.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: The members of the Commission will hear testimony from individual witnesses and then will discuss the information presented at the hearings.

Agenda

Military and civilian representatives from the Joint Base McGuire-Dix-Lakehurst are invited to speak at the public hearing and are asked to address matters pertaining to the U.S. Air Force, the Air National Guard, and the U.S. Air Force Reserve such as their study results and recommendations. These witnesses are also asked to address the evaluation factors under consideration by the Commission for a U.S. Air Force structure that—(a) Meets current and anticipated requirements of the combatant commands; (b) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each; (c) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States; (d) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited; (e) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and (f) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness. Individual Commissioners will also report their activities, information collection, and analyses to the full Commission.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and the availability of space, the meeting is open to the public. The Clarion Hotel is fully handicap accessible.

Written Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements. Written comments should be submitted to Mrs. Marcia Moore, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All contact information may be found in **FOR FURTHER INFORMATION CONTACT.**

Oral Comments: In addition to written statements, one hour will be reserved for individuals or interested groups to address the Commission on July 16, 2013. Interested oral commenters must summarize their oral statement in writing and submit with their registration. The Commission's staff will assign time to oral commenters at the meeting, for no more than 5 minutes each. While requests to make an oral presentation to the Commission will be honored on a first come, first served basis, other opportunities for oral comments will be provided at future meetings.

Registration: Individuals who wish to attend the public hearing and meeting on Tuesday, July 16, 2013 are encouraged to register for the event in advance with the Designated Federal Officer, using the electronic mail and facsimile contact information found in **FOR FURTHER INFORMATION CONTACT.** The communication should include the registrant's full name, title, affiliation or employer, email address, and daytime phone number. If applicable, include written comments and a request to speak during the oral comment session. (Oral comment requests must be accompanied by a summary of your presentation.) Registrations and written comments must be typed.

Due to difficulties beyond the control of the Commission or its DFO, this **Federal Register** notice for the July 16, 2013 meeting as required by 41 CFR 102–3.150(a) was not met. Accordingly, the Advisory Committee Management Officer for the DoD, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Background

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Mr. Michael L. Rhodes. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the U.S. Air Force will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in a manner consistent with available resources.

Dated: July 1, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–16163 Filed 7–3–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0116]

Privacy Act of 1974; System of Records

AGENCY: Office of the Inspector General, DoD.

ACTION: Notice to amend a System of Records.

SUMMARY: The Office of the Inspector General is amending a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective on August 5, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before August 5, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* *Federal Rulemaking Portal: http://www.regulations.gov.*

Follow the instructions for submitting comments.

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Mark Dorgan, DoD IG FOIA/Privacy Office, Department of Defense, Inspector General, 4800 Mark Center Drive, Alexandria, VA 22350–1500 or telephone: (703) 699–5680.

SUPPLEMENTARY INFORMATION: The Office of the Inspector General systems of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT** or at *http://dpclo.defense.gov/privacy/SORNs/component/oig/index.html.*

The proposed changes to the record system being amended are set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: July 1, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

CIG–19

SYSTEM NAME:

Recall Roster/Locator Records (October 1, 2008, 73 FR 57066).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Office of Inspector General—Emergency Alert Notification System.''

SYSTEM LOCATION:

Delete entry and replace with ''Kingdomware Technologies, Inc., 11186 Bel Aire Ct, Waldorf, MD 20603–5941.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Passwords, digital signatures, and role-based access are used to control access to the systems data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access are limited to persons responsible for servicing and authorized to use the record system. Automated segments are further protected by secure log-in and passwords. Access to personal information will be maintained in a secure, password protected electronic system that utilizes security hardware and software to include: Multiple firewalls, active intruder detection and role-based access controls. Audit trails of all system actions are logged.''

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with ''Office of the Inspector General of the Department of Defense, COOP Program Manager, Administration and Information Management Directorate, 4800 Mark Center Drive, Alexandria, VA 22350–1500.''

NOTIFICATION PROCEDURE:

Delete entry and replace with ''Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 4800 Mark Center Drive, Alexandria, VA 22350–1500.

Written requests should contain the individual's full name and work organization.''

RECORD ACCESS PROCEDURES:

Delete entry and replace with ''Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Freedom of Information Act Requester Service Center/Privacy Act Office, 4800 Mark Center Drive, Alexandria, VA 22350–1500.

Written requests should contain the individual's full name and work organization.''

* * * * *

[FR Doc. 2013–16154 Filed 7–3–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 289. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States when applicable. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 289 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

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

FOR FURTHER INFORMATION CONTACT: Mrs. Sonia Malik, 571–372–1276.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 288. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For

more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows: The changes in Civilian Bulletin 289 are updated rates for Hawaii, Midway Islands, and Wake Island.

Dated: July 1, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA						
[OTHER]						
01/01 - 12/31	110		118		228	01/01/2013
ADAK						
01/01 - 12/31	120		79		199	07/01/2003
ANCHORAGE [INCL NAV RES]						
05/16 - 09/30	213		119		332	01/01/2013
10/01 - 05/15	99		107		206	01/01/2013
BARROW						
05/15 - 09/14	177		94		271	04/01/2013
09/15 - 05/14	159		93		252	04/01/2013
BETHEL						
01/01 - 12/31	179		101		280	01/01/2013
BETTLES						
01/01 - 12/31	135		62		197	10/01/2004
CLEAR AB						
01/01 - 12/31	90		82		172	10/01/2006
COLDFOOT						
01/01 - 12/31	165		70		235	10/01/2006
COPPER CENTER						
05/15 - 09/15	149		85		234	01/01/2013
09/16 - 05/14	99		80		179	01/01/2013
CORDOVA						
01/01 - 12/31	95		117		212	01/01/2013
CRAIG						
04/01 - 09/30	129		77		206	01/01/2013
10/01 - 03/31	80		72		152	01/01/2013
DEADHORSE						
01/01 - 12/31	170		68		238	08/01/2012
DELTA JUNCTION						
01/01 - 12/31	129		54		183	01/01/2013

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
DENALI NATIONAL PARK						
05/01 - 09/30	159		95		254	01/01/2013
10/01 - 04/30	89		89		178	01/01/2013
DILLINGHAM						
05/15 - 10/15	185		111		296	01/01/2011
10/16 - 05/14	169		109		278	01/01/2011
DUTCH HARBOR-UNALASKA						
01/01 - 12/31	121		102		223	02/01/2012
EARECKSON AIR STATION						
01/01 - 12/31	90		77		167	06/01/2007
EIELSON AFB						
05/15 - 09/15	154		96		250	01/01/2013
09/16 - 05/14	75		88		163	01/01/2013
ELFIN COVE						
05/15 - 09/10	175		46		221	01/01/2013
09/11 - 05/14	150		44		194	01/01/2013
ELMENDORF AFB						
05/16 - 09/30	213		119		332	01/01/2013
10/01 - 05/15	99		107		206	01/01/2013
FAIRBANKS						
05/15 - 09/15	154		96		250	01/01/2013
09/16 - 05/14	75		88		163	01/01/2013
FOOTLOOSE						
01/01 - 12/31	175		18		193	10/01/2002
FT. GREELY						
01/01 - 12/31	129		54		183	01/01/2013
FT. RICHARDSON						
05/16 - 09/30	213		119		332	01/01/2013
10/01 - 05/15	99		107		206	01/01/2013
FT. WAINWRIGHT						
05/15 - 09/15	154		96		250	01/01/2013
09/16 - 05/14	75		88		163	01/01/2013
GAMBELL						
01/01 - 12/31	137		42		179	04/01/2013

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
GLENNALLEN						
05/15 - 09/15	149		85		234	01/01/2013
09/16 - 05/14	99		80		179	01/01/2013
HAINES						
01/01 - 12/31	107		101		208	01/01/2011
HEALY						
05/01 - 09/30	159		95		254	01/01/2013
10/01 - 04/30	89		89		178	01/01/2013
HOMER						
05/05 - 09/15	159		103		262	01/01/2013
09/16 - 05/04	89		98		187	01/01/2013
JUNEAU						
05/16 - 09/15	149		100		249	01/01/2013
09/16 - 05/15	135		99		234	01/01/2013
KAKTOVIK						
01/01 - 12/31	165		86		251	10/01/2002
KAVIK CAMP						
01/01 - 12/31	150		69		219	10/01/2002
KENAI-SOLDOTNA						
05/01 - 10/31	99		110		209	01/01/2013
11/01 - 04/30	79		108		187	01/01/2013
KENNICOTT						
01/01 - 12/31	275		109		384	01/01/2013
KETCHIKAN						
05/01 - 09/30	135		88		223	01/01/2013
10/01 - 04/30	99		85		184	01/01/2013
KING SALMON						
05/01 - 10/01	225		91		316	10/01/2002
10/02 - 04/30	125		81		206	10/01/2002
KLAWOCK						
10/01 - 03/31	80		72		152	01/01/2013
04/01 - 09/30	129		77		206	01/01/2013
KODIAK						
10/01 - 04/30	100		88		188	02/01/2012

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/01 - 09/30	152		93		245	02/01/2012
KOTZEBUE						
01/01 - 12/31	219		115		334	02/01/2012
KULIS AGS						
05/16 - 09/30	213		119		332	01/01/2013
10/01 - 05/15	99		107		206	01/01/2013
MCCARTHY						
01/01 - 12/31	275		109		384	01/01/2013
MCGRATH						
01/01 - 12/31	165		69		234	10/01/2006
MURPHY DOME						
09/16 - 05/14	75		88		163	01/01/2013
05/15 - 09/15	154		96		250	01/01/2013
NOME						
01/01 - 12/31	150		132		282	01/01/2013
NUIQSUT						
01/01 - 12/31	180		53		233	10/01/2002
PETERSBURG						
01/01 - 12/31	110		118		228	01/01/2013
POINT HOPE						
01/01 - 12/31	200		49		249	01/01/2011
POINT LAY						
01/01 - 12/31	225		51		276	08/01/2011
PORT ALEXANDER						
01/01 - 12/31	150		43		193	08/01/2010
PORT ALSWORTH						
01/01 - 12/31	135		88		223	10/01/2002
PRUDHOE BAY						
01/01 - 12/31	170		68		238	01/01/2011
SELDOVIA						
09/16 - 05/04	89		98		187	01/01/2013
05/05 - 09/15	159		103		262	01/01/2013
SEWARD						
10/16 - 04/30	84		85		169	01/01/2013

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/01 - 10/15	174		94		268	01/01/2013
SITKA-MT. EDGECUMBE						
05/01 - 09/30	209		117		326	01/01/2013
10/01 - 04/30	169		113		282	01/01/2013
SKAGWAY						
05/01 - 09/30	135		88		223	01/01/2013
10/01 - 04/30	99		85		184	01/01/2013
SLANA						
05/01 - 09/30	139		55		194	02/01/2005
10/01 - 04/30	99		55		154	02/01/2005
SPRUCE CAPE						
05/01 - 09/30	152		93		245	02/01/2012
10/01 - 04/30	100		88		188	02/01/2012
ST. GEORGE						
01/01 - 12/31	129		55		184	06/01/2004
TALKEETNA						
01/01 - 12/31	100		89		189	10/01/2002
TANANA						
01/01 - 12/31	150		132		282	01/01/2013
TOK						
05/15 - 09/30	95		85		180	01/01/2013
10/01 - 05/14	85		84		169	01/01/2013
UMIAT						
01/01 - 12/31	350		64		414	02/01/2012
VALDEZ						
05/16 - 09/14	219		121		340	01/01/2013
09/15 - 05/15	139		113		252	01/01/2013
WAINWRIGHT						
01/01 - 12/31	175		83		258	01/01/2011
WASILLA						
05/01 - 09/30	164		103		267	01/01/2013
10/01 - 04/30	96		96		192	01/01/2013
WRANGELL						
05/01 - 09/30	135		88		223	01/01/2013

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
	10/01 - 04/30	99		85		184	01/01/2013
	YAKUTAT						
	01/01 - 12/31	105		94		199	01/01/2011
AMERICAN SAMOA							
	AMERICAN SAMOA						
	01/01 - 12/31	139		96		235	09/01/2012
GUAM							
	GUAM (INCL ALL MIL INSTAL)						
	01/01 - 12/31	159		96		255	07/01/2012
HAWAII							
	[OTHER]						
	01/01 - 12/31	114		95		209	07/01/2013
	CAMP H M SMITH						
	01/01 - 12/31	177		114		291	07/01/2013
	EASTPAC NAVAL COMP TELE AREA						
	01/01 - 12/31	177		114		291	07/01/2013
	FT. DERUSSEY						
	01/01 - 12/31	177		114		291	07/01/2013
	FT. SHAFTER						
	01/01 - 12/31	177		114		291	07/01/2013
	HICKAM AFB						
	01/01 - 12/31	177		114		291	07/01/2013
	HONOLULU						
	01/01 - 12/31	177		114		291	07/01/2013
	ISLE OF HAWAII: HILO						
	01/01 - 12/31	114		95		209	07/01/2013
	ISLE OF HAWAII: OTHER						
	01/01 - 12/31	180		137		317	07/01/2013
	ISLE OF KAUAI						
	01/01 - 12/31	243		131		374	05/01/2012
	ISLE OF MAUI						
	01/01 - 12/31	259		133		392	07/01/2013
	ISLE OF OAHU						
	01/01 - 12/31	177		114		291	07/01/2013

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KEKAHA PACIFIC MISSILE RANGE FAC						
01/01 - 12/31	243		131		374	05/01/2012
KILAUEA MILITARY CAMP						
01/01 - 12/31	114		95		209	07/01/2013
LANAI						
01/01 - 12/31	249		155		404	05/01/2012
LUALUALEI NAVAL MAGAZINE						
01/01 - 12/31	177		114		291	07/01/2013
MCB HAWAII						
01/01 - 12/31	177		114		291	07/01/2013
MOLOKAI						
01/01 - 12/31	131		72		203	07/01/2013
NAS BARBERS POINT						
01/01 - 12/31	177		114		291	07/01/2013
PEARL HARBOR						
01/01 - 12/31	177		114		291	07/01/2013
SCHOFIELD BARRACKS						
01/01 - 12/31	177		114		291	07/01/2013
WHEELER ARMY AIRFIELD						
01/01 - 12/31	177		114		291	07/01/2013
MIDWAY ISLANDS						
MIDWAY ISLANDS						
01/01 - 12/31	125		72		197	07/01/2013
NORTHERN MARIANA ISLANDS						
[OTHER]						
01/01 - 12/31	85		76		161	07/01/2012
ROTA						
01/01 - 12/31	130		106		236	07/01/2012
SAIPAN						
01/01 - 12/31	140		87		227	07/01/2012
TINIAN						
01/01 - 12/31	85		76		161	07/01/2012
PUERTO RICO						

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
[OTHER]						
01/01 - 12/31	109		112		221	06/01/2012
AGUADILLA						
01/01 - 12/31	124		76		200	10/01/2012
BAYAMON						
01/01 - 12/31	195		128		323	09/01/2010
CAROLINA						
01/01 - 12/31	195		128		323	09/01/2010
CEIBA						
01/01 - 12/31	139		92		231	10/01/2012
CULEBRA						
01/01 - 12/31	150		98		248	03/01/2012
FAJARDO [INCL ROOSEVELT RDS NAVSTAT]						
01/01 - 12/31	139		92		231	10/01/2012
FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]						
01/01 - 12/31	195		128		323	09/01/2010
HUMACAO						
01/01 - 12/31	139		92		231	10/01/2012
LUIS MUNOZ MARIN IAP AGS						
01/01 - 12/31	195		128		323	09/01/2010
LUQUILLO						
01/01 - 12/31	139		92		231	10/01/2012
MAYAGUEZ						
01/01 - 12/31	109		112		221	09/01/2010
PONCE						
01/01 - 12/31	149		89		238	09/01/2012
RIO GRANDE						
01/01 - 12/31	169		123		292	06/01/2012
SABANA SECA [INCL ALL MILITARY]						
01/01 - 12/31	195		128		323	09/01/2010
SAN JUAN & NAV RES STA						
01/01 - 12/31	195		128		323	09/01/2010
VIEQUES						
01/01 - 12/31	175		95		270	03/01/2012

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
04/15 - 12/14	135		92		227	05/01/2006
12/15 - 04/14	187		97		284	05/01/2006
ST. JOHN						
04/15 - 12/14	163		98		261	05/01/2006
12/15 - 04/14	220		104		324	05/01/2006
ST. THOMAS						
04/15 - 12/14	240		105		345	05/01/2006
12/15 - 04/14	299		111		410	05/01/2006
WAKE ISLAND						
WAKE ISLAND						
01/01 - 12/31	173		55		228	07/01/2013

[FR Doc. 2013–16147 Filed 7–3–13; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2013–OSERS–0083]

American Indian Vocational Rehabilitation Services Program; Notice of Tribal Consultation and Request for Comments

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

ACTION: Notice.

SUMMARY: The Department seeks input from tribal officials, tribal governments, tribal organizations, and affected tribal members on the Department's interpretation of the term ''reservation'' in section 121(c) of the Rehabilitation Act of 1973, as amended (Act). The Department is also exploring additional measures of consultation, including regional face-to-face meetings to be held in August and September of 2013.

DATES: The Department must receive your comments on or before September 3, 2013.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once.

In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''Are you new to the site?''
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this notice, address them to August Martin, U.S. Department of Education, 400 Maryland Avenue SW., Room 5049, Potomac Center Plaza (PCP), Washington, DC 20202–2800.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: August Martin. *Telephone:* (202) 245–7410, or by email: *august.martin@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: The Rehabilitation Services Administration (RSA) invites you to submit comments regarding this notice. Specifically, we invite comments regarding the effect of a possible change in how the Department interprets the definition of the term ''reservation'' that is used to determine eligibility for a grant under the American Indian Vocational Rehabilitation Services (AIVRS) program.

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

Background: On May 9, 2012, the U.S. Government Accountability Office (GAO) released a report, ''Federal Funding for Non-Federally Recognized Tribes,'' GAO–12–348 (available at *www.gao.gov/products/GAO-12-348*), in which a question was raised concerning the Department's practice for determining eligibility under the AIVRS program.

In this report, the GAO questioned whether the Department's interpretation of the term ''reservation,'' when used in determining eligibility for grants under the AIVRS program, was broader than the term's statutory definition. Specifically, the GAO noted that there are substantial questions about the eligibility for AIVRS program grants of State-recognized tribes that are not located on State reservations but on a defined and contiguous area of land where there is a concentration of tribal members and in which the tribe is providing structured activities and services, such as the tribal service areas identified in a tribe's grant application. The GAO recommended that the Secretary review the eligibility requirements for AIVRS grants and take appropriate action on grants made to tribes that do not have Federal or State reservations.

Therefore, the Department seeks input from tribal officials, tribal governments, tribal organizations, and affected tribal members regarding a possible change in the Department's interpretation of ''reservation,'' as that term is used in determining AVIRS program grant eligibility, and that would align with the GAO interpretation and include only those areas of land specifically listed in the statutory definition.

This notice complies with Executive Order 13175, which requires tribal consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications.

The Definition of ''Reservation'': Section 121(a) of the Act (29 U.S.C. 741) provides that eligible applicants for an AIVRS grant are the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies). Section 121(c) of the Act further provides that the term ''reservation'' includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act. In its regulations in 34 CFR 371.4(b), the Department defines ''reservation'' as ''a Federal or State Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, and land held by incorporated Native groups, regional corporations and village corporations under the provisions of the Alaska Native Claims Settlement Act.''

In interpreting the term ''reservation,'' the Department has included tribes that are located on a defined and contiguous area of land where there is a concentration of tribal members and in which the tribe is providing structured activities and services, such as the tribal service areas identified in a tribe's grant application. Because the statutory definition of ''reservation'' uses the term ''include,'' the Department has interpreted the term to mean that the list of land areas in the statutory definition is not exhaustive; and, as a result, the Department has the authority to include other land areas that are consistent with both the purpose of the program and the list of land areas provided in the statute.

The Department is considering narrowing its interpretation of the statutory definition of ''reservation'' to align with the GAO interpretation, which would include only those areas of land specifically listed in the statutory definition—Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

With this possible change, federally recognized tribes without Federal reservations and State recognized tribes without State reservations (or other areas of land specifically listed in the statutory definition of ''reservation'') would no longer be eligible to apply for grants under the AIVRS program.

Therefore, the Department is seeking comments that address three areas:

(1) The Department is interested in the potential effect of limiting eligibility for AVIRS program grants to those Indian tribes (and consortia of tribes) located on Federal and State reservations and the other land areas specifically listed in the statutory definition of ''reservation.''

(2) For tribes that currently provide services under this program and that would not meet the revised interpretation of ''reservation,'' the Department is particularly interested in whether individuals currently receiving services from these tribes would continue to receive vocational rehabilitation services to assist them to return to work; and, if so, how and where the clients might obtain these services.

(3) The Department is also interested in how a revised interpretation of ''reservation'' would affect the pool of potential applicants for the AIVRS program, including tribes that have not previously applied but may consider applying for an AIVRS grant.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

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Dated: July 1, 2013.

Michael K. Yudin,

Delegated the authority to perform the functions and duties of the Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2013–16190 Filed 7–3–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities and the Safe and Drug-Free Schools and Communities Program—National Technical Assistance Center on Positive Behavioral Interventions and Supports

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

ACTION: Notice.

Overview Information

Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities and the Safe and Drug-Free Schools and Communities Program—National Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS)

Notice inviting applications for a new award for fiscal year (FY) 2013.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.326S.

DATES:

Applications Available: July 5, 2013.

Deadline for Transmittal of Applications: August 19, 2013.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Programs: The purpose of the Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities program is to promote academic achievement and to improve results for children with disabilities by providing technical assistance (TA), supporting model demonstration projects, disseminating useful information, and implementing activities that are supported by scientifically based research.

The Safe and Drug-Free Schools and Communities program provides support to State educational agencies (SEAs) for a variety of drug-abuse- and violence-prevention activities focused primarily on school-age youths.

Priorities: This notice includes two absolute priorities. In accordance with 34 CFR 75.105(b)(2)(v), absolute priority 1 is from allowable activities specified or otherwise authorized in the Individuals With Disabilities Education Act (IDEA) (see sections 663 and 681(d) of the IDEA, 20 U.S.C. 1463 and 1481(d)). We are establishing absolute priority 2 under the authority in section 4121 of the Elementary and Secondary Education Act of 1965, as amended, and in accordance with section 437(d)(1) of the General Education Provisions Act (GEPA) (20 U.S.C. 7131; 20 U.S.C. 1232(d)(1).

Absolute Priorities: These priorities are absolute priorities. Under 34 CFR 75.105(c)(3), we consider only applications that meet these priorities.

These priorities are:

Absolute Priority 1—Technical Assistance and Dissemination To Improve Services and Results for Children With Disabilities—National Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS)

Background

The purpose of this priority is to fund a cooperative agreement to support the establishment and operation of a National Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS) (Center). The Center will assist SEAs and local educational agencies (LEAs) to develop, implement, scale-up, and sustain school-wide frameworks for positive behavioral interventions and supports that will help improve student behavior and school climate and help students with disabilities and their non-disabled peers remain engaged in learning.

PBIS Frameworks in General

The term ''positive behavioral interventions and supports'' (PBIS) was first used in a priority published by the Department in 1997, and it is currently used in the Individuals with Disabilities Education Act (IDEA) (e.g., sections 601(c)(5)(F), 611(e)(2)(C)(iii), 614(d)(3)(B)(i), 662(b)(2)(A)(v), and 665). We do not use ''PBIS'' to mean any specific program or curriculum. Rather, we use the term generically to reference a multi-tiered behavioral framework used to improve the integration and implementation of behavioral practices, data-driven decisionmaking systems, professional development opportunities, school leadership, supportive SEA and LEA policies, and evidence-based instructional strategies. A PBIS framework helps to improve behavioral and academic outcomes by improving school climate, preventing problem behavior, increasing learning time,

promoting positive social skills, and delivering effective behavioral interventions and supports.

The Office of Special Education Programs (OSEP) has invested in developing and implementing behavioral interventions, supports, and strategies for over 30 years. In 1997, OSEP funded the first national TA center to explore how to incorporate a variety of behavioral practices into a school-wide framework that would (1) address the social, emotional, and behavioral needs of students with challenging behaviors in a comprehensive and deliberate manner, similar to how academic instruction is provided; and (2) provide a structure for the delivery of a continuum of evidence-based practices designed to benefit all students and supported by data-driven decisionmaking.

Although the initial focus of the TA center was to provide support for those students with the most challenging behaviors, including those with, and at risk of, emotional disturbance, it became evident to OSEP and center staff that most schools lacked the time and expertise needed to focus on the most challenging students. The cause appeared to be the absence of a basic school-wide structure to effectively address behavioral expectations for all students, including defining, teaching, and reinforcing expected behaviors and delivering consistent and effective consequences in a way that leads to decreased problem behaviors and increased appropriate behavior.

As a result, OSEP adjusted the scope of the initial investment. The revised goal focused on the design of a broad behavioral framework anchored by critical implementation components, yet flexible enough to allow for customization by end users (e.g., schools and LEAs) based on local needs and resources. After 15 years of research and practice, there is an emerging evidence base supporting the effectiveness of multi-tiered behavioral frameworks implemented in a variety of school settings across the country.

A PBIS framework proactively and systematically addresses student problem behavior (e.g., non-compliance, disrespect, bullying, poor social skills) by providing positive behavioral expectations that are clearly articulated, consistently upheld, and nested within a comprehensive infrastructure of support, that includes data collection and use, professional development, and supportive policies (Horner, Sugai, Todd, & Lewis-Palmer, 2005; Sugai & Horner, 2006). In providing a structure for schools to address behavior and behavior-related issues, a PBIS framework is designed to improve school climate for all students and staff and keep students in school and engaged in instruction.

PBIS provides for ascending levels of support from universal to targeted to an individualized, intensive level. Universal level interventions are designed for *all* students and all staff in support of a positive school-wide climate. Students who are not meeting behavioral expectations can be more easily identified and provided an additional level of targeted interventions and supports by trained personnel. For the few students who require even more complex interventions and support, additional individualized and ''wraparound'' supports are provided. Typically, this intensive level of support requires the coordination of services from multiple agencies, including mental health and juvenile justice agencies.

Effects of Implementing a PBIS Framework

Effective implementation of PBIS frameworks has resulted in decreases in student discipline referrals, suspensions, and expulsions; increased safety and school satisfaction among staff, students, and parents; improved school climate; and increased instructional time (Horner, Sugai, Todd, & Lewis-Palmer, 2005; Lewis-Palmer, Horner, Sugai, Eber, & Phillips, 2002; Luiselli, Putnam, & Sunderland, 2002; Schneider, Walker, & Sprague, 2000). These outcomes are beneficial to all students but even more so for students with disabilities.

Students with disabilities are disproportionately represented in school disciplinary infractions, suspensions, expulsions, and in juvenile justice facilities (U.S. Department of Education, 2012; Losen & Skiba, 2010). Data from the most recent Civil Rights Data Collection (CRDC) indicate that children with disabilities are suspended and expelled at rates more than twice their non-disabled peers (U.S. Department of Education, 2012). In some cases, because school personnel lack training in effective behavioral supports and interventions, children with disabilities may be inappropriately removed from the instructional setting. While children with disabilities often require the most intensive supports to succeed in school, their frequent removals from the instructional setting further hinder their academic progress. According to Scott and Barrett (2004), the typical disciplinary referral translated to an average of 20 minutes of student time spent out of the classroom. In addition, other students in the classroom also lost instructional time while the student engaged in the problem behavior. Implementation of PBIS, however, was found to increase overall instructional time (Scott & Barrett, 2004). Although the link between PBIS and improved academic outcomes has yet to be fully demonstrated, if behavioral disruptions are minimized and students are engaged in effective instruction, it is likely that both behavioral and academic progress will result.

Research demonstrates that the implementation of a PBIS framework improves overall school climate and safety. A 2008 evaluation of PBIS by Bradshaw, Koth, Bevans, Ialongo, and Leaf found that schools using PBIS showed significant improvement in overall organizational health as measured by the Organizational Health Inventory, which measures aspects of healthy functioning, the principal's resource acquisition ability, and staff collegiality.

When there is fidelity implementing PBIS, studies have found the following statistically significant results: perceived school safety, reductions in overall problem behaviors, reductions in bullying behaviors (Bradshaw, Pas, Goldweber, Rosenberg, & Leaf, 2012), and reductions in office discipline referrals and suspensions (Bradshaw, Mitchell, & Leaf, 2010; Horner et al., 2009). Studies have also found a correlation between the use of PBIS procedures and improved social skills (Barrett, Bradshaw, & Lewis-Palmer, 2008). Emerging evidence also links PBIS implementation with improved academic achievement (Bradshaw, Mitchell, & Leaf, 2010; Horner et al., 2009; McIntosh, Bennett, & Price, 2011). In addition to being effective, according to Bradshaw, Mitchell, and Leaf (2010), school-wide PBIS programs are attractive to SEAs and LEAs because they are designed to promote and enhance the learning environment for all students while having additional supports in place for students who have greater social, emotional, and behavioral needs. However, more research is needed on the relationship between PBIS implementation and improved academic achievement, the effectiveness of PBIS implementation in high-need settings, and effective implementation of more intensive and individualized interventions and services within the framework.

Status of Schools' Implementation of PBIS Frameworks

Although schools have long attempted to address discipline, disruptive and problem behavior, violence, bullying,

and vandalism (Gottfredson & Gottfredson, 2001; Horner, Sugai, & Vincent, 2005; Menzies & Lane, 2011; Sugai & Horner, 2002), the vast majority of America's schools have not implemented comprehensive, effective supports addressing the full range of students' social, emotional, and behavioral needs. Renewed calls for schools to prevent disruptive and violent behavior have contributed to the increased implementation of behavioral frameworks, like PBIS, that focus on prevention and positive interventions school-wide (Bradshaw, Mitchell, & Leaf, 2010; Bradshaw, Reinke, Brown, Bevans, & Leaf, 2008).

From the data collected through the School-Wide Information System, a school-wide behavioral data collection and decisionmaking tool developed in conjunction with the PBIS TA center, there are data about PBIS implementation efforts and progress of about 18,000 schools (www.pbis.org). While impressive, this represents only 18 percent of all public schools in the United States. In addition, from assessments using the School-wide Evaluation Tool, which measures the quality of implementation (e.g., whether expectations are defined, behavioral expectations are taught, ongoing systems for rewarding satisfaction of behavioral expectations and for responding to behavioral violations are in place, etc.), we know that high-quality implementation mostly exists at the universal and targeted levels, where the behavioral needs of all students are addressed. Few schools are currently structured to comprehensively and effectively address the needs of students, including students with disabilities, with the most challenging behaviors. States and districts have also struggled to develop PBIS system components, such as data collection, policies, funding, and professional development, as well as the local capacity and expertise, that are critical to supporting and sustaining comprehensive local implementation efforts (Bradshaw, Reinke, Brown, Bevans, & Leaf, 2008).

In sum, additional support is needed to increase the number of SEAs and LEAs that scale-up the implementation of PBIS frameworks in order to achieve large-scale and widespread behavioral improvements. In addition, since high-quality implementation is critical to producing the best possible behavioral outcomes, the fidelity of current implementation efforts must be improved. Additional knowledge is needed on implementation in high-need areas and interventions for students with the most intensive needs. SEAs and LEAs also need continuing assistance in developing the school and program components necessary to support the implementation, scaling up, and sustainability of PBIS frameworks as a critical tool in promoting the achievement of students with and without disabilities.

Priority

The purpose of this priority is to fund a cooperative agreement to support the establishment and operation of a National Technical Assistance Center on PBIS (Center). The Center will assist SEAs and LEAs to develop and implement a PBIS framework that will help students remain engaged in instruction and improve academic outcomes for both students with and without disabilities. The Center must achieve, at a minimum, the following intended outcomes that support implementing a PBIS framework:

(a) Improved skills of SEA personnel to organize the components of a PBIS framework, such as policies, funding, professional development, coaching, data collection and analysis and interagency coordination for service provision with state justice, mental health and other youth services agencies.

(b) Improved skills of LEA personnel to (1) implement the evidence-based practices and skills that comprise the PBIS behavioral framework; (2) collect and use data to inform behavioral decisionmaking; and (3) develop, including through collaboration with mental health and juvenile justice agencies, the local capacity, partnerships, and expertise needed to implement, scale-up, and sustain a PBIS framework and demonstrate the effects of the implementation within the school and the larger school community.

(c) Increased body of knowledge of researchers and practitioners on implementing, scaling up, and sustaining a PBIS framework to provide the behavioral supports for students with disabilities and their non-disabled peers to achieve both behavioral and academic success.

(d) Increased use by SEAs and LEAs of reliable and valid tools and processes for evaluating the fidelity of the implementation of a PBIS framework and for measuring its outcomes, including reductions in discipline referrals, suspensions, expulsions, and the use of restraints and seclusion and improvements in school climate, time spent in instruction, and overall academic achievement.

(e) Increased body of knowledge on the processes to effectively implement PBIS in high-need LEAs;[1] high-poverty schools;[2] low-performing schools including persistently lowest-achieving schools;[3] and priority schools (in the case of States that have received the Department's approval of a request for flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA)),[4] to develop and

[1] For the purposes of this priority, the term ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

[2] For the purposes of this priority, the term ''high-poverty school'' means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data (*www2.ed.gov/legislation/FedRegister/other/2010-4/121510b.html*).

[3] For the purposes of this priority,

(a) The term ''persistently lowest-achieving schools'' means, as determined by the State—

(1) Any Title I school in improvement, corrective action, or restructuring that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that—

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both—

(i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(ii) The school's lack of progress on those assessments over a number of years in the ''all students'' group.

For the purposes of this priority, the Department considers schools that are identified as Tier I or Tier II schools under the School Improvement Grants Program (see 75 FR 66363) as part of a State's approved FY 2009, FY 2010, or FY 2011 application to be persistently lowest-achieving schools. A list of these Tier I and Tier II schools can be found on the Department's Web site at *www2.ed.gov/programs/sif/index.html*.

[4] For the purposes of this priority, the term ''priority school'' means a school that has been identified by the State as a priority school pursuant to the State's approved request for ESEA flexibility.

improve the quality of information, tools, and products to assist initial and sustained implementation of a PBIS framework in these LEAs;

(f) Expanded use of the lessons learned from implementing PBIS to: (1) Inform other Federal, State, and district efforts to reduce incidents of bullying, the use of restraint and seclusion, and the disproportionate application of disciplinary procedures such as suspension and expulsion to minority students and students with disabilities; (2) reduce inappropriate referrals of students with disabilities to law enforcement; and (3) inform school climate and school mental health initiatives that affect students with disabilities and that are supported or will be supported by the Department of Education and other Federal agencies (e.g., the Department of Justice, the Department of Health and Human Services).

In addition to these program requirements, to be considered for funding under this absolute priority, applicants must meet the application and administrative requirements under Absolute *Priority 1 and Absolute Priority 2 Common Elements.*

Absolute Priority 2—Technical Assistance and Dissemination to Improve Services and Results for Promoting Safe and Drug-Free Schools—National Technical Assistance Center on Positive Behavioral Interventions and Supports (PBIS)

Background

The purpose of this priority is to support the work of the Center funded under absolute priority 1 in assisting SEAs and LEAs funded under the School Climate Transformation Grants initiative, as well as under other Safe and Drug-Free Schools and Communities National Programs, to develop and implement a PBIS framework that promotes safe and drug-free schools.

As detailed in the background section to absolute priority 1, research indicates that when multi-tiered behavioral frameworks are implemented with fidelity, schools experience reductions in problem behavior (as measured by office discipline referrals and suspension), decreased bullying and peer victimization, and improved organizational health and perception of school as a safe setting. There is also emerging evidence that: (1) youth risk factors are reduced in schools where these frameworks are implemented well; and (2) reduced risk factors are correlated with reduced drug use, among other improved behaviors.

Accordingly, the Department's 2014 budget request for the Successful, Safe, and Healthy Students program includes $50 million for a proposed School Climate Transformation Grants initiative. This initiative, in combination with grants from the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Department of Justice (DOJ), is a part of the President's plan, *Now Is The Time,* to make schools safer from gun violence and create positive school climates. Grants would enable SEAs and LEAs to develop and adopt, or expand to more schools, a multi-tiered decisionmaking framework that guides the selection, integration, and implementation of the best evidence-based behavioral practices for improving school climate and behavioral outcomes for all students. Funding under absolute priority 2 would be used to provide technical assistance for that purpose to grantees funded under programs implemented in connection with the School Climate Transformation Grants initiative as well as other Successful, Safe, and Healthy Programs.

Priority

The purpose of this priority is to support the work of the National Technical Assistance Center on PBIS (Center) funded under absolute priority 1 in assisting SEAs and LEAs funded under the School Climate Transformation Grants initiative as well as other Safe and Drug-Free Schools and Communities National Programs to develop and implement a PBIS framework that promotes safe and drug-free schools and is designed to keep students engaged in instruction and improve academic outcomes for students with and without disabilities. The Center must achieve, at a minimum, the following intended outcomes that support implementing a PBIS framework:

(a) Improved skills of SEA personnel to organize the components of a PBIS framework, such as policies, funding, professional development, coaching, data collection and analysis, and interagency coordination for service provision with state justice, mental health and other youth services agencies.

(b) Improved skills of LEA personnel to (1) implement the evidence-based practices and skills that comprise the PBIS behavioral framework; (2) collect and use data to inform behavioral decisionmaking; and (3) develop, including through collaboration with mental health and juvenile justice agencies, the local capacity and expertise needed to implement, scale-up, and sustain a PBIS framework and demonstrate the effects of the implementation within the school and the larger school community.

(c) Increased body of knowledge of researchers and practitioners on implementing, scaling up, and sustaining a PBIS framework to provide the behavioral supports to prevent the illegal use of drugs and violence among, and promote safety and discipline for, students.

(d) Increased use by SEAs and LEAs of reliable and valid tools and processes for evaluating the fidelity of the implementation of a PBIS framework and for measuring its outcomes, including reductions in violence and the illegal use of drugs, discipline referrals, suspensions, expulsions, and the use of restraints and seclusion, and improvements in school climate, time spent in instruction, and overall academic achievement.

(e) Increased body of knowledge on the processes to effectively implement PBIS in high-need LEAs;[5] high-poverty schools;[6] low-performing schools including persistently lowest-achieving schools;[7] and priority schools (in the

[5] For the purposes of this priority, the term ''high-need LEA'' means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

[6] For the purposes of this priority, the term ''high-poverty school'' means a school in which at least 50 percent of students are eligible for free or reduced-price lunches under the Richard B. Russell National School Lunch Act or in which at least 50 percent of students are from low-income families as determined using one of the criteria specified under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data (*www2.ed.gov/legislation/FedRegister/other/2010-4/121510b.html*).

[7] For the purposes of this priority,

(a) The term ''persistently lowest-achieving schools'' means, as determined by the State—

(1) Any Title I school in improvement, corrective action, or restructuring that—

(i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and

(2) Any secondary school that is eligible for, but does not receive, Title I funds that—

(i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or

case of States that have received the Department's approval of a request for flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA)),[8] to develop and improve the quality of information, tools, and products to assist initial and sustained implementation of a PBIS framework in these LEAs;

(f) Expanded use of the lessons learned from implementing a PBIS framework to: (1) Inform other Federal, State, and district efforts to reduce incidents of illegal drug use and violence by students (including bullying), the use of restraint and seclusion, and the disproportionate application of disciplinary procedures such as suspension and expulsion to minority students and students with disabilities; (2) reduce inappropriate referrals of students to law enforcement; and (3) inform school climate and school mental health initiatives that are supported or will be supported by the Department of Education and other Federal agencies (e.g., the Department of Justice, the Department of Health and Human Services).

In addition to these program requirements, to be considered for funding under this absolute priority, applicants must meet the application and administrative requirements under *Absolute Priority 1 and Absolute Priority 2 Common Elements.*

Absolute Priority 1 and Absolute Priority 2 Common Elements

In addition to the program requirements contained in both absolute priorities, to be considered for funding applicants must meet the following application and administrative requirements. OSEP encourages innovative approaches to meet these requirements, which are:

(a) Demonstrate, in the narrative section of the application under ''Significance of the Project,'' how the proposed project will—

(1) Address the current and emerging needs of SEAs and LEAs to implement, scale-up, and sustain a PBIS framework.

To address this requirement the applicant must—

(i) Present applicable national, State, regional, or local data demonstrating the needs of SEAs and LEAs to implement, scale-up, and sustain a PBIS framework; and

(ii) Demonstrate knowledge of current policy initiatives and issues relating to implementing, scaling, and sustaining a PBIS framework within the context of comprehensive school improvement efforts; and

(2) Result in (i) improved quality of PBIS implementation and (ii) increased scale-up in LEAs and SEAs.

(b) Demonstrate, in the narrative section of the application under ''Quality of the Project Services,'' how the proposed project will—

(1) Ensure equal access and treatment for members of groups that have traditionally been underrepresented based on race, color, national origin, linguistic diversity, gender, age, or disability. To meet this requirement, the applicant must describe the process that will be used to—

(i) Identify the needs of the intended recipients for TA and information; and

(ii) Ensure that services and products meet the needs of the intended recipients;

(2) Achieve its goals, objectives, and intended outcomes. To meet this requirement, the applicant must provide—

(i) Measureable intended project outcomes; and

(ii) The theory of action on how the proposed project will achieve the intended project outcomes.

(3) Use a conceptual framework to guide the development of project plans and activities, describing any underlying concepts, assumptions, expectations, beliefs, or theories, as well as the presumed relationship or linkages among these variables, and any empirical support for this framework;

(4) Be based on current research and evidence-based practices. To meet this requirement, the applicant must describe—

(i) The current research on the effectiveness of PBIS and related evidence-based practices;

(ii) How evidence-based adult learning principles and implementation science will inform the TA provided (see *http://nirn.fpg.unc.edu/sites/nirn.fpg.unc.edu/files/resources/NIRN-MonographFull-01-2005.pdf*); and

(iii) The process the proposed project will use to incorporate current research and evidence-based practices in the development and delivery of its products and services;

(5) Develop products and provide services that are of sufficient quality, intensity, and duration to achieve the intended outcomes of the proposed project. To address this requirement, the applicant must describe—

(i) Its proposed activities to identify, develop, or expand the knowledge base of researchers, trainers, TA providers, and practitioners on PBIS;

(ii) Its proposed approach to universal, general TA,[9] including the intended recipients of the products and services under this approach;

(iii) Its proposed approach to targeted, specialized TA,[10] including the intended recipients of the products and services under this approach and its proposed approach to measure the readiness of potential TA recipients to work with the project, including the recipients' current infrastructure, available resources, and ability to build capacity at the local level; and

(iv) Its proposed approach to intensive, sustained TA,[11] including the intended recipients of the products and services under this approach. To address this requirement, the applicant must describe—

(A) Its proposed approach to measure the readiness of SEAs and LEAs to work with the proposed project using intensive TA, including their

(ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

(b) To identify the lowest-achieving schools, a State must take into account both—

(i) The academic achievement of the ''all students'' group in a school in terms of proficiency on the State's assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and

(ii) The school's lack of progress on those assessments over a number of years in the ''all students'' group.

For the purposes of this priority, the Department considers schools that are identified as Tier I or Tier II schools under the School Improvement Grants Program (see 75 FR 66363) as part of a State's approved FY 2009, FY 2010, or FY 2011 application to be persistently lowest-achieving schools. A list of these Tier I and Tier II schools can be found on the Department's Web site at *www2.ed.gov/programs/sif/index.html.*

[8] For the purposes of this priority, the term ''priority school'' means a school that has been identified by the State as a priority school pursuant to the State's approved request for ESEA flexibility.

[9] ''Universal, general TA'' means TA and information provided to independent users through their own initiative, resulting in minimal interaction with TA center staff and including one-time, invited or offered conference presentations by TA center staff. This category of TA also includes information or products, such as newsletters, guidebooks, or research syntheses, downloaded from the TA center's Web site by independent users. Brief communications by TA center staff with recipients, either by telephone or email, are also considered universal, general TA.

[10] ''Targeted, specialized TA'' means TA service based on needs common to multiple recipients and not extensively individualized. A relationship is established between the TA recipient and one or more TA center staff. This category of TA includes one-time, labor-intensive events, such as facilitating strategic planning or hosting regional or national conferences. It can also include episodic, less labor-intensive events that extend over a period of time, such as facilitating a series of conference calls on single or multiple topics that are designed around the needs of the recipients. Facilitating communities of practice can also be considered targeted, specialized TA.

[11] ''Intensive, sustained TA'' means TA services often provided on-site and requiring a stable, ongoing relationship between the TA center staff and the TA recipient. ''TA services'' are defined as negotiated series of activities designed to reach a valued outcome. This category of TA should result in changes to policy, program, practice, or operations that support increased recipient capacity or improved outcomes at one or more systems levels.

commitment to PBIS, how PBIS implementation will support other ongoing reform priorities, current infrastructure, available resources, and ability to build capacity at the local, district, or State level;

(B) Its proposed plan for assisting States and LEAs to build comprehensive systems of ongoing professional development based on adult learning principles that include initial training for all staff, intensive role-specific training for small groups, and one-on-one coaching; and

(C) Its proposed plan for working with each level of the education system (e.g., SEA, regional TA providers, LEAs, schools) and other key systems (justice and mental health) to ensure communication between each level and across systems, and that there are mechanisms in place at each level to support the use of PBIS;

(D) Its proposed plan for making information on evidence-based behavioral interventions across the multiple tiers of support available to intended audiences, which must include how the applicant will link to the evidence-based practices identified by the Department and other relevant federal agencies; (6) Develop products and implement services to maximize the project's efficiency. To address this requirement, the applicant must describe—

(i) How the proposed project will use technology to achieve the intended project outcomes;

(ii) How the proposed project will collaborate with the School-wide Integrated Framework for Transformation Center (*www.swiftschools.org*), the State Implementation and Scaling-up of Evidence-based Practices Center (*http://sisep.fpg.unc.edu*), and other related centers supported by the Department of Education, the Substance Abuse and Mental Health Services Administration (SAMHSA), or the Department of Justice (DOJ), as directed by the Department of Education in the cooperative agreement;

(iii) With whom the proposed project will collaborate (including other Federal TA efforts such as OSEP TA centers, the Office of Elementary and Secondary Education Comprehensive Centers (*http://www2.ed.gov/programs/newccp/contacts.html*), the Department of Justice National Technical Assistance Center, and the Department of Health and Human Services Safe School/Healthy Students TTA Center) on the intended outcomes of this collaboration; and

(iv) How the proposed project will use non-project resources effectively to achieve the intended project outcomes.

(c) Demonstrate, in the narrative section of the application under ''Quality of the Evaluation Plan,'' how—

(1) The proposed project will collect and analyze data related to specific and measurable goals, objectives, and intended outcomes of the project. To address this requirement, the applicant must describe—

(i) Proposed evaluation methodologies, including instruments, data collection methods, and possible analyses;

(ii) Proposed standards or targets for determining effectiveness; and

(iii) Proposed methods for collecting data on implementation supports and fidelity of implementation;

(2) The proposed project will use the evaluation results to examine the effectiveness of the project's implementation strategies and the progress toward achieving intended outcomes; and

(3) The methods of evaluation will produce quantitative and qualitative data that demonstrate whether the project achieved the intended outcomes.

(d) Demonstrate, in the narrative section of the application under ''Adequacy of Project Resources,'' separately for (1) absolute priority 1 only and (2) absolute priority 2 only, how—

(1) The proposed project will encourage applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, linguistic diversity, gender, age, or disability, as appropriate;

(2) The proposed key project personnel, consultants, and subcontractors have the qualifications and experience to carry out the proposed activities and meet the project's intended outcomes;

(3) The applicant and any key partners have adequate resources to carry out the proposed activities; and

(4) The proposed costs are reasonable in relation to the anticipated results and benefits.

(e) Demonstrate, in the narrative section of the application under ''Quality of the Management Plan,'' how—

(1) The proposed management plan will ensure that the project's intended outcomes will be achieved on time and within budget. To address this requirement, the applicant must describe—

(i) Clearly defined responsibilities for key project personnel, consultants, and subcontractors, as appropriate; and

(ii) Timelines and milestones for accomplishing the project tasks;

(2) Key project personnel and any consultants and subcontractors will be allocated to the project and the appropriateness and adequacy of these time allocations to achieve the project's intended outcomes;

(3) The proposed management plan will ensure that the products and services provided are of high quality; and

(4) The proposed project will benefit from a diversity of perspectives, including families, educators, TA providers, researchers, and policy makers, among others, in its development and operation.

(f) Meet the following application requirements—

(1) Include in Appendix A a logic model that depicts, at a minimum, the goals, activities, outputs, and outcomes of the proposed project. A logic model communicates how a project will achieve its intended outcomes and provides a framework for both the formative and summative evaluations of the project.

Note: The following Web sites provide more information on logic models: *www.researchutilization.org/matrix/logicmodel_resource3c.html* and *www.tadnet.org/pages/589*;

(2) Include in Appendix A a visual representation of the conceptual framework, if a visual representation is developed;

(3) Include in Appendix A person-loading charts and timelines, as appropriate, to illustrate the management plan described in the narrative;

(4) Include in the budget attendance at the following:

(i) A one and one-half day kick-off meeting to be held in Washington, DC, after receipt of the award, and an annual planning meeting in Washington, DC, with the OSEP project officer and other relevant staff during each subsequent year of the project period.

Note: Within 30 days of receipt of the award, a post-award teleconference must be held between the OSEP project officer and the grantee's project director or other authorized representative;

(ii) A two and one-half day project directors' conference in Washington, DC, during each year of the project period;

(iii) Three trips annually to attend Department briefings, Department-sponsored conferences, and other meetings, as requested by OSEP; and

(iv) A one-day intensive review meeting that will be held during the last half of the second year of the project period;

(5) Include in the budget a line item for an annual set-aside of five percent of the grant amount for absolute priority 1

and five percent of the grant amount for absolute priority 2 to support emerging needs that are consistent with the proposed project's intended outcomes, as those needs are identified in consultation with OSEP.

Note: With approval from the OSEP project officer, the project must reallocate any remaining funds from this annual set-aside no later than the end of the third quarter of each budget period; and

(6) Maintain a Web site that meets government or industry-recognized standards for accessibility.

Fourth and Fifth Years of the Project

In deciding whether to continue funding the project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), as well as—

(a) The recommendation of a review team consisting of experts selected by the Secretary. This review will be conducted during a one-day intensive meeting in Washington, DC, that will be held during the last half of the second year of the project period;

(b) The timeliness and effectiveness with which all requirements of the negotiated cooperative agreement have been or are being met by the project; and

(c) The quality, relevance, and usefulness of the project's activities and products and the degree to which the project's activities and products are aligned with the project's objectives and likely to result in the project achieving its proposed outcomes.

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Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to absolute priority 1 in this notice. In addition, Section 437(d)(1) of GEPA allows the Secretary to exempt from rulemaking requirements regulations governing the first grant competition under a new or substantially revised program authority. This is the first grant competition for the Safe and Drug-Free Schools and Communities program under section 4121 of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 7131, and therefore qualifies for this exemption. In order to ensure timely grant awards, the Secretary has decided to forego public comment on absolute priority 2 under section 437(d)(1) of GEPA. Absolute priority 2 will apply to the FY 2013 grant competition and any subsequent year in which we make awards from the list of unfunded applicants from this competition.

Program Authority: 20 U.S.C. 1463 and 1481; 20 U.S.C. 7131.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 86, 97, 98, and 99. (b) The Education Department debarment and suspension regulations in 2 CFR part 3485. (c) The regulations in 34 CFR part 299.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Cooperative agreement.

Estimated Available Funds: For absolute priority 1: $1,685,000 in FY 2013 and each of the four subsequent years. For absolute priority 2: There are

no funds available in FY 2013 but should funding become available in FY 2014 we estimate that $2,500,000 would be available in FY 2014 and each of the three subsequent years. Funding for absolute priority 2 is contingent upon funding under the Safe and Drug-Free Schools and Communities (SDFSC) National Programs, specifically, funding for absolute priority 2 and funding for grants under the SDFSC National Programs that would be the recipients of the technical assistance to be provided under absolute priority 2.

Note: Applicants must submit a separate Form 524b budget and budget narrative for absolute priority 1 only and a separate Form 524b budget and budget narrative for absolute priority 2 only. The Secretary will reject any application that does not separately address the requirements specified in absolute priority 1 and absolute priority 2 and include separate budgets and budget narratives for absolute priority 1 only and absolute priority 2 only.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2014 from the list of unfunded applicants from this competition.

Maximum Award: We will reject any application that proposes a budget exceeding $1,685,000 for absolute priority 1 for a single budget period of 12 months. We will reject any application that proposes a budget exceeding $2,500,000 for absolute priority 2 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months with an optional additional 24 months based on performance. Applications must include plans for both the 36-month award and the 24-month extension.

III. Eligibility Information

1. *Eligible Applicants:* SEAs; LEAs, including public charter schools that are considered LEAs under State law; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian tribes or tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other General Requirements:*

(a) Recipients of funding under this competition must make positive efforts to employ, and advance in employment, qualified individuals with disabilities (see section 606 of IDEA).

(b) Each applicant for, and recipient of, funding under this competition must involve individuals with disabilities, or parents of individuals with disabilities ages birth through 26, in planning, implementing, and evaluating the project (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: www.EDPubs.gov or at its email address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.326S.

Individuals with disabilities can obtain a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1'' margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

We will reject your application if you exceed the page limit; or if you apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: July 5, 2013.

Deadline for Transmittal of Applications: August 19, 2013.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. However, under 34 CFR 79.8(a), we waive intergovernmental review in order to make an award by the end of FY 2013.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the

Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process may take seven or more business days to complete. If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days to complete. Information about SAM is available at SAM.gov.

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/applicants/get_registered.jsp.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the National Technical Assistance Center on PBIS competition, CFDA number 84.326S, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the National Technical Assistance Center on PBIS at www.Grants.gov. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (e.g., search for 84.326, not 84.326S).

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov*.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.

• You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material. Additional, detailed information on how to attach files is in the application instructions.

• Your electronic application must comply with any page-limit requirements described in this notice.

• After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (a Department-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following

business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Renee Bradley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4103, Potomac Center Plaza (PCP), Washington, DC 20202–2600. FAX: (202) 245–7617.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326S), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.326S), 550 12th Street SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Additional Review and Selection Process Factors:* In the past, the Department has had difficulty finding peer reviewers for certain competitions because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The standing panel requirements under section 682(b) of IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers, by ensuring that greater numbers of individuals who are eligible to serve as

reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

4. *Special Conditions:* Under 34 CFR 74.14 and 80.12, the Secretary may impose special conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 34 CFR parts 74 or 80, as applicable; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993, the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technical Assistance and Dissemination to Improve Services and Results for Children with Disabilities program. These measures focus on the extent to which projects provide high-quality products and services, the relevance of project products and services to educational and early intervention policy and practice, and the use of products and services to improve educational and early intervention policy and practice.

Grantees will be required to report information on their project's performance in annual reports to the Department (34 CFR 75.590).

5. *Continuation Awards:* In making a continuation award, the Secretary may consider, under 34 CFR 75.253, the extent to which a grantee has made ''substantial progress toward meeting the objectives in its approved application.'' This consideration includes the review of a grantee's progress in meeting the targets and projected outcomes in its approved application, and whether the grantee has expended funds in a manner that is consistent with its approved application and budget. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Renee Bradley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4103, PCP, Washington, DC 20202–2600. Telephone: (202) 245–7277.

If you use a TDD or a TTY, call the Federal Information Relay Service (FIRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., Room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FIRS, toll free, at 1–800–877–8339.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: July 1, 2013.

Michael K. Yudin,

Delegated the authority to perform the functions and duties of the Assistant Secretary for Special Education and Rehabilitative Services.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2013–16191 Filed 7–3–13; 8:45 am]

BILLING CODE 4000–01–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: ER10–1894–006; ER10–1901–007; ER10–1882–003; ER10–3025–003; ER10–3036–003; ER10–3039–003; ER10–3042–003.

Applicants: Wisconsin Public Service Corporation, Upper Peninsula Power Company, Wisconsin River Power Company, Integrys Energy Services. Inc., WPS Power Development, LLC,

Quest Energy, LLC, Combined Locks Energy Center, LLC.

Description: The Integrys Energy Group, Inc. submits Notice of Non-Material Change in Status.

Filed Date: 6/25/13.

Accession Number: 20130625–5150.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER10–3300–004.

Applicants: La Paloma Generating Company, LLC.

Description: Triennial Updated Market Power Analysis for the Southwest Region of La Paloma Generating Company, LLC.

Filed Date: 6/25/13.

Accession Number: 20130625–5153.

Comments Due: 5 p.m. ET 8/26/13.

Docket Numbers: ER13–1210–001.

Applicants: Westar Generating, Inc.

Description: Amendment, Purchase Power Agreement with Westar Energy, Inc. to be effective 7/1/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5000.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1772–000.

Applicants: Southwest Power Pool, Inc.

Description: 1374R11 Kansas Power Pool & Westar Meter Agent Agreement to be effective 6/1/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5100.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1773–000.

Applicants: Vermont Transco, LLC.

Description: Vermont Transco LLC Updated Exhibit A for the 1991 Transmission Agreement to be effective 7/1/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5101.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1774–000.

Applicants: Entergy Arkansas, Inc.

Description: Plum Pt. Transfer Agreement to be effective 12/1/2014.

Filed Date: 6/25/13.

Accession Number: 20130625–5105.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1775–000.

Applicants: PJM Interconnection, L.L.C.

Description: Non Queue (Sublette)—Original Service Agreement No. 3582 to be effective 5/29/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5106.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1776–000.

Applicants: Spokane Energy, LLC.

Description: Spokane Energy Tariff Revisions to be effective 6/26/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5108.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1777–000.

Applicants: Southern California Edison Company.

Description: Agreement for Limited Interconnection of SCE 220kV Switchyard to Eldorado System to be effective 6/25/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5119.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1778–000.

Applicants: PJM Interconnection, L.L.C.

Description: Non Queue (West Brooklyn)—Original Service Agreement No. 3581 to be effective 5/29/2013.

Filed Date: 6/25/13

Accession Number: 20130625–5130.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1779–000.

Applicants: East Kentucky Power Cooperative, Inc., PJM Interconnection, L.L.C.

Description: EKPC submits PJM SA Nos. 3591 and 3592 re grandfathered EKPC Agreements to be effective 6/1/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5132.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1780–000.

Applicants: Southwest Power Pool, Inc.

Description: 2565 Kansas Municipal Energy Agency NITSA and NOA to be effective 6/1/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5134.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1782–000.

Applicants: Duke Energy Progress, Inc.

Description: Notice of Cancellation of Rate Schedule No. 101 of Duke Energy Progress, Inc.

Filed Date: 6/25/13.

Accession Number: 20130625–5137.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1783–000.

Applicants: Duke Energy Progress, Inc.

Description: Revised Service Agreement No. 134 under Duke Energy Progress OATT to be effective 6/1/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5020.

Comments Due: 5 p.m. ET 7/17/13.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH13–17–000.

Applicants: Starwood Energy Group Global, L.L.C.

Description: Notice of Material Change in Facts of Starwood Energy Group Global, L.L.C.

Filed Date: 6/25/13.

Accession Number: 20130625–5152.

Comments Due: 5 p.m. ET 7/16/13.

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: June 26, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16067 Filed 7–3–13; 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 exempt wholesale generator filings:

Docket Numbers: EG13–44–000.

Applicants: Hazle Spindle, LLC.

Description: Self-Certification of EG of Hazle Spindle, LLC.

Filed Date: 6/24/13.

Accession Number: 20130624–5205.

Comments Due: 5 p.m. ET 7/15/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1414–004; ER10–1406–005; ER10–1416–005; ER13–1487–000; ER13–1488–000; ER13–1489–000.

Applicants: Quantum Auburndale Power, LP, Auburndale Power Partners, L.P., Lake Cogen Ltd., Pasco Cogen, Ltd.

Description: Amendment to May 20, 2012 and May 13, 2013 Notification of Non-Material Change in Status and May 14, 2013 Tariff Filings of the Quantum Entities.

Filed Date: 6/19/13.

Accession Number: 20130619–5126.

Comments Due: 5 p.m. ET 7/10/13.

Docket Numbers: ER12–673–002; ER12–672–002; ER10–1908–003; ER10–

1909–003; ER10–1910–003; ER10–1911–003; ER10–1533–004; ER10–2374–003; ER12–674–002; ER12–670–002.

Applicants: Brea Generation LLC, Brea Power II, LLC, Duquesne Conemaugh LLC, Duquesne Keystone LLC, Duquesne Light Company, Duquesne Power, LLC, Macquarie Energy LLC, Puget Sound Energy, Inc., Rhode Island Engine Genco, LLC, Rhode Island LFG Genco, LLC.

Description: Notice of Non-Material Change in Status of Brea Generation LLC, et al.

Filed Date: 6/24/13.

Accession Number: 20130624–5211.

Comments Due: 5 p.m. ET 7/15/13.

Docket Numbers: ER13–1556–000.

Applicants: Entergy Services, Inc.

Description: Supplement to May 24, 2013 Entergy Services, Inc. tariff filing of Service Agreements.

Filed Date: 6/13/13.

Accession Number: 20130613–5075.

Comments Due: 5 p.m. ET 7/5/13.

Docket Numbers: ER13–1759–000.

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric Rate Schedule No.128—WPS Letter of Concurrence May 2013 to be effective 5/20/2013.

Filed Date: 6/24/13.

Accession Number: 20130624–5166.

Comments Due: 5 p.m. ET 7/15/13.

Docket Numbers: ER13–1760–000.

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric Rate Schedule No. 129—UPPCO Letter of Concurrence May 2013 to be effective 5/20/2013.

Filed Date: 6/24/13.

Accession Number: 20130624–5167.

Comments Due: 5 p.m. ET 7/15/13.

Docket Numbers: ER13–1764–000.

Applicants: NorthWestern Corporation.

Description: (Resubmittal of 20130612–5133) Northwestern Corporation submits Request for Waiver from requirement to file tariff amendments implementing Order No. 1000 interregional planning and cost allocation requirements for Northwestern's South Dakota division.

Filed Date: 6/13/13.

Accession Number: 20130613–5023.

Comments Due: 5 p.m. ET 7/2/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13–32–000.

Applicants: Upper Peninsula Power Company.

Description: Application for Renewed Authorization to Issue Long-Term Debt of Upper Peninsula Power Company.

Filed Date: 6/24/13.

Accession Number: 20130624–5207.

Comments Due: 5 p.m. ET 7/15/13.

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: June 25, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16065 Filed 7–3–13; 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: EC13–121–000.

Applicants: Edison International.

Description: Application for Authorization of Transaction under Section 203 of the Federal Power Act and Request for Expedited Action of Edison International.

Filed Date: 6/25/13.

Accession Number: 20130625–5062.

Comments Due: 5 p.m. ET 7/16/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1347–001.

Applicants: MeadWestvaco Coated Board, LLC.

Description: Supplement to May 30, 2013 MeadWestvaco Coated Board, LLC tariff filing.

Filed Date: 6/19/13.

Accession Number: 20130619–5118.

Comments Due: 5 p.m. ET 7/10/13.

Docket Numbers: ER13–1761–000.

Applicants: Alabama Power Company.

Description: Southern Power (Dahlberg Units 11–14) LGIA Filing to be effective 6/10/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5001.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1762–000.

Applicants: Alabama Power Company.

Description: Southern Power (Edward L. Addison Unit 5) LGIA Filing to be effective 6/10/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5002.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1763–000.

Applicants: Alabama Power Company.

Description: Southern Power (Franklin Unit 4) LGIA Filing to be effective 6/10/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5003.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1765–000.

Applicants: Southwest Power Pool, Inc.

Description: 1977R2 Nemaha-Marshall Electric Cooperative NITSA and NOA to be effective 6/1/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5020.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1766–000.

Applicants: NorthWestern Corporation.

Description: Revised Rate Schedule 188—Colstrip 1 & 2 Transmission Agreement to be effective 9/1/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5021.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1767–000.

Applicants: AEP Texas Central Company.

Description: TCC-Midway Farms Wind IA Amend No. 1 to be effective 5/30/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5034.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1768–000.

Applicants: Southwest Power Pool, Inc.

Description: Integrated Marketplace—Attachment AN—SPP BA Agreement to be effective 3/1/2014.

Filed Date: 6/25/13.

Accession Number: 20130625–5072.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1769–000.

Applicants: Southwest Power Pool, Inc.

Description: Revisions to SPP Bylaws and Membership Agreement—SPP BA Agreement to be effective 3/1/2014.

Filed Date: 6/25/13.

Accession Number: 20130625–5073.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1770–000.

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric and NE.W. FERC Rate Schedule No. 131 to be effective 9/1/2013.

Filed Date: 6/25/13.

Accession Number: 20130625–5090.

Comments Due: 5 p.m. ET 7/16/13.

Docket Numbers: ER13–1771–000.

Applicants: Duke Energy Progress, Inc.

Description: Notice of Cancellation of Rate Schedule No. 124 of Duke Energy Progress, Inc.

Filed Date: 6/25/13.

Accession Number: 20130625–5096.

Comments Due: 5 p.m. ET 7/16/13.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES13–33–000.

Applicants: The Connecticut Light and Power Company.

Description: Application of Connecticut Light and Power Company and Western Massachusetts Electric Company To Issue Short-Term Debt Securities.

Filed Date: 6/25/13.

Accession Number: 20130625–5085.

Comments Due: 5 p.m. ET 7/16/13.

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: June 25, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16066 Filed 7–3–13; 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: EC13–81–000.

Applicants: Bangor Hydro Electric Company, Maine Public Service Company.

Description: Errata to March 19, 2013 Section 203 Application of Bangor Hydro Electric Company, et. al. and Request for Shortened Answer Period.

Filed Date: 6/26/13.

Accession Number: 20130626–5052.

Comments Due: 5 p.m. ET 7/8/13.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1521–003; ER10–1520–003; ER10–3028–002.

Applicants: Occidental Power Services, Inc., Occidental Power Marketing, L.P., Elk Hills Power, LLC.

Description: Triennial Market Power Analysis for the Southwest Region of Occidental Power Services, Inc., et al.

Filed Date: 6/26/13.

Accession Number: 20130626–5097.

Comments Due: 5 p.m. ET 8/26/13.

Docket Numbers: ER13–1784–000.

Applicants: Duke Energy Carolinas, LLC.

Description: Dallas PPA—RS 328 Revision (2013) to be effective 7/2/2012.

Filed Date: 6/26/13.

Accession Number: 20130626–5026.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1785–000.

Applicants: PacifiCorp.

Description: BPA AC Intertie Agreement 7th Revised to be effective 8/26/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5046.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1786–000.

Applicants: Dry Lake Wind Power, LLC.

Description: Triennial Review to be effective 6/29/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5050.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1787–000.

Applicants: Dry Lake Wind Power II LLC.

Description: Triennial Review to be effective 6/29/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5051.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1788–000.

Applicants: GenOn Canal, LLC.

Description: Notice of Succession to be effective 6/27/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5113.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1789–000.

Applicants: GenOn Chalk Point, LLC.

Description: Notice of Succession to be effective 6/27/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5114.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1790–000.

Applicants: GenOn Delta, LLC.

Description: Notice of Succession to be effective 6/27/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5117.

Comments Due: 5 p.m. ET 7/17/13.

Docket Numbers: ER13–1791–000.

Applicants: GenOn Florida, LP.

Description: Notice of Succession to be effective 6/27/2013.

Filed Date: 6/26/13.

Accession Number: 20130626–5119.

Comments Due: 5 p.m. ET 7/17/13.

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: June 26, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16068 Filed 7–3–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1747–000]

eBay Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

June 28, 2013.

This is a supplemental notice in the above-referenced proceeding, of eBay Inc.'s application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is July 18, 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: June 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16116 Filed 7–3–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1734–000]

Plainfield Renewable Energy, 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 Plainfield Renewable Energy, 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 July 18, 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: June 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16115 Filed 7–3–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1793–000]

Hazle Spindle, 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 Hazle Spindle, 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 July 18, 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: June 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16117 Filed 7–3–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–1816–000]

Sustaining Power Solutions 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 Sustaining Power Solutions 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 July 18, 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: June 28, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–16118 Filed 7–3–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9009–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements Filed 06/24/2013 Through 06/28/2013 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20130186, Final EIS, WAPA, CO, Granby Pumping Plant Switchyard—Windy Gap Substation Transmission Line Rebuild, Review Period Ends: 07/29/2013, Contact: Jim Hartman 720–962–7255. The above project was inadvertently omitted from EPA's FR Notice Published 06/28/2013

EIS No. 20130187, Final EIS, BR, CA, San Luis Reservoir State Recreation Area Resource Management Plan/General Plan, Review Period Ends: 08/05/2013, Contact: Dave Wooley 559–487–5049

EIS No. 20130188, Final EIS, BLM, 00, ADOPTION—Ruby Pipeline Project, Proposed Natural Gas Pipeline Facilities, Contact: Mark Mackiewicz 435–636–3616

The U.S. Department of the Interior's Bureau of Land Management (BLM) has adopted the Federal Energy Regulatory Commission's FEIS # 20100001, filed 01/07/2010 and appeared in the FR 01/15/2010. The BLM was a cooperating agency for the above project. Recirculation of the FEIS is not necessary under Section 1506.3(c) of the CEQ Regulations.

EIS No. 20130189, Final EIS, GSA, NY, Public Sale of Plum Island, Review Period Ends: 08/05/2013, Contact: John Dugan 617–565–5709

EIS No. 20130190, Final EIS, BLM, NV, Hollister Underground Mine Project, Review Period Ends: 08/05/2013, Contact: Janice Stadelman 775–753–0346

EIS No. 20130191, Final EIS, BLM, CA, Casa Diablo IV Geothermal Development Project, Review Period Ends: 08/05/2013, Contact: Collin Reinhardt 760–872–5024

EIS No. 20130192, Final EIS, NOAA, WA, Final Duwamish River NRDA PEIS and Restoration Plan, Review Period Ends: 08/05/2013, Contact: Rebecca Hoff 206–526–6276

EIS No. 20130193, Draft EIS, CALTRANS, CA, State Route 58 (SR–58) Kramer Junction Expressway Project, Comment Period Ends: 08/19/2013, Contact: Kurt Heidelberg 909–388–7028

EIS No. 20130194, Draft EIS, USFS, OR, Fox Canyon Cluster Allotment Management Plans, Comment Period Ends: 08/19/2013, Contact: Jeff Marszal 541–416–6436

EIS No. 20130195, Draft EIS, USCG, FL, Proposed New Bridge across the Manatee River, Comment Period Ends: 08/19/2013, Contact: Randall Overton 305–415–6736

EIS No. 20130196, Draft EIS, BR, CA, Shasta Lake Water Resources Investigation, Comment Period Ends: 09/30/2013, Contact: Katrina Chow 916–978–5067

EIS No. 20130197, Final EIS, USACE, FL, Everglades Agricultural Area A–1 Shallow Flow Equalization Basin, Review Period Ends: 08/05/2013, Contact: Alisa Zarbo 561–472–3506

EIS No. 20130198, Draft Supplement, BLM, 00, Ruby Pipeline Project, Comment Period Ends: 08/19/2013, Contact: Mark Mackiewicz 435–636–3616

Amended Notices

EIS No. 20130091, Draft EIS, USFWS, 00, Niobrara Confluence and Ponca Bluffs Conservation Areas Land Protection Plan, Comment Period Ends: 09/30/2013, Contact: Nick Kaczor 303–236–4387 Revision to FR Notice Published 04/08/2013; Extending Comment Period from 06/03/2013 to 09/30/2013

EIS No. 20130129, Draft EIS, USA, TX, Implementation of Energy, Water, and Solid Waste Sustainability Initiatives at Fort Bliss, Texas & New Mexico, Comment Period Ends: 07/31/2013, Contact: Pamela M. Klinger 210–466–1595 Revision to FR Notice Published 05/17/2013; Extending Comment Period from 07/01/2013 to 07/31/2013

EIS No. 20130159, Final Supplement, USACE, IN, Indianapolis North Flood Damage Reduction Project, Review Period Ends: 09/06/2013, Contact: Keith Keeney 502–315–6885 Revision to FR Notice Published 06/14/2013; Extending Review Period from 07/08/2013 to 09/06/2013

Dated: July 1, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–16217 Filed 7–3–13; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Sunshine Act Meeting

ACTION: Notice of a Partially Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

TIME AND PLACE: Thursday, July 18, 2013 at 9:30 a.m. The meeting will be held at Ex-Im Bank in Room 321, 811 Vermont Avenue NW., Washington, DC 20571.

OPEN AGENDA ITEMS: Item No. 1: Resolution presented to a member of the Board of Directors upon his resignation.

PUBLIC PARTICIPATION: The meeting will be open to public observation for Item No. 1 only.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to attend the meeting should call Joyce Stone, Office of the Secretariat, 811 Vermont Avenue NW., Washington, DC 20571 (202) 565–3336 by close of business Tuesday, July 16, 2013.

Cristopolis A. Dieguez,

Program Specialist, Office of General Counsel.

[FR Doc. 2013–16255 Filed 7–2–13; 11:15 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501—3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 3, 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 questions to Judith B. Herman, Federal Communications Commission. To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0806.

Title: Universal Service—Schools and Libraries Universal Service Program, FCC Forms 470 and 471.

Form Numbers: FCC Forms 470 and 471.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 82,000 respondents; 82,000 responses.

Estimated Time per Response: Three hours to complete FCC Form 470 and four hours to complete FCC Form 471. Additionally, one-half hour (.5 hours) for each form for the five year recordkeeping requirement.

Frequency of Response: On occasion and annual reporting requirements, recordkeeping 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. 151–154, 201–205, 218–220, 254, 303(r), 403 and 405 of the Communications Act of 1934, as amended.

Total Annual Burden: 334,000 hours.

Total Annual Cost: N/A.

Privacy Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. If the applicant requests confidential treatment of their information, they may request confidential treatment under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection after this comment period to obtain the full, three year clearance from the Office of Management and Budget (OMB). The Commission is requesting OMB approval for a revision to this information collection.

This submission proposes revisions to the FCC Form 470 and instructions and FCC Form 471 and instructions. The Commission is revising this collection in an effort to simplify the application process and to better collect information related to the broadband services being ordered by schools and libraries under the E-rate program. We propose collapsing the telecommunications

services and Internet access categories into one category of service on the FCC Form 470 to simplify the application process. We also propose eliminating outdated questions that were originally designed to determine the impact of services and create new questions that will better gauge the technology and speed related to E-rate applicants' Internet and broadband connectivity. Specifically, Block 2 of the FCC Form 471, Impact of Service Ordered for Schools and Libraries from this Form 471, will be eliminated and questions asking about broadband and other connectivity services will be added to Block 5 for each funding request. The FCC Form 471 is also revised to allow applicants to indicate whether they are a federal entity. Further, in the Commission's attempt to reduce the number of active information collections, the Commission will incorporate the information collection requirements in OMB Control No. 3060–0774 into to this collection so it can be removed from the OMB inventory.

The Commission requests a total hourly burden change for FCC Forms 470 and 471 from 325,000 burden hours to 334,000 burden hours, which is an increase of 9,000 burden hours. The adjustment reflects updated information received from the Universal Service Administrative Company, the administrator of the schools and libraries universal service support program, and is based on actual participation in the program. Specifically, for the FCC Form 470, the Commission estimates that the number of respondents has remained the same at 35,000 based on the number of forms submitted for funding years 2012 and 2013 reported by USAC. For the FCC Form 471, the Commission estimates that the number of respondents has increased from 45,000 to 47,000 based on the increased number of submitted FCC Forms 471 in funding years 2012 and 2013 as reported by USAC.

The two FCC forms serve the functions of the Universal Service Schools and Libraries Support Mechanism, 47 U.S.C. 254 of the Communications Act of 1934, as amended. They are used at the point where services provided to the program are implemented, or are about to be implemented, and are a necessary prerequisite to the distribution of payments under the program.

Applicants in the E-rate program must submit an FCC Form 470 with a description of the services needed to USAC, which administers the fund. The information from the FCC Form 470 is then posted on USAC's Web site for all potential competing service providers to review. After waiting 28 days, the applicant can enter into an agreement for services. *See* 47 CFR 54.504(b). Applicants and consultants completing the FCC Form 470 must provide basic information on the form, including contact information and demographic information to assist in the processing of the application.

The FCC Form 471 must be filed each year by all E-rate applicants. Once a school or library has complied with the Commission's competitive bidding requirements and entered into an agreement for eligible services, it must file an FCC Form 471 application to notify USAC of the services that have been ordered, the service providers with whom the applicant has entered into an agreement, and an estimate of the funds needed to cover the discounts to be given for eligible services. *See* 47 CFR 54.504(c). Applicants must now provide their FCC Registration Number. *See* 47 CFR 1.8002 and 1.8003.

Besides basic information about the applicant or consultant filling out the form, the form gathers information about the broadband services that the school or library is currently using to help USAC determine the technological needs of the E-rate program. Since economically disadvantaged schools and rural schools receive a greater share of E-rate program funding, the form also contains a discount calculation worksheet for certifying the percentage of students eligible in that school for the national school lunch program (or other acceptable indicators of economic disadvantage determined by the Commission). *See* 47 CFR 54.505(b)(1). Similarly, libraries must make certifications about students eligible for national school lunch programs in nearby areas. *See* 47 CFR 54.505(b)(2). Since rural schools and libraries receive slightly more funding than urban participants, the FCC Form 471 requires applicant's demographic location. *See* 47 CFR 54.505(b)(3).

All of the requirements contained in this information collection are necessary to implement the congressional mandates regarding No Child Left Behind as well as the schools and libraries universal service support program process.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–16143 Filed 7–3–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice; request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before September 3, 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 questions to Judith B. Herman, Federal Communications Commission. To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Judith B. Herman, Office of Managing Director, (202) 418–0214.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0853.

Title: Certification by Administrative Authority to Billed Entity Compliance

with the Children's Internet Protection Act Form; Certification of Compliance with the Children's Internet Protection Act and Technology Plan Requirements Form; and Funding Commitment Adjustment Request Form.

Form Numbers: FCC Forms 479, 486 and 500.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents and Responses: 90,700 respondents; 90,700 responses.

Estimated Time per Response: 1–1.5 hours.

Frequency of Response: On occasion and annual reporting requirements, recordkeeping 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. sections 151–154, 201–205, 218–220, 254, 303(r), 403, and 405.

Total Annual Burden: 104,650 hours.

Total Annual Cost: NA.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: The Commission is not requesting that respondents submit confidential information to the Commission. If the Commission requests applicants to submit information that the respondents believe is confidential, respondents may request confidential treatment of their information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) as a revision to a currently approved collection. This submission revises the FCC Form 479 and instructions, FCC Form 486 and instructions, and FCC Form 500 and instructions. FCC Forms 479 and 486 include revisions to existing certifications to improve clarity and ensure consistency with the Commission's rules. FCC Form 500 includes revisions that allow applicants the option to use the FCC Form 500 to: (1) seek extensions of the implementation deadline for non-recurring services from the Universal Service Administrative Company (USAC) under 47 CFR 54.507(d) of the Commission's rules; and/or (2) notify USAC when they are transferring equipment within the three year prohibition on equipment transfers due to a permanent or temporary closure of school or library facilities under 47 CFR 54.413 of the Commission's rules.

The Commission requests a total hourly burden change for FCC Forms 479, 486 and 500 from 70,000 burden hours to 104,650 burden hours, which is an increase of 34,650 burden hours. We made adjustments in the burden hours for each of these forms to account for updated information received from the Universal Service Administrative Company, the administrator of the schools and libraries universal service support program. This estimate is based on actual participation in the program. Specifically, for the FCC Form 479, the Commission estimates that the number of respondents has increased from 10,000 to 10,300 based on the number of consortia participants for funding year 2011 and 2012 reported by USAC. For the FCC Form 486, the Commission estimates that the number of respondents has increased from 30,000 to 38,500 based on the increased number of submitted FCC Forms 486 as reported by USAC. For the FCC Form 500, the Commission increased the number of respondents from 5,000 to 6,900 based on the actual FCC Forms 500 submitted in funding year 2011 as reported by USAC and to account for the potential transfer of the requirements covered by information collections for OMB Control Numbers 3060–0992 and 3060–1062 to this information collection. The requirements covered by these collections are being moved to the FCC Form 500, and OMB Control Numbers 3060–0992 and 3060–1062 will be discontinued once this revision is approved. The burden hours were also adjusted to reflect the Commission's revised estimates of the hours required to update and maintain Internet safety policies. The Commission adjusts the number of respondents from 30,000 to 35,000 and adjusts the burden hours per response from .25 to .75. The Commission estimates that the number of respondents should be adjusted based on inclusion of the number of respondents for both the FCC Form 479 and FCC Form 486. The Commission estimates the initial year of compliance with the schools-only requirement to update Internet safety policies to provide for education of minors about appropriate online behavior, including interacting with other individuals on social networking Web sites and in chat rooms and cyber bullying awareness and response (as required by the Protecting Children in the 21st Century Act) will require .75 burden hours per response. This is an adjustment from the previously reported estimate of .25 burden hours per response.

The three FCC forms serve the functions of the Universal Service Schools and Libraries Support Mechanism, 47 U.S.C. 254 of the Communications Act of 1934, as amended. They are used at the point where services provided to the program are implemented, or are about to be implemented, and are a necessary prerequisite to the distribution of payments under the program.

FCC Forms 479 and 486 enable participants in the program to certify that they are compliant with the Children's Internet Protection Act (CIPA), 47 U.S.C. section 254 (h) and (l) when they seek discounts for Internet access, internal connections and basic maintenance of internal connections. With the exception of program participants who receive only telecommunications services, CIPA compliance is a necessary prerequisite to invoicing and payment. CIPA provides that schools and libraries that have computers with Internet access must certify that they have in place certain Internet safety policies and technology protection measures in order to be eligible to receive program services under section 254(h) of the Communications Act of 1934 (the Act), as amended. 47 CFR 54.520. FCC Form 486 also is the form that school and library applicants use to notify USAC of their service start date and certify compliance with E-rate program technology plan requirements.

School and library applicants use the FCC Form 500 to make adjustments to previously filed forms, such as changing the contract expiration date filed with the FCC Form 471, changing the funding year service start date filed with the FCC Form 486, or cancelling or reducing the amount of funding commitments.

All of the requirements contained in this information collection are necessary to implement the congressional mandates regarding access to the Internet by minors and adults as well as the schools and libraries universal service support program and reimbursement process.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–16146 Filed 7–3–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5

U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, July 9, 2013, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Memorandum and resolution re: Notice of Proposed Rulemaking on Additional Exemptions for High Risk Mortgage Appraisal Rule.

Memorandum and resolution re: Proposed Revisions to the Authority of the Case Review Committee.

Discussion Agenda:

Memorandum and resolution re: Interim final rule: Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule.

Memorandum and resolution re: Notice of Proposed Rulemaking—Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for Certain Bank Holding Companies and the Insured Depository Institutions They Control.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, DC.

This Board meeting will be Webcast live via the Internet and subsequently made available on-demand approximately one week after the event. Visit *http://www.vodium.com/goto/fdic/boardmeetings.asp* to view the event. If you need any technical assistance, please visit our Video Help page at: *http://www.fdic.gov/video.html.*

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call 703–562–2404 (Voice) or 703–649–4354 (Video Phone) to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at 202–898–7043.

Dated: July 2, 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–16257 Filed 7–2–13; 11:15 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[Notice–CIB–2013–05; Docket 2013–0002; Sequence 18]

Privacy Act of 1974; Notice of an Updated System of Records

AGENCY: U.S. General Services Administration (GSA).

ACTION: New System.

SUMMARY: GSA proposes a new system of records subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

DATES: *Effective date:* August 5, 2013.

FOR FURTHER INFORMATION CONTACT: Call or email the GSA Privacy Act Officer: Telephone 202–208–1317; email *gsa.privacyact@gsa.gov*.

ADDRESSES: GSA Privacy Act Officer (CIB), General Services Administration, 1275 First Street NE., Washington, DC 20417.

SUPPLEMENTARY INFORMATION: GSA proposes to establish a new system of records subject to the Privacy Act of 1974, 5 U.S.C. 552a. The system provides an account to users that gives them control over how government agencies interact with them and their personal information. Agencies can build applications on top of the MyUSA platform that will streamline and improve citizen interactions with government. Applications will leverage data and resources associated with the user's account, including personal information. The information in the system is contributed voluntarily by the user and cannot be accessed by government without explicit consent of the user, except as provided in this notice. Information is not shared between government agencies, except when the user gives explicit consent to share his or her information, except as provided in this notice.

Dated: June 28, 2013.

James Atwater,

Acting Director, Office of Information Management, General Services Administration.

GSA/OCSIT–1

SYSTEM NAME:

MyUSA.

SYSTEM LOCATION:

The system is maintained for GSA under contract. Contact the System Manager for additional information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Anyone is able to create an account.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include, but are not limited to: (1) Biographical data such as name, address, email, phone number, birth date, and basic demographic information such as whether or not the individual is married, a veteran, a small business owner, a parent or a student; (2) information stored by third-party applications that have been authorized by the user to access their account using one or more of MyUSA's programmatic interfaces, such as notifications, tasks, or events; (3) a history of third-party applications interactions with a user's account so the user can monitor how their account is being accessed by third-parties. Use of the system, and contribution of personal information, is completely voluntary.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E-Government Act of 2002 (Pub. L. 107–347, 44 U.S.C. 3501 note).

PURPOSES:

To enable users to control how government interacts with them and their personal information, and to aid and assist users in interacting with government.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Users interacting with third-party applications, such as those developed by government agencies, may be asked to authorize the third-party application to access their system resources, such as their personal profile information. If a user authorizes use of his or her information, the third-party application will be given programmatic access to the user's account resources. All interactions with a user's account, such as reading personal profile information, are logged and are auditable by the user. Users can revoke a third-party application's authorization to access their account resources at any time. System information may be accessed by system managers, technical support and designated analysts in the course of their official duties. Information from this system also may be disclosed as a routine use:

a. In any legal proceeding, where pertinent, to which GSA, a GSA employee, or the United States is a party before a court or administrative body.

b. To a Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order when GSA becomes aware of a violation or potential violation of civil or criminal law or regulation.

c. To a Member of Congress or his or her staff on behalf of and at the request of the individual who is the subject of the record.

d. To the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), and the Government Accountability Office (GAO) in accordance their responsibilities for evaluating Federal programs.

e. To an expert, consultant, or contractor of GSA in the performance of a Federal duty to which the information is relevant.

f. To the National Archives and Records Administration (NARA) for records management purposes.

g. To a Federal agency in connection with the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation; the letting of a contract; or the issuance of a grant, license, or other benefit to the extent that the information is relevant and necessary to a decision.

h. To appropriate agencies, entities, and persons when (1) the Agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) The Agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by GSA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with GSA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYTEM:

STORAGE:

All records are stored electronically in a database. Personally identifiable information is encrypted.

RETRIEVABILITY:

Records are retrieved using an authorization protocol. A user of the system grants explicit authorization to an application or government agency to access his or her profile. The system generates a unique token that authorizes only that application or agency to access the user's account. The system correlates the unique token, ensures that both the agency and the user involved are correct, and returns the information to the agency.

SAFEGUARDS:

System records are safeguarded in accordance with the requirements of the Privacy Act. Access to physical infrastructure is limited to authorized individuals with passwords; the database is maintained behind a firewall certified in accordance with National Institute of Standards and Technology standards and information in the database is encrypted.

Records are safeguarded in accordance with Privacy Act requirements. Access is limited to authorized individuals and protected with two-factor authentication, databases are behind a firewall. Personally Identifiable Information is encrypted at rest, and all transmissions of any information over external networks are encrypted. All passwords, encryption algorithms and firewalls are compliant with National Institute of Standards and Technology standards.

RETENTION AND DISPOSAL:

System records are retained and disposed of according to GSA records maintenance and disposition schedules and the requirements of the National Archives and Records Administration. Users may delete their own information from the system at any time.

SYSTEM MANAGER AND ADDRESS:

Director, MyUSA, General Services Administration, 1800 F Street NW., Washington, DC 20405. *https://my.usa.gov/.*

NOTIFICATION PROCEDURE:

Individuals or users maintain their own information. Inquiries can be made via the Web site at *https://my.usa.gov/* or at the above address under 'System Manager and Address'.

RECORD ACCESS PROCEDURES:

Individuals or users wishing to access their own records may do so by password.

CONTESTING RECORD PROCEDURES:

Individuals or users of the system may amend or delete their own records online.

RECORD SOURCE CATEGORIES:

The sources for information in the system are the individuals (or system users) for whom the records are maintained and third-party applications which the user has authorized to contribute information to his or her account.

[FR Doc. 2013–16124 Filed 7–3–13; 8:45 am]

BILLING CODE 6820–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Declaration That Circumstances Exist Justifying Authorization of Emergency Use of All Oral Formulations of Doxycycline Accompanied by Emergency Use Information

AGENCY: Office of the Secretary (OS), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Secretary of Homeland Security determined on September 23, 2008, that there is a significant potential for a domestic emergency involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents—in this case, *Bacillus anthracis*—pursuant to section 564(b)(1)(A) of the Federal Food, Drug, and Cosmetic (FD&C) Act.[1] On the basis of that determination, and pursuant to section 564(b) of the FD&C Act, the Secretary of Health and Human Services (HHS) is declaring that circumstances exist justifying the authorization of emergency use of all oral formulations of doxycycline accompanied by emergency use information subject to the terms of any authorization issued by the Commissioner of Food and Drugs under section 564(a) of the FD&C Act. This notice is being issued in accordance with section 564(b)(4) of the FD&C Act.

DATES: This Notice and referenced HHS declaration are effective as of June 27, 2013.

FOR FURTHER INFORMATION CONTACT: Nicole Lurie, MD, MSPH, Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Washington, DC 20201, Telephone (202) 205–2882 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

On September 23, 2008, former Secretary of Homeland Security,

[1] Section 564 of the FD&C Act is codified at 21 U.S.C. 360bbb–3.

Michael Chertoff, determined, pursuant to section 564(b)(1)(A) of the FD&C Act, that there is a significant potential for a domestic emergency involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents—in this case, *Bacillus anthracis*—although there is no current domestic emergency involving anthrax, no current heightened risk of an anthrax attack, and no credible information indicating an imminent threat of an attack involving *Bacillus anthracis.* On October 1, 2008, on the basis of that determination, and pursuant to section 564(b) of the FD&C Act, former HHS Secretary, Michael O. Leavitt, declared an emergency justifying the emergency use of doxycycline hyclate tablets accompanied by emergency use information subject to the terms of any authorization issued under section 564(a) of the FD&C Act.[2] On October 1, 2009 and October 1, 2010, I renewed the former Secretary's declaration,[3] and on July 20, 2011, I renewed and amended the declaration to declare that the emergency justifies emergency use of all oral formulations of doxycycline accompanied by emergency use information subject to the terms of any authorization issued under section 564(a) of the FD&C Act.[4] On June 28, 2012, I renewed my July 20, 2011 declaration.[5]

II. Declaration of the Secretary of Health and Human Services

On the basis of the September 23, 2008 determination by the Secretary of Homeland Security and pursuant to section 564(b) of the FD&C Act, I hereby declare that circumstances exist justifying the authorization of emergency use of all oral formulations of doxycycline accompanied by emergency use information subject to the terms of any authorization issued under section 564(a) of the FD&C Act.[6]

I am issuing this notice in accordance with section 564(b)(4) of the FD&C Act.

Dated: June 27, 2013.

Kathleen Sebelius,

Secretary.

[FR Doc. 2013–16177 Filed 7–3–13; 8:45 am]

BILLING CODE 4150–37–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Biodefense Science Board; Call for Nominees

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The deadline for all application submissions to the National Biodefense Science Board (NBSB) is extended from July 7, 2013, to August 4, 2013 at 11:59 p.m. The Office of the Secretary is accepting application submissions from qualified individuals who wish to be considered for membership on the NBSB; six members have membership expiration dates of December 31, 2013, therefore, six new voting members will be selected for the Board. Nominees are being accepted in the following categories: Industry, Academia, Healthcare Consumer Organizations, and Organizations Representing Other Appropriate Stakeholders. Please visit the NBSB Web site at *www.phe.gov/nbsb* for all application submission information and instructions. All members of the public are encouraged to apply.

FOR FURTHER INFORMATION CONTACT: CAPT Charlotte Spires, DVM, MPH, DACVPM, Executive Director and Designated Federal Official, National Biodefense Science Board, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, Thomas P. O'Neill Federal Building, Room number 14F18, 200 C St. SW., Washington, DC 20024; Office: 202–260–0627, Email address: *charlotte.spires@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the Public Health Service Act (42 U.S.C. 247d–7f) and section 222 of the Public Health Service Act (42 U.S.C. 217a), the Department of Health and Human Services established the National Biodefense Science Board. The Board shall provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The Board may also provide advice and guidance to the Secretary and/or the Assistant Secretary for Preparedness and Response (ASPR) on other matters related to public health emergency preparedness and response.

Description of Duties: The Board shall advise the Secretary and/or ASPR on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents. At the request of the Secretary and/or ASPR, the Board shall review and consider any information and findings received from the working groups established under 42 U.S.C. 247d–7f(b). At the request of the Secretary and/or ASPR, the Board shall provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities. Additional advisory duties concerning public health emergency preparedness and response may be assigned at the discretion of the Secretary and/or ASPR.

Structure: The Board shall consist of 13 voting members, including the Chairperson; additionally, there may be non-voting ex officio members. Pursuant to 42 U.S.C. 247d–7f(a), members and the chairperson shall be appointed by the Secretary from among the Nation's preeminent scientific, public health and medical experts, as follows: (a) Such federal officials as the Secretary determines are necessary to support the functions of the Board, (b) four individuals from the pharmaceutical, biotechnology and device industries, (c) four academicians, and (d) five other members as determined appropriate by the Secretary and/or ASPR, one of whom must be a practicing health care professional, one of whom must be from an organization representing health care consumers, one of whom must have pediatric subject matter expertise, and one of whom shall be a State, tribal, territorial, or local public health official. Additional members for category (d), above, will be selected from among emergency medical responders and organizations representing other appropriate stakeholders. A member of

[2] Pursuant to section 564(b)(4) of the FD&C Act, notice of the determination by the Secretary of Homeland Security and the declaration by the HHS Secretary was provided at 73 FR 58242 (October 6, 2008).

[3] Pursuant to section 564(b)(4) of the FD&C Act, notices of the renewals of the declaration of the HHS Secretary were provided at 74 FR 51,279 (Oct. 6, 2009) and 75 FR 61,489 (Oct. 5, 2010).

[4] Pursuant to section 564(b)(4) of the FD&C Act, notice of the renewal and amendment of the declaration of the HHS Secretary was provided at 76 FR 44,926 (July 27, 2011).

[5] Pursuant to section 564(b)(4) of the FD&C Act, notice of the renewal of the declaration of the HHS Secretary was provided at 77 FR 39,708 (July 5, 2012).

[6] Section 564(b)(1) of the FD&C Act was amended by section 302 of the Pandemic and All-Hazards Preparedness Reauthorization Act, Public Law 113–5, to provide that the HHS Secretary may ''make a declaration that the circumstances exist justifying the authorization'' for a product under section 564 of the FD&C Act on the basis of one of four determinations specified under subsection 564(b)(1) of the FD&C Act, including a determination by the Secretary of Homeland Security that there is a domestic emergency, or a significant potential for a domestic emergency, involving a heightened risk of attack with a chemical, biological, radiological, or nuclear agent or agents.

the Board described in (b), (c), and (d) in the above paragraph shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment of all members. Members who are not fulltime or permanent part-time federal employees shall be appointed by the Secretary as Special Government Employees.

Dated: June 28, 2013.

Nicole Lurie,

Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services.

[FR Doc. 2013–16178 Filed 7–3–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–13–0255]

Agency Information Collection Activities; Proposals, Submissions, and Approvals

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to Leroy Richardson, at 1600 Clifton Road, MS D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Resources and Services Database of the CDC National Prevention Information Network (NPIN) (OMB No. 0920–0255 exp. 1/31/2014)—Extension—National Center for HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

NCHHSTP has the primary responsibility within the CDC and the U.S. Public Health Service for the prevention and control of HIV infection, viral hepatitis, sexually transmitted diseases (STDs), and tuberculosis (TB), as well as for community-based HIV prevention activities, syphilis, and TB elimination programs. NPIN serves as the U.S. reference, referral, and distribution service for information on HIV/AIDS, viral hepatitis, STDs, and TB, supporting NCHHSTP's mission to link Americans to prevention, education, and care services. NPIN is a critical member of the network of government agencies, community organizations, businesses, health professionals, educators, and human services providers that educate the American public about the grave threat to public health posed by HIV/AIDS, viral hepatitis, STDs, and TB, and provides services for persons infected with human immunodeficiency virus (HIV).

The NPIN Resources and Services Database contains entries on approximately 9,000 organizations and is the most comprehensive listing of HIV/AIDS, viral hepatitis, STD, and TB resources and services available throughout the country. The American public can also access the NPIN Resources and Services database through the NPIN Web site. More than 56 million hits by the public to the Web site are recorded annually.

To accomplish CDC's goal of continuing efforts to maintain an up-to-date, comprehensive database, NPIN plans each year to add up to 500 newly identified organizations and to verify those organizations currently described in the NPIN Resources and Services Database each year. Organizations with access to the Internet will be given the option to complete and submit an electronic version of the questionnaire by visiting the NPIN Web site. The breakdown of the total annualized burden hours by survey instrument is as follows:

Initial Questionnaire Telephone Script—600 respondents with one response each (120 Registered Nurses—20 minutes; 20 Social and Community Service Managers—10 minutes; 20 Health Educators—13 minutes; and 120 Social and Human Service Assistants—15 minutes), for a total of 152 burden hours

Telephone Verification—7,200 respondents with one response each (1,200 Registered Nurses, 600 Social and Community Service Managers, and 600 Health Educators—10 minutes; and 4,800 Social and Human Services Assistants—9 minutes) for a total of 1,120 burden hours

Email Verification—3,600 respondents with one response each (600 Registered Nurses, 300 Health Educators, and 2,400 Social and Human Services Assistants—10 minutes); and 300 Social and Community Service Managers—12 minutes) for a total of 610 burden hours. This request is for 3-years. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Form	Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Initial Questionnaire Telephone Script.	Registered nurses	100	1	20/60	33
	Social and community service managers	50	1	10/60	8
	Health educators	50	1	13/60	11
	Social and human service assistants	400	1	15/60	100
Telephone Verification	Registered nurses, Social and community service managers, and Health educators.	2,400	1	10/60	400
	Social and human service assistants	4,800	1	9/60	720
Email Verification	Registered nurses, Health educators, and Social and human service assistants.	3,300	1	10/60	550

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Form	Respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
	Social and community service managers	300	1	12/60	60
TOTAL	.....	.....	.....	.....	1,882

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–16106 Filed 7–3–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10316]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the 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.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 5, 2013.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974 *OR* Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Implementation of the Medicare Prescription Drug Plan (PDP) and Medicare Advantage (MA) Plan Disenrollment Reasons Survey; *Use:* This data collection complements the satisfaction data collected through the Medicare Consumer Assessment of Healthcare Providers and Systems survey by providing dissatisfaction data in the form of reasons for disenrollment from a Prescription Drug Plan. The data collected in this survey can be used to improve the operation of Medicare Advantage (MA) (both MA and MA–PD) contracts and standalone prescription drug plans (PDPs) through the identification of beneficiary disenrollment reasons. Plans can use the information to guide quality improvement efforts. The data can also be used by beneficiaries who need to choose among the different MA and PDP options. To the extent that these data identify areas for improvement at the contract level they can be used for contract oversight. *Form Number:* CMS–10316 (OCN: 0938–1113); *Frequency:* Yearly; *Affected Public:* Individuals or households; *Number of Respondents:* 88,492; *Total Annual Responses:* 88,492; *Total Annual Hours:* 22,887. (For policy questions regarding this collection contact Sai Ma at 410–786–1479.)

Dated: June 28, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–16084 Filed 7–3–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10171, CMS–10207, CMS–10476 and CMS–855(C)]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates 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.

DATES: Comments must be received by September 3, 2013.

ADDRESSES: When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send 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) that are 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.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10171 Coordination of Benefits Between Part D Plans and Other Prescription Coverage Providers.

CMS–10207 Physician Self-Referral Exceptions for Electronic Prescribing and Electronic Health Records.

CMS–10476 Medical Loss Ratio (MLR) Report for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP).

CMS–855(C) Medicare Enrollment Application for Registration of Eligible Entities That Provide Health Insurance Coverage Complementary to Medicare Part B

Under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Coordination of Benefits Between Part D Plans and Other Prescription Coverage Providers; *Use:* We will use the information along with Part D plans, other health insurers or payers, and pharmacies to coordinate prescription drug benefits provided to the Medicare beneficiary. *Form Number:* CMS–10171 (OCN: 0938–0978): *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 57,116; *Total Annual Responses:* 2,402,582; *Total Annual Hours:* 5,205,128. (For policy questions regarding this collection contact Heather Rudo at 410–786–7627.)

2. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Physician Self-Referral Exceptions for Electronic Prescribing and Electronic Health Records; *Use:* The collected information would be used for enforcement purposes. Specifically, if we were investigating the financial relationships between donors and physicians to determine whether the provisions in the exceptions at 42 CFR 411.357(v) and (w) were met, first, we would review the written agreements that indicate what items and services each entity intended to provide. *Form Number:* CMS–10207 (OCN: 0938–1009); *Frequency:* Monthly; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 9,409; *Total Annual Responses:* 17,744; *Total Annual Hours:* 1,896. (For policy questions regarding this collection contact Michael Zleit at 410–786–2050.)

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Medical Loss Ratio (MLR) Report for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* We will use the data collection of annual reports provided by plan sponsors for each contract to ensure that beneficiaries are receiving value for their premium dollar by calculating each contract's medical loss ratio (MLR) and any remittances due for the respective MLR reporting year. The recordkeeping requirements will be used to determine plan sponsors' compliance with the MLR requirements, including compliance with how plan sponsors' experience is to be reported, and how their MLR and any remittances are calculated. *Form Number:* CMS–10476 (OCN: 0938-New); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 616; *Total Annual Responses:* 616; *Total Annual Hours:* 28,980. (For policy questions regarding this collection contact Ilina Chaudhuri at 410–786–8628.)

4. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Medicare Enrollment Application for Registration of Eligible Entities That Provide Health Insurance Coverage Complementary to Medicare Part B; *Use:* The primary

function of a Medicare enrollment application is to gather information from a provider, supplier or other entity that tells us who it is, whether it meets certain qualifications to be a health care provider, supplier or entity, where it practices or renders its services, the identity of the owners of the enrolling entity, and information necessary to establish correct claims payments. We are adding a new CMS–855 Medicare Registration Application, the CMS–855C: Medicare Enrollment Application for Registration of Eligible Entities That Provide Health Insurance Coverage Complementary to Medicare Part B. This Medicare registration application is to be completed by all entities that provide a complimentary health benefit plan and intend to bill Medicare as an indirect payment procedure (IPP) biller and the entity or health plan meets all Medicare requirements to submit claims for indirect payments. The entity must furnish the name of at least one authorized official, preferably the administrator of the health plan, who must sign this registration application attesting that the registering entity meets the requirements to register as an indirect payment procedure biller and will also abide by the requirements stated in the Certification & Attestation Statement in Section 10 of the application.

The CMS–855C will be submitted at the time the applicant first requests a Medicare identification number for the sole purpose of submitting claims under the ''Indirect Payment Procedure (IPP)'' for reimbursement, and when necessary to report any changes to information previously submitted. The application will be used by Medicare contractors to collect data to ensure the applicant has the necessary credentials to submit Medicare claims for reimbursement, including information that allows Medicare contractors to ensure that the entity and its owners and administrators are not sanctioned from the Medicare program, or debarred, suspended or excluded from any other Federal agency or program. *Form Number:* CMS–855(C) (OCN: 0938-New); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 440; *Total Annual Responses:* 440; *Total Annual Hours:* 500. (For policy questions regarding this collection contact Kim McPhillips at 410–786–5374.)

Dated: June 28, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–16085 Filed 7–3–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–P–0303]

Determination That METADATE ER (Methylphenidate Hydrochloride) Extended-Release Tablet, 10 Milligrams, Was Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined that METADATE ER (methylphenidate hydrochloride (HCl)) extended-release tablet, 10 milligrams (mg), was not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for methylphenidate HCl extended-release tablet, 10 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Reena Raman, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 6238, Silver Spring, MD 20993–0002, 301–796–7577.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products with Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

METADATE ER (methylphenidate HCl) extended-release tablet, 10 mg, is the subject of ANDA 40–306, held by UCB, Inc., and initially approved on October 20, 1999. METADATE ER is indicated as an integral part of a total treatment program which typically includes other remedial measures (psychological, educational, social) for a stabilizing effect in children with a behavioral syndrome characterized by the following group of developmentally inappropriate symptoms: Moderate-to-severe distractibility, short attention span, hyperactivity, emotional lability, and impulsivity.

In a letter dated November 4, 2011, UCB, Inc., notified FDA that METADATE ER (methylphenidate HCl) extended-release tablet, 10 mg, had been discontinued, and FDA moved the drug product to the ''Discontinued Drug Product List'' section of the Orange Book.

Tedor Pharma Inc. submitted a citizen petition dated March 6, 2013 (Docket No. FDA–2013–P–0303), under 21 CFR 10.30, requesting that the Agency determine whether METADATE ER (methylphenidate HCl) extended-release tablet, 10 mg, was withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that METADATE ER (methylphenidate HCl) extended-release tablet, 10 mg, was not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that METADATE ER (methylphenidate HCl) extended-release tablet, 10 mg, was withdrawn for

reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of this product from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list METADATE ER (methylphenidate HCl) extended-release tablet, 10 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to METADATE ER (methylphenidate HCl) extended-release tablet, 10 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: June 28, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–16101 Filed 7–3–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0596]

Lung Cancer Patient-Focused Drug Development; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the public docket on lung cancer patient-focused drug development. In the **Federal Register** of June 5, 2013 (78 FR 33581), FDA announced an opportunity for public comment on this topic and explained that the comment period would close on July 29, 2013. The Agency is taking this action to allow interested persons additional time to submit comments.

DATES: Submit either electronic or written comments to the docket by August 28, 2013.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Graham Thompson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 1199, Silver Spring, MD 20993–0003, 301–796–5003, email: *graham.thompson@fd.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 5, 2013 (78 FR 33581), FDA announced an opportunity for public comment on lung cancer patient-focused drug development and explained that the comment period would close on July 29, 2013. The Agency is extending the comment period to allow interested persons additional time to submit comments.

As part of Patient-Focused Drug Development, FDA is gathering patient and patient stakeholder input on symptoms of lung cancer that matter most to patients and on current approaches to treating lung cancer. FDA is interested in patients' perspectives for the two main types of lung cancer (small-cell and non-small cell lung cancer) on the importance of disease symptoms, benefits of treatment approaches, and possible cancer treatment side effects. FDA is interested in receiving patient input that addresses the following questions.

Topic 1: Disease Symptoms and Daily Impacts That Matter Most to Patients

1. For context, how long ago was your diagnosis of lung cancer? Is your cancer currently in only one area of the lung or has it spread to other parts of the lung or outside of the lungs?

2. Of all the symptoms that you experience because of your lung cancer, which one to three symptoms have the most significant impact on your daily life? (Examples may include pain, cough, shortness of breath, fatigue, voice hoarseness.)

3. Are there specific activities that are important to you but that you cannot do at all, or as fully as you would like, because of lung cancer? (Examples may include sleeping through the night, climbing stairs, household activities.)

Topic 2: Patients' Perspectives on Current Approaches To Treating Lung Cancer

1. Are you currently undergoing any cancer treatments to help reduce or control the spread of your lung cancer? Please describe.

1.1 What do you consider to be the most significant downsides of these treatments? (Examples of downsides may include side effects, going to the hospital for treatment, frequent blood tests, etc.)

1.2 How do these downsides affect your daily life?

2. What supportive care treatments, if any, are you taking to help improve or manage the symptoms you experience because of your lung cancer? Please include any prescription medicines, over-the-counter products, and other therapies including non-drug therapies (such as breathing techniques).

2.1 What specific symptoms do your treatments address?

2.2 How well do these treatments manage these symptoms?

2.3 Are there symptoms that your current treatment regimen does not address at all, or does not treat as well as you would like?

3. When thinking about your overall goals for treatment, how do you weigh the importance of prolonging your life versus improving the symptoms you experience because of your lung cancer?

4. What factors do you take into account when making decisions about using treatments to help reduce or control the spread of your lung cancer? In particular:

4.1 What information on the potential benefits of these treatments factors most into your decision? (Examples of potential benefits from treatments may include shrinking the tumor, delaying the growth of the tumor, prolonging life, etc.)

4.2 How do you weigh the potential benefits of these treatments versus the common side effects of the treatments? (Common side effects could include nausea, loss of appetite fatigue, diarrhea, rash.)

4.3 How do you weigh potential benefits of these treatments versus the less common but serious risks associated with the treatments? (Examples of less common but serious risks are developing a hole in the stomach or intestine, liver failure, kidney failure, lung inflammation, blood clot, stroke, heart attack, serious infections, etc.)

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 M*anagement between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at http://www.regulations.gov.*

Dated: June 28, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–16102 Filed 7–3–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed 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 meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, ZHD1 DSR–L 41 1.

Date: July 15, 2013.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Officer, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–435–2717, *leszcyd@mail.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: National Institute of Child Health and Human Development Special Emphasis Panel, ZHD1 DRG–D 42 1.

Date: July 10, 2013.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sherry L. Dupere, Ph.D., Director, Division of Scientific Review, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5b01, Bethesda, MD 20892, 301–451–3415, *duperes@mail.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: National Institute of Child Health and Human Development Special Emphasis Panel, ZHD1 DRG–D 41 1.

Date: July 16, 2013.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sherry L. Dupere, Ph.D., Director, Division of Scientific Review, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–451–3415, *duperes@mail.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: National Institute of Child Health and Human Development Special Emphasis Panel, ZHD1 DRG–D 43 1.

Date: August 1, 2013.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sherry L. Dupere, Ph.D., Director, Division of Scientific Review, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–451–3415, *duperes@mail.nih.gov.*

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel, ZHD1 DSR–H 50.

Date: July 30–31, 2013.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Washington, 1515 Rhode Island Avenue NW., Washington, DC 20005.

Contact Person: Marita R. Hopmann, Ph.D., Scientific Review Officer, Division of Scientific Review, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, 301–435–6911, *hopmannm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: June 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16083 Filed 7–3–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; 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 Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Conflict Review Meeting.

Date: July 26, 2013.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis,, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20892, 301–594–4952, *linh1@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: June 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16082 Filed 7–3–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Developmental Pharmacology.

Date: July 29–30, 2013

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Janet M Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 1102, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Medical Imaging Investigations.

Date: July 30, 2013.

Time: 11:45 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Mehrdad Mohseni, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5211, MSC 7854, Bethesda, MD 20892, 301–435–0484, *mohsenim@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Gene Therapy Member Conflicts.

Date: July 30, 2013.

Time: 3:00 p.m. to 4:00 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: Barbara J Thomas, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2218, MSC 7890, Bethesda, MD 20892, 301–435–0603, *bthomas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Biomedical Technology Research Center: A Biomedical-Informatics Research Network for Big Data.

Date: July 30–August 1, 2013.

Time: 6:00 p.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel MdR A Doubletree by Hilton, 13480 Maxella Avenue, Marina del Rey, CA 90292.

Contact Person: Craig Giroux, Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301–435–2204, *girouxcn@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: June 28, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–16081 Filed 7–3–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0033]

National Infrastructure Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee Management; Notice of an open Federal Advisory Committee Meeting.

SUMMARY: The National Infrastructure Advisory Council (NIAC) will meet Monday, July 29, 2013, at the United States Access Board, 1331 F Street NW., Suite 800, Washington, DC 20004. The meeting will be open to the public.

DATES: The NIAC will meet Monday, July 29, 2013, from 1:30 p.m. to 4:30 p.m. The meeting may close early if the committee has completed its business. For additional information, please consult the NIAC Web site, *www.dhs.gov/NIAC,* or contact the NIAC Secretariat by phone at (703) 235–2888 or by email at *NIAC@hq.dhs.gov.*

ADDRESSES: United States Access Board, 1331 F Street NW., Suite 800, Washington, DC 20004.

Persons attending meetings in the Access Board's conference space are requested to refrain from using perfume, cologne, and other fragrances (see *http://www.access-board.gov/about/policies/fragrance.htm* for more information).

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION CONTACT**, below as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Council as listed in the ''Summary'' section below. Comments must be submitted in writing no later than 12:00 p.m. on July 22, 2013, and must be identified by ''DHS–2013–0033'' and may be submitted by any *one* of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting written comments.
- *Email: NIAC@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (703) 603–5098.
- *Mail:* Nancy Wong, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0607, Arlington, VA 20598–0607.

Instructions: All written submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Written comments received will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the NIAC, go to *www.regulations.gov.*

Members of the public will have an opportunity to provide oral comments after the presentation of the report from the Regional Resilience Working Group. We request that comments be limited to the issues listed in the meeting agenda and previous NIAC studies. All previous NIAC studies can be located at *www.dhs.gov/NIAC.* Relevant public comments may be submitted in writing or presented in person for the Council to consider. Comments received by Nancy Wong after 12:00 p.m. on July 22, 2013, will still be accepted and reviewed by the members, but not necessarily by the time of the meeting. In-person presentations will be limited to three minutes per speaker, with no more than 30 minutes for all speakers. Parties interested in making in-person comments should register no later than 15 minutes prior to the beginning of the meeting at the meeting location.

FOR FURTHER INFORMATION CONTACT: Nancy Wong, National Infrastructure Advisory Council Designated Federal Officer, Department of Homeland Security, telephone (703) 235–2888.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. (Pub. L. 92–463). The NIAC shall provide the President through the Secretary of Homeland Security with advice on the security and resilience of the Nation's critical infrastructure sectors and their information systems.

The NIAC will meet to discuss issues relevant to the critical infrastructure protection and resilience as directed by the President. At this meeting, the committee will receive and discuss a presentation from the NIAC Regional Resilience Working Group documenting their work to date on the Regional Resilience Study, which includes the role and impact of critical infrastructure on regional resiliency, best regional practices and models, and the contribution of public private partnerships. The presentation will be posted no later than one week prior to the meeting on the Council's public Web page on *www.dhs.gov/NIAC.* The Council will review and discuss the findings of the Working Group. Federal officials will update the members on the Federal inter-agency implementation planning for the recently issued Executive Order 13636 and Presidential Policy Directive 21, and to receive comments and recommendation on the progress of such activities. Federal officials will also provide further direction to the Council on the scope of the Working Group's study, and on potential new topics for study by the Council.

Meeting Agenda

I. Opening of Meeting
II. Roll Call of Members
III. Opening Remarks and Introductions
IV. NIAC Presentation and Discussion on Regional Resilience Working Group
V. Public Comment: Discussion Limited to Meeting Agenda Items and Previous NIAC Studies
VI. Regional Resilience Working Group Deliberations
VII. Update and Discussion on Executive Order 13636 and Presidential Policy Directive 21 by the Department of Homeland Security
VIII. Identification of Potential Areas To Recommend for Next NIAC Study
IX. Closing Remarks

Information on Services for Individuals With Disabilities:

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the NIAC Secretariat at (703) 235–2888 as soon as possible.

Dated: June 26, 2013.

Nancy Wong,

Designated Federal Officer for the NIAC.

[FR Doc. 2013–16135 Filed 7–3–13; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2010–0455]

Availability of Draft Environmental Impact Statement for the Proposed Construction of a Highway Bridge Across the Manatee River at Parrish, Manatee County, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments; notice of public meeting.

SUMMARY: The Coast Guard announces the availability of a Draft Environmental Impact Statement (DEIS) and announces a public meeting regarding the proposed construction of a highway bridge across the Manatee River at Parrish, Manatee County, Florida. As a structure over navigable waters of the United States, the proposed bridge would require a Coast Guard Bridge Permit. We request your comments on the DEIS and the proposed project's impact on river navigation.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before August 18, 2013, or reach the Docket Management Facility by that date. A public meeting will be held on August 7, 2013, from 4 p.m. until 6:30 p.m. If you wish to request an oral or sign language interpreter, we must receive your request for one by July 28, 2013.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0455 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

We have provided a copy of the DEIS in our online docket at *http://www.regulations.gov.* Also, the following locations will maintain a printed copy of the DEIS for public review:

- Coast Guard Seventh District Bridge Office at 909 SE. 1st Avenue, Brickell Plaza Federal Building, Ste 432, Miami, Florida, 33131. The document will be available at this location between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.
- Manatee County Chamber of Commerce at 4215 Concept Court, Lakewood Ranch, Florida, 34211. Call 941–748–3411 for hours of operation.
- Manatee County Central Library at 1301 Barcarrota Blvd. West, Bradenton, Florida, 34205. Call 941–748–5555 for hours of operation.
- Manatee County Rocky Bluff Library at 6750 US 301 North, Ellenton, Florida, 34222. Call 941–723–4821 for hours of operation.

The public meeting on August 7, 2013, will be held at the Manatee County Civic Center (also known as the Bradenton Area Convention Center), 1 Haben Blvd., Palmetto, Florida, 34221.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or the public meeting, call or email Randall Overton, Bridge Management Specialist, Seventh Coast Guard District, U.S. Coast Guard; telephone 305–415–6736, email *Randall.D.Overton@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:

Public Participation and Request for Comments

We encourage you to submit comments and related material on the DEIS and the proposed project's impact on river navigation. All comments received, including comments received at the public meeting, will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice (USCG–2010–0455) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of

these means. 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,* and follow the instructions on that Web site. 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 this proposed rule based on your comments.

Viewing the comments and the DEIS: To view the comments and DEIS go to *http://www.regulations.gov,* insert (USCG–2010–0455) in the SEARCH box and follow the instructions on that Web site. If you do not have access to the internet, you may view the docket online by visiting 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. The DEIS is also available online at *http://www.uscg.mil/hq/cg5/cg551/CGLeadProjects.asp* and is available for inspection at the Seventh Coast Guard District address given under **ADDRESSES**.

Copies of all written communications from the public meeting will be available for review by interested persons after the meeting on the online docket, USCG–2010–0455 via *http://www.regulations.gov.*

A transcript of the meeting will be available for public review approximately 30 days after the meeting. All comments will be made part of the official case record.

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, system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Background and Purpose

Manatee County has proposed to construct a new highway bridge across navigable waters of the United States to provide improvements to north-south transportation movements in eastern Manatee County, Florida. Over the past decade, Manatee County has conducted studies to:

- Document potential impacts from proposed improvements;
- Document ways to provide safer operating conditions for vehicular and pedestrian traffic;
- Improve capacity of the local roadway network;
- Improve local mobility; reduce congestion; improve emergency response times; and
- Improve evacuation capacity across the Manatee River.

The DEIS identifies the preferred alternative as connecting Upper Manatee River Road and Fort Hamer Road with a new highway bridge across the Manatee River, approximate mile 15.0, at Parrish, Manatee County, Florida. The proposed structure would meet or exceed a vertical clearance of 26.0 feet. The purpose of the proposed crossing is to provide a transportation route between high-growth areas of Manatee County located east of Interstate 75 (I–75) and separated by the Manatee River. As a structure over navigable waters of the United States, it requires a Coast Guard Bridge Permit pursuant to the General Bridge Act of 1946 (33 U.S.C. 525–533). The bridge permit would be the major federal action in this undertaking since federal funds will not be used, and therefore the Department of Homeland Security, through the United States Coast Guard, is the federal lead agency for review of potential effects on navigation and on the human environment, including historic properties, pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act (NHPA), as amended (16 U.S.C. 470 et seq.).

Manatee County has prepared a DEIS in conjunction with the U.S. Coast Guard and in accordance with NEPA. See ''Viewing the comments and DEIS'' above. The DEIS identifies and examines the reasonable alternatives (including ''No Build'') and assesses the potential for impact to the human environment, including historic properties, of the alternative proposals. The DEIS provides an in-depth analysis of two alternative build sites, Fort Hamer Alternative which is a new two lane, low-level fixed span bridge, (Manatee County planning documents identified a need for 4-lanes of new capacity across the river east of I–75. Due to funding constraints and the lack of additional funding in the foreseeable future, the proposed action has been reduced from adding four lanes of capacity across the river to two lanes); and the Rye Road Alternative which is a second two lane, low-level fixed span bridge that would increase the current crossing capacity from two to four lanes.

We are requesting your comments on navigation, environmental and historic preservation concerns that you may have related to the DEIS. This includes suggesting analyses and methodologies for use in the DEIS or possible sources of data or information not included in the DEIS. Your comments will be considered in preparing the final Environmental Impact Statement.

The Coast Guard will hold a public meeting on the DEIS on Wednesday, August 7, 2013, from 4 p.m. to 6:30 p.m. at the Manatee County Civic Center (also known as the Bradenton Area Convention Center), 1 Haben Blvd., Palmetto, Florida 34221. The purpose of this meeting is to consider an application by Manatee County for Coast Guard approval of the location and plans of a proposed two-lane fixed, highway bridge across the Manatee River, mile 15.0, at Parrish, Manatee County, FL. All interested parties may present data, views and comments, orally or in writing, concerning the impact of the proposed bridge project on navigation and the human environment.

The public meeting will be informal. A representative of the Coast Guard will preside, make a brief opening statement and announce the procedure to be followed at the meeting. Attendees who request an opportunity to present oral comments at a public meeting must sign up to speak at the meeting site at the designated time of the meeting. Speakers will be called in the order of receipt of the request. Attendees at the meeting, who wish to present testimony, and have not previously made a request to do so, will follow those having submitted a request, as time permits. All oral presentations will be limited to three minutes. The public meeting may end early if all present wishing to speak have done so before the meeting is announced as adjourned. Any oral comments provided at the meeting will be transcribed and placed into the docket by the Coast Guard. Written comments and related material may also be submitted to Coast Guard personnel specified at that meeting for placement into the docket by the Coast Guard.

Information on Service for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the public meeting, contact Randall Overton, Bridge Management Specialist, Seventh Coast Guard District, U.S. Coast Guard; at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice. Any requests for an oral or sign language interpreter must be received by July 28, 2013. This notice is issued under authority of the General Bridge Act of 1946 (33 U.S.C. 525–533), 6 U.S.C. 468, DHS Delegation No. 0170.1, the National Historic Preservation Act (NHPA), as amended (16 U.S.C. 470 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), Department of Homeland Security Directive 023–01, and Coast Guard Commandant Instruction M16475.1D.

Dated: June 27, 2013.

Shelly Sugarman,

Acting Administrator, Office of Bridge Programs, U.S. Coast Guard.

[FR Doc. 2013–16031 Filed 7–3–13; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0009]

Agency Information Collection Activities: Petition for a Nonimmigrant Worker, Form I–129; Revision of a Currently Approved Collection

ACTION: 60-Day Notice.

* * * * *

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment on this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (i.e. the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until September 3, 2013.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0009 in the subject box, the agency name and Docket ID USCIS–2005–0030. To avoid duplicate submissions, please use only one of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at *www.regulations.gov* under e-Docket ID number USCIS–2005–0030;

(2) *Email.* Submit comments to *USCISFRComment@uscis.dhs.gov*;

(3) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

SUPPLEMENTARY INFORMATION:

Comments

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Issues for Comment Focus

For Form I–129 and its supplements, USCIS is especially interested in the public's experience, input, and estimates on the burden in terms of time and money incurred by applicants for the following aspects of this information collection:

- The time burden incurred in reading the instructions, completing the form, obtaining supporting documentation; and
- For preparers who are paid, the expense to the respondent to find and secure such preparers for assistance and the amount that paid preparers charge for their services.

In addition, to truly be helpful to the improvement of this form and the program that oversees the services associated with this information collection written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Nonimmigrant Worker.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–129; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Business: This form is used by an employer to petition for aliens to come to the U.S. temporarily to perform services, labor, and training or to request extensions of stay or changes in nonimmigrant status for nonimmigrant workers.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

- Form I–129—333,891 respondents at 2.34 hours;
- E–1/E–2 Classification to Form I–129—4,760 respondents at .67 hours;

• Trade Agreement Supplement to Form I–129—3,057 respondents at .67 hours;

• H Classification Supplement to Form I–129—255,872 respondents at 2 hours;

• H–1B and H–1B1 Data Collection and Filing Fee Exemption Supplement—243,965 respondents at 1 hour;

• L Classification Supplement to Form I–129—37,831 respondents at 1.34 hours;

• O and P Classifications Supplement to Form I–129—22,710 respondents at 1 hour;

• Q–1 Classification Supplement to Form I–129—155 respondents at .34 hours; and

• R–1 Classification Supplement to Form I–129—6,635 respondents at 2.34 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,631,234 annual burden hours.

If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov*. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Dated: July 1, 2013.

Samantha Deshommes,

Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–16165 Filed 7–3–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–27]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Office of Enterprise Support Programs, Program Support Center, HHS, Room 12–07, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Brenda Carignan, Department of Agriculture, Reporters Building, 300 7th Street SW., Room 337, Washington, DC 20024, (202)–401–0787; *Air Force:* Mr. Robert Moore, Air Force Real Property Agency, 2261 Hughes Avenue, Suite 156, Lackland AFB, TX 78236–9852, (210)–395–9512; *Coast Guard:* Commandant, United States Coast Guard, Attn: Jennifer Stomber, 2100 Second St. SW., Stop 7901, Washington, DC 20593–0001; (202)–475–5609; *GSA:* Mr. Flavio Peres, General Services Administration, Office of Real Property Utilization and Disposal, 1800 F Street NW., Room 7040 Washington, DC 20405, (202)–501–0084; *Health and Human Services:* Ms. Theresa M. Ritta, Chief Real Property Branch, the Department of Health and Human Services, Room 5B–17, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301)–443–2265; *Interior:* Mr. Michael Wright, Acquisition & Property Management, Department of the Interior, MS–4262, 1849 C Street,

Washington, DC 20240, (202)–513–079; *NASA:* Mr. Frank T. Bellinger, Facilities Engineering Division, National Aeronautics & Space Administration, Code JX, Washington, DC 20546, (202)–358–1124; *Navy:* Mr. Steve Matteo, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave. SW., Suite 1000, Washington, DC 20374; (202)–685–9426 (These are not toll-free numbers).

Dated: June 27, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 07/05/2013

Suitable/Available Properties

Building

Alaska

Building 400
Main Street
King Salmon Airport AK
Landholding Agency: Air Force
Property Number: 18201320079
Status: Unutilized
Comments: 1,408 sf.; storage; 29 yrs. old; moderate conditions; periodic flooding (next to Naknek River)

Building 119
Mountain Top Rd.
Indian Mountain AK
Landholding Agency: Air Force
Property Number: 18201320080
Status: Unutilized
Comments: 256 sf.; waste treatment building; 36+ months vacant; deteriorating; asbestos & lead based paint

Building 125
Mountain Top Rd.
Indian Mountain AK
Landholding Agency: Air Force
Property Number: 18201320081
Status: Unutilized
Comments: 680 sf.; solid waste disposal facility; 36+ months vacant; deteriorated; asbestos & lead based paint

Building 715
Fuel Lane
King Salmon Airport AK
Landholding Agency: Air Force
Property Number: 18201320082
Status: Unutilized
Comments: 256 sf.; fuel building; 24+ months vacant; deteriorated; contamination

Building 720
Fuel Lane
King Salmon Airport AK
Landholding Agency: Air Force
Property Number: 18201320083
Status: Unutilized
Comments: 285 sf.; fuel building; 24+ months vacant; deteriorated; periodic flooding (next to Naknek River)

California

Big Bar Warehouse (1450)
28451 State Hwy 299 West
Big Bar CA 96010
Landholding Agency: Agriculture
Property Number: 15201320026
Status: Excess
Comments: Off-site removal only; 1,100 sf.; storage; 36+ months vacant; repairs needed; security restrictions; contact Agriculture for more info.

Bass Mtn. Micro. Building
On Top of Mtn.
Shasta CA
Landholding Agency: Agriculture
Property Number: 15201320028
Status: Excess
Directions:
Latitude: 40 *43′57,6″ N., Log: 122 *22′1.6″ W
Comments: 120 sf.; pre 1963 yrs.-old; accessibility restrictions; contact Agriculture for more info.

New York

Housing Units
Bldg. 449 USS Florida Court, Ft. Wadsworth
Staten Island NY 10305
Landholding Agency: Coast Guard
Property Number: 88201320006
Status: Excess
Comments: Off-site removal only; 3,546 sf.; housing; extensive mold; flood damage; secured area; contact coast Guard for more info.

Oregon

USDA Forest Service—PNW
Research Station
Corvallis Forestry Sciences Lab
Corvallis OR 97331
Landholding Agency: Agriculture
Property Number: 15201320024
Status: Excess
Comments: 5,270 sf.; greenhouse; 6 months vacant; poor conditions; contact Agriculture for more info.
Lookout Mtn. Radio Building
Umatilla NF Rd.
Union OR
Landholding Agency: Agriculture
Property Number: 15201320027
Status: Excess
Comments: Off-site removal only; 36 sf.; 33 yrs.-old; deteriorated; severe rodent infestation; contact Agriculture for more info.

Virginia

Tract 29–107
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320025
Status: Excess
Directions: Combs House; garage; cellar; milk house; workshop; barn; hay barn
Comments: Off-site removal only; 200–1,430 sf.; residential, sheds; poor conditions; contamination; contact Interior for more info.
Tract 27–131
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320028
Status: Excess
Directions: Poore House, Shed
Comments: Off-site removal only; relocation may be difficult; range 12-=1,200 sf.; residential, shed; 10+ yrs. vacant; poor conditions; contamination; contact Interior for more info.
Tract 27–120
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320029
Status: Excess
Directions: Sermons House (frame); House (brick); Storage Shed; metal shed; privy; barn; storage bldg.; livestock shed
Comments: Off-site removal only; relocation may be difficult; range 16–1,120 sf.; residential, sheds; 14+ yrs. vacant; poor conditions; contamination; contact Interior for more info.

Tract 30–139; Dean House
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320030
Status: Excess
Comments: Off-site removal only; relocation may be difficult; 1,000–1,300 sf.; residential; 13+ yrs. vacant; poor conditions; contamination; contact Interior for more info.
Tract 14–114
Blue Ridge Parkway
Vinton VA 24179
Landholding Agency: Interior
Property Number: 61201320031
Status: Unutilized
Directions: Wilkinson Tree Barn; Barn
Comments: Off-site removal only; no future agency need; relocation may be difficult; range 1,000–1,400 sf.; residential, sheds; 11+ yrs. vacant; poor conditions; contact Interior for more info.

Tract 22–121; Goff Barn
Blue Ridge Parkway
Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320032
Status: Unutilized
Comments: Off-site removal only; no future agency need; relocation may be difficult; 720 sf.; residential, sheds; 32+ yrs. vacant; poor conditions; contamination
Tract 30–141
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320033
Status: Excess
Directions: Lynch House; Barn w/lean-to shed; canning shed; shed on East side; shed in woods; springhouse; barn near road; barn in field
Comments: Off-site removal only; relocation may be difficult; 120–1,600 sf.; residential, sheds; 172+ yrs. vacant; poor conditions; contamination
Tract 26–137
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320035
Status: Excess
Directions: Morris House & garage; barn 1; barn 2; pigeon house; springhouse; hen house; storage building
Comments: Off-site removal only; relocation may be difficult; 64–2,400 sf.; residential, sheds; 10+ yrs. vacant; poor conditions; contamination

Tract 23–134
Blue Ridge Parkway

Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320036
Status: Excess
Directions: Pesman house; shed; springhouse; pole house
Comments: Off-site removal only; relocation may be difficult; 88–1.352 sf.; residential, sheds; 13+ yrs. vacant; poor conditions; contamination

Tract 19–140; Essie Spangler (Shaver)
Blue Ridge Parkway
Calloway VA 24067
Landholding Agency: Interior
Property Number: 61201320037
Status: Unutilized
Directions: House; Fruit Storage; Barn #1; Barn #2; Machine Shop; Storage; Shed; Privy; Chicken Coop; Hog Pen; Root Cellar; Meathouse
Comments: Off-site removal only; no future agency need; relocation may be difficult; range from 36–1,200 sf.; residential, sheds; 32+ yrs. vacant; poor conditions; foundation in poor conditions

Tract 20–141
Blue Ridge Parkway
Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320038
Status: Unutilized
Directions: Gibbs House; Shed #1; Shed #2; Hay Barn; Log Cabin; Tool Shed #1; Tool Shed #2; Barn
Comments: Off-site removal only; no future agency need; relocation may be difficult; 36–840 sf.; residential, sheds; 7+ yrs. vacant; structurally unsound

Tract 26–120
Richard Young House
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320041
Status: Excess
Comments: Off-site removal only; 60+ yrs.-old; 1,00–1,100 sf.; residential, shed; 13+ yrs. vacant; poor conditions; significant repairs needed; contamination; contact Interior for more info.

Illinois

Three Contiguous Vacant Lots
5139 S. Mason Ave.
Chicago IL
Landholding Agency: GSA
Property Number: 54201320021
Status: Surplus
GSA Number: 1–U–IL–803
Directions: Disposal Agency: GSA; Landholding Agency: FAA
Comments: 0.65 acres; lots located w/in locked fence; contact GSA for more info.

Mississippi

Harrison County Farm
John Clark Rd.
Gulfport MS 39503
Landholding Agency: GSA
Property Number: 54201320022
Status: Excess
GSA Number: 4–A–MS–0572
Directions: Disposal Agency: GSA; Landholding Agency: Agriculture
Comments: 14.14 acres; fire ant. investigations/grazing; contact GSA for more info.

Washington

Recreational cabin; Lot 92
435 S. Shore Rd.
Quinault WA 98575
Landholding Agency: GSA
Property Number: 54201320018
Status: Excess
GSA Number: 9–A–WA–1267
Directions: Disposal Agency: GSA; Landholding Agency: Interior (US Forest Service)
Comments: 524 sf.; remote location; vacant for 48 months; significant reconstruction to the cabin & infrastructure required for habitability; prior written approval required for repairs or improvements; to be used for recreational purposes only; cannot be used as a residence; use restricted and subject to qualification for term Special Use Permit; unavailable because of conveyance restriction to family and individuals recreational use only; contact GSA for more info.

UNSUITABLE PROPERTIES LAND

Kentucky

Concordia Public Access Site
State Road 230 & Spring Creek
Meade KY 40108
Landholding Agency: GSA
Property Number: 54201320019
Status: Excess
GSA Number: 4–D–KY–0539–6–AE
Directions: Disposal Agency: GSA; Landholding Agency: COE
Comments: Property located in 100 yr. floodplain; majority of property in floodway which has not been corrected or contained; floods periodically
Reasons: Floodway

Alaska

Building 1
Flaxman Island
Flaxman Island AK 99506
Landholding Agency: Air Force
Property Number: 18201320068
Status: Excess
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Building 4
Flaxman Island
Flaxman Island AK
Landholding Agency: Air Force
Property Number: 18201320078
Status: Excess
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons:
Secured Area

Hawaii

3 Buildings
360 Malama Bay Dr.
JBPHH HI 98633
Landholding Agency: Navy
Property Number: 77201320007
Status: Unutilized
Directions: 3400, 3402, 3404
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Illinois

Structure MSPK1
300 Neyer Circle
Great Lake IL 60088
Landholding Agency: Navy
Property Number: 77201320008
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Maryland

Buildings 100 & 101
NIH Animal center
Dickerson MD 20837
Landholding Agency: HHS
Property Number: 57201320001
Status: Unutilized
Comments: Located on scientific research campus; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

NIH Animal Center
16701 Elmer School Rd.
Dickerson MD 20837
Landholding Agency: HHS
Property Number: 57201320002
Status: Unutilized
Directions: 115, T8
Comments: Located on scientific research campus; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Buildings 7 & 9
Memorial Dr.
Bethesda MD 20892
Landholding Agency: HHS
Property Number: 57201320003
Status: Unutilized
Comments: Located on biomedical scientific research campus; public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Virginia

Tract 19–151 thru 19–156
Blue Ridge Parkway
Floyd VA 24901
Landholding Agency: Interior
Property Number: 61201320024
Status: Unutilized
Directions: Wimmer cow barn; hay shed; outhouse
Comments: Documented Deficiencies: structurally unsound; bldgs. are collapsing; movement of these bldgs. will result in complete collapse
Reasons: Extensive deterioration

Track 23–109
Blue Ridge Parkway
Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320026
Status: Unutilized
Directions: Crosby Barn, Pole Shed
Comments: Documented Deficiencies: structurally unsound; buildings are collapsing; movement will result incomplete collapse of these bldgs.
Reasons: Extensive deterioration

Tract 29–107; Combs Smokehouse
Blue Ridge Parkway

Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320027
Status: Excess
Comments: Documented Deficiencies: structure has completely collapsed
Reasons: Extensive deterioration
Tract 30–141
Blue Ridge Parkway
Galax VA 24333
Landholding Agency: Interior
Property Number: 61201320034
Status: Excess
Directions: Lynch Sheds 1 & 2 (Barn across state road & shed in woods)
Comments: Documented Deficiencies: buildings have collapsed
Reasons: Extensive deterioration
Tract 19–112; King Barn
Blue Ridge Parkway
Floyd VA 24091
Landholding Agency: Interior
Property Number: 61201320039
Status: Unutilized
Comments: Documented Deficiencies: Property is collapsing; severely structurally unsound
Reasons: Extensive deterioration
Tract 19–128, 19–143
Blue Ridge Parkway
Rocky Mtn. VA 24151
Landholding Agency: Interior
Property Number: 61201320040
Status: Unutilized
Directions: Poff House; Shed; Cellar; Privy; Storage Shed A; Storage Shed B; Additional Shed; root Cellar (Old Truck Body)
Comments: Documented Deficiencies: Properties are severely dilapidated & collapsing; any attempt to relocate will result in complete collapse of these properties
Reasons: Extensive deterioration
Tract 25–112, 25–13
Blue Ridge Parkway
Fancy Gap VA 24328
Landholding Agency: Interior
Property Number: 61201320042
Status: Unutilized
Directions: Asa Spangler House; Storage; Barn
Comments: Documented Deficiencies: Properties have collapsed
Reasons: Extensive deterioration
Buildings 1261 & 1261A
3 Hunsaker Loop/8 Wythe Landing Loop
Hampton VA 23681
Landholding Agency: NASA
Property Number: 71201320005
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area
Building 1258A
10A Wythe Landing Loop
Hampton VA 23681
Landholding Agency: NASA
Property Number: 71201320006
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area
Building 1257N
8 Wythe Landing Loop
Hampton VA 23681
Landholding Agency: NASA
Property Number: 71201320007
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area
Building 1257S
8 Wythe Landing Loops
Hampton VA 23681
Landholding Agency: NASA
Property Number: 71201320008
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area
Building 1258
12 Wythe Landing Loop
Hampton VA 23681
Landholding Agency: NASA
Property Number: 71201320009
Status: Unutilized
Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
Reasons: Secured Area

Land

Kentucky

Big Sugar Creek Access Site
U.S. Hwy 42 & Hwy 127
Gallatin KY 41095
Landholding Agency: GSA
Property Number: 54201320020
Status: Excess
GSA Number: 4–D–KY–0623–AB
Directions: Disposal Agency: GSA; Landholding Agency: COE
Comments: property located in 100 yr. floodplain; majority of property in floodway which has not been corrected or contained; floods periodically
Reasons: Floodway

[FR Doc. 2013–15894 Filed 7–3–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO3200000 19900000 PO000000 13X]

Renewal of Approved Information Collection

AGENCY: Bureau of Land Management, Interior.

ACTION: 30-day notice and request for comments.

SUMMARY: The Bureau of Land Management (BLM) has submitted an information collection request to the Office of Management and Budget (OMB) to continue the collection of information that assists the BLM in managing operations authorized by the mining laws, in preventing unnecessary or undue degradation of public lands, and in obtaining financial guarantees for the reclamation of public lands. The Office of Management and Budget (OMB) previously approved this information collection activity, and assigned it control number 1004–0194.

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before August 5, 2013.

ADDRESSES: Please submit comments directly to the Desk Officer for the Department of the Interior (OMB #1004–0194), Office of Management and Budget, Office of Information and Regulatory Affairs, fax 202–395–5806, or by electronic mail at *OIRA_submission@omb.eop.gov.* Please provide a copy of your comments to the BLM. You may do so via mail, fax, or electronic mail.

Mail: U.S. Department of the Interior, Bureau of Land Management, 1849 C Street NW., Room 2134LM, Attention: Jean Sonneman, Washington, DC 20240.

Fax: to Jean Sonneman at 202–245–0050.

Electronic mail: Jean_Sonneman@blm.gov.

Please indicate ''Attn: 1004–0194'' regardless of the form of your comments.

FOR FURTHER INFORMATION CONTACT: Adam Merrill, at 202–912–7044. Persons who use a telecommunication device for the deaf may call the Federal Information Relay Service at 1–800–877–8339, to leave a message for Mr. Merrill. You may also review the information collection request online at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the BLM published a 60-day notice in the **Federal Register** on March 8, 2013 (78 FR 15040), and the comment period ended May 7, 2013. The BLM received no comments. The BLM now requests comments on the following subjects:

1. Whether the collection of information is necessary for the proper

functioning of the BLM, including whether the information will have practical utility;

2. The accuracy of the BLM's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

3. The quality, utility and clarity of the information to be collected; and

4. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1004–0194 in your correspondence. 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.

The following information is provided for the information collection:

Title: Surface Management Activities under the General Mining Law (43 CFR subpart 3809).

Forms:

- Form 3809–1, Surface Management Surety Bond;
- Form 3809–2, Surface Management Personal Bond;
- Form 3809–4, Bond Rider Extending Coverage of Bond to Assume Liabilities for Operations Conducted by Parties Other Than the Principal;
- Form 3809–4a, Surface Management Personal Bond Rider; and
- Form 3809–5, Notification of Change of Operator and Assumption of Past Liability.

OMB Control Number: 1004–0194

Abstract: The collection of information under 43 CFR subpart 3809 enables the BLM to determine whether operators and mining claimants are meeting their responsibility, under FLPMA, to prevent unnecessary or undue degradation while conducting exploration and mining activities on public lands. It also enables the BLM to obtain financial guarantees for the reclamation of public lands.

Frequency: On occasion.

Description of Respondents: Operators and mining claimants.

Estimated Number of Responses Annually: 1,495.

Estimated Reporting and Recordkeeping ''Hour'' Burden Annually: 183,808.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden Annually: $4,780 for notarizing Forms 2809–2 and 3809.4a.

The estimated annual burdens for this collection are itemized in the following table:

ESTIMATED ANNUAL BURDENS FOR CONTROL NUMBER 1004–0194

Type of response and 43 CFR citation	Number of responses	Hours per response	Total hours (column B × column C)
A.	B.	C.	D.
Initial or Extended Plan of Operations (3809.11)	49	320	15,680
Data for EIS (3809.401(c))	5	4,960	24,800
Data for Standard EA (3809.401(c))	15	890	13,350
Data for Simple Exploration EA (3809.401(c))	29	320	9,280
Modification of Plan of Operations (3809.430 and 3809.431)	107	320	34,240
Data for EIS (3809.432(a) and 3809.401(c))	2	4,960	9,920
Data for Standard EA (3809.432(a) and 3809.401(c))	35	890	31,150
Data for Simple Exploration EA (3809.432(a) and 3809.401(c))	70	320	22,400
Notice of Operations (3809.21)	396	32	12,672
Modification of Notice of Operations (3809.330)	167	32	5,344
Extension of Notice of Operations (3809.333)	140	1	140
Surface Management Surety Bond, Form 3809–1 (3809.500)	28	8	224
Surface Management Personal Bond, Form 3809–2 (3809.500)	170	8	1,360
Bond Rider Extending Coverage of Bond, Form 3809–4 (3809.500)	25	8	200
Surface Management Personal Bond Rider, Form 3809–4a (3809.500)	69	8	552
Notification of Change of Operator and Assumption of Past Liability, Form 3809–5 (3809.116)	52	8	416
Notice of State Demand Against Financial Guarantee (3809.573)	1	8	8
Request for BLM Acceptance of Replacement Financial Instrument (3809.581)	13	8	104
Request for Reduction in Financial Guarantee and/or BLM Approval of Adequacy of Reclamation (3809.590)	78	8	624
Response to Notice of Forfeiture of Financial Guarantee (3809.596)	13	8	104
Appeals to the State Director (3809.800)	30	40	1200
Federal/State Agreements (3809.200)	1	40	40
Totals	1,495		183,808

Jean Sonneman,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 2013–16133 Filed 7–3–13; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVE02000 L5110000.GN0000LVEMF1300570 241A; 13–08807; MO# 4500050125; TAS: 14X5017]

Notice of availability of the Final Environmental Impact Statement for the Proposed Hollister Underground Mine Project, Elko County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Final Environmental Impact Statement (EIS) for the Hollister Underground Mine Project and by this notice is announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days from the date that the Environmental Protection Agency publishes their notice in the **Federal Register**.

ADDRESSES: Copies of the Final EIS for the Hollister Underground Mine Project are available for public inspection at the BLM Elko District Office. Interested persons may also review the FEIS on the Internet at *http://www.blm.gov/nv/st/en/fo/elko_field_office/blm_information/nepa.html*.

FOR FURTHER INFORMATION CONTACT: For further information contact Janice Stadelman, Project Manager; telephone 775–753–0346; address 3900 Idaho Street, Elko, NV 89801; email: *jstadelm@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Rodeo Creek Gold Inc. proposes an amendment to their plan of operations for the Hollister Underground Mine Project, which is located 47 miles northwest of Elko, Nevada in Elko County. The proposed amendment would expand existing underground exploration activities into an underground gold and silver mining operation. Most of the infrastructure to support a mining operation was authorized and built to conduct the underground exploration activities. The proposed project would create approximately 222 acres of surface disturbance. The project is expected to operate for 20 years and would provide an estimated 220 jobs.

The proposal is in conformance with the 1986 Elko Resource Area Resource Management Plan.

The Proposed Action consists of underground mining, constructing a new production shaft, improving existing roads, building a 120 kilovolt (kV) electrical power transmission line and a 24.9 kV distribution line to the mine site, upgrading ancillary facilities, and continuing both surface and underground exploration. The proposed project would augment the existing mine water management facilities that include water treatment facilities and rapid infiltration basins by adding underground dewatering wells and by obtaining a National Pollutant Discharge Elimination System permit to authorize discharge of groundwater to Little Antelope Creek. Mined ore would be hauled using highway-legal trucks to existing off-site milling facilities via existing roads that would be improved as needed. No on-site processing facilities are proposed.

The Draft EIS for the Hollister Underground Mine Project was available for review on June 1, 2012 (77 FR 32665). A 45-day comment period occurred. The BLM received a total of 33 comment submittals (e.g. letter, comment form or email). Key issues identified by individuals, groups or organizations, Tribe members, and governmental entities include: potential impacts to cultural resources and the traditional cultural properties, access, discharge to surface water, seeps and springs, post-closure groundwater contamination, air quality, and support for the project.

Comments on the Draft Supplemental EIS received from the public and internal BLM review were considered and incorporated as appropriate into the Final EIS. Public comments resulted in the addition of clarifying text, but did not significantly change the analysis.

The agency preferred alternative is the Proposed Action and the Backfill Alternative. The Backfill Alternative would require the shafts to be completely backfilled.

Following a 30-day Final EIS availability and review period, a Record of Decision (ROD) will be issued. The decision reached in the ROD is subject to appeal to the Interior Board of Land Appeals. The 30-day appeal period begins with the issuance of the ROD.

Authority: 40 CFR 1506.6; 40 CFR 1506.10.

Richard E. Adams,

Field Manager, Tuscarora Field Office.

[FR Doc. 2013–16126 Filed 7–3–13; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV930000 L51010000.ER0000 241A; 13–08807; MO# 4500051040; TAS: 14X5017]

Notice of Availability of the Draft Supplemental Environmental Impact Statement for the Ruby Pipeline Project, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) has prepared a Draft Supplemental Environmental Impact Statement (EIS) for the Ruby Pipeline Project and by this notice is announcing the opening of the comment period.

DATES: To ensure comments will be considered, the BLM must receive written comments on the Ruby Pipeline Project Draft Supplemental EIS within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce any future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the Ruby Pipeline Project Draft Supplemental EIS by any of the following methods:

- *Web site: http://www.blm.gov/nv/st/en/info/nepa/ruby_pipeline_project.html.*
- *Email: blmruby@blm.gov.*
- *Mail:* Ruby SEIS, c/o Bureau of Land Management Price Field Office, 125 South 600 West, Price, Utah 84501.

Locations where copies of the Ruby Pipeline Project Draft Supplemental EIS are available are listed under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Mark Mackiewicz, PMP, Project Manager at 435–636–3616, Bureau of

Land Management Price Field Office, 125 South 600 West, Price, Utah 84501; or by email at *mmackiew@blm.gov*. You may contact Mr. Mackiewicz to have your name added to our mailing list.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM has prepared a Draft Supplemental EIS to correct the deficiencies in the Ruby Pipeline Final EIS identified by the Ninth U.S. Circuit Court of Appeals. The Draft Supplemental EIS includes supplemental information about the original and present condition of the sagebrush steppe habitat and analyzes the cumulative impacts of the Ruby Pipeline Project based on the supplemental information. The Draft Supplemental EIS will serve as the foundation for the BLM's decision on whether to reissue the right-of-way (ROW) granted to Ruby for the project and, if so, to determine what terms and conditions would be required.

The Federal Energy Regulatory Commission (FERC) is responsible for authorizing construction and operation of interstate natural gas pipelines. Accordingly, the FERC served as the lead agency for Ruby Pipeline LLC's (Ruby) application for the Ruby Pipeline Project. The FERC used the Final EIS it prepared (January 28, 2010) to issue its Certificate for the Ruby Pipeline Project on April 5, 2010. The Certificate authorized Ruby to construct an approximately 678-mile long, 42-inch diameter interstate natural gas pipeline that crosses 368 miles of Federal land beginning near Opal, Wyoming, extending through northern Utah and northern Nevada, and terminating near Malin, Oregon.

The BLM has primary responsibility for issuing right-of-way ROW grants and temporary use permits for natural gas pipelines across most Federal lands pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185 *et seq.*). Ruby applied to the BLM for a ROW grant for the Ruby Pipeline Project on December 3, 2007. The Federal lands crossed or used as access for the project include lands managed by the BLM; Bureau of Reclamation (Reclamation); the United States Fish and Wildlife Service (USFWS) Sheldon National Wildlife Refuge; and the United States Department of Agriculture, Forest Service (USFS), specifically the Fremont-Winema National Forests, the Uinta-Wasatch-Cache National Forest, and the Modoc National Forest. Based on the Final EIS issued by the FERC, the BLM issued a Ruby Pipeline Project Record of Decision (ROD) and ROW grant for the use of lands under the administration of the BLM, Reclamation, USFWS, and the USFS on July 12, 2010.

The project has been constructed and is currently in operation. However, the BLM Ruby Pipeline Project ROD and ROW grant were appealed to the Ninth U.S. Circuit Court of Appeals in 2011, and, on October 22, 2012, the court found that the Ruby Pipeline Final EIS does not provide sufficient quantified or detailed data about the cumulative loss of sagebrush steppe vegetation and habitat. Consistent with an April 29, 2013, order staying an earlier opinion vacating the BLM's original ROD, the Ninth Circuit directed the BLM to prepare a revised ROD by November 21, 2013, that addresses the identified deficiencies in the NEPA analysis. The Supplemental EIS is part of the process of responding to that order.

To the extent applicable, the BLM will use the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act as provided for in 36 CFR 800.2(d)(3) and Secretarial Order 3317. Native American tribal consultations will be conducted in accordance with policy, and tribal concerns will be given due consideration, including impacts on Indian trust assets.

Please note that public comments and information submitted including names, street addresses, and email addresses of persons who submit comments will be available for public review and disclosure at the above address during regular business hours (8 a.m. to 4 p.m.), Monday through Friday, except holidays.

Copies of the Ruby Pipeline Project Draft Supplemental EIS are available at the following BLM offices:

- Kemmerer Field Office, 312 Hwy 189 North, Kemmerer, Wyoming
- Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, Utah
- Elko District Office, 3900 East Idaho Street, Elko, Nevada
- Winnemucca District Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada
- Lakeview District Office, 1301 S. G Street, Lakeview, Oregon
- Klamath Falls Resource Area Office, 2795 Anderson Avenue, Suite 25, Klamath Falls, Oregon
- Surprise Field Office, 602 Cressler Street, Cedarville, California
- Additional locations where hard copies of the Draft Supplemental EIS can be viewed can be found on the project Web site or by contacting the project manager.

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.

Authority: 40 CFR 1502.9, 43 CFR 2880.

Amy Lueders,

Nevada State Director.

[FR Doc. 2013–16129 Filed 7–3–13; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAC07000 L913100000 EI0000 LXSIGEOT0000]

Notice of Availability of the Final Environmental Impact Statement/ Environmental Impact Report for the Casa Diablo IV Geothermal Development Project, Mono County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA); the Federal Land Policy and Management Act of 1976, as amended; and the California Environmental Quality Act of 1970 (CEQA), the Bureau of Land Management (BLM), the United States Forest Service (USFS), and the Great Basin Unified Air Pollution Control District (GBUAPCD), a California State agency, have prepared a Final Environmental Impact Statement (EIS)/ Environmental Impact Report (EIR) for the proposed Casa Diablo IV Geothermal Development Project near the town of Mammoth Lakes in Mono County, California, and by this notice are announcing its availability.

DATES: The BLM will not issue a final decision on the proposal for a minimum of 30 days after the date that the Environmental Protection Agency publishes its notice of availability in the **Federal Register**.

ADDRESSES: You may request an electronic copy of the Casa Diablo IV Geothermal Development Project Final EIS/EIR by any of the following methods:

- *Mail:* BLM Bishop Field Office, 351 Pacu Lane, Suite 100, Bishop, CA 93514; Attn: Casa Diablo IV Geothermal Development Project Final EIS/EIR, c/o Collin Reinhardt, Project Manager.
- *Email: cabipubcom@blm.gov;* Subject: Casa Diablo IV Geothermal Development Project Final EIS/EIR.
- *Fax:* 760–872–5050; Attn: Collin Reinhardt.

Interested persons may also review the Final EIS/EIR on the Internet at *http://www.blm.gov/ca/st/en/fo/bishop.html*.

Copies of the Final EIS/EIR are also available for public inspection at the BLM Bishop Field Office at the above address and at the Mono County Library at 400 Sierra Park Road, Mammoth Lakes, California.

FOR FURTHER INFORMATION CONTACT: Collin Reinhardt, Project Manager, telephone 760–872–5024; address 351 Pacu Lane, Suite 100, Bishop, CA 93514; email *creinhardt@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Final EIS/EIR analyzes the potential impacts of authorizing the proposed Casa Diablo IV Geothermal Development Project near the town of Mammoth Lakes in Mono County, California. In accordance with the Geothermal Steam Act of 1970, as amended (30 U.S.C. 1001 *et seq.*), the BLM Bishop Field Office is the lead Federal agency responsible for permitting the proposed project and for completing the required environmental analysis under NEPA. The USFS Inyo National Forest is a cooperating Federal agency. The GBUAPCD is the lead State agency responsible for permitting the proposed project and for completing the required environmental analysis under CEQA.

The purpose and need for action is to respond to an application to construct and operate the Casa Diablo IV project on Federal geothermal leases administered by the BLM Bishop Field Office. The project would be located on Inyo National Forest lands and adjacent private lands within portions of Federal geothermal leases CACA–11667, CACA–14407, CACA–14408, and CACA–11672. The project would be located adjacent to three currently operating geothermal plants.

The 33 megawatt binary geothermal power plant would be the fourth geothermal plant in the vicinity. It would include up to 16 wells for production and injection, drilled 1,600 to 2,500 feet deep. Pipelines would be constructed to transport geothermal fluid from production wells to the power plant and the return of fluids from the power plant to injection wells. A 650-foot-long transmission line would connect the new power plant to the Southern California Edison substation at Substation Road. The power plant, access roads, well pads, pipelines, and transmission line would occupy approximately 80 acres. Of the 16 proposed production/injection well locations, 14 were previously analyzed and approved by the BLM as exploration wells in EA–170–02–15 (2001) and EA–170–05–04 (2005). Three of these exploration wells have already been drilled as of the time of the publication of this notice.

Three action alternatives and a no action alternative are analyzed in the Final EIS/EIR. Alternative 1 is the applicant's proposed action as outlined above; Alternative 2 considers an alternative location for the proposed power plant; and Alternative 3 (the BLM's preferred alternative) considers alternative pipeline alignments in Basalt Canyon and slightly alters the location of one proposed well. The GBUAPCD has identified Alternative 3 as the ''environmentally superior alternative'' pursuant to CEQA (14 C.C.R. 15126.6(e)(2)).

Alternative 4, the No Action Alternative, would not construct the CD–IV Project. The three existing geothermal power plants, the pipeline from Basalt Canyon, and two existing production wells would continue operating in accordance with their respective permits. Under the No Action Alternative, geothermal exploration in Basalt Canyon and Upper Basalt Canyon previously approved would be expected to continue. Previous analyses resulted in the approval of up to ten small diameter (slim hole) and six geothermal exploratory (large diameter) geothermal wells, some of which have been already drilled. Under the No Action Alternative, while no activities related to the Proposed Action would occur, nine additional small diameter and two large diameter exploratory wells could be drilled as previously authorized.

The Final EIS/EIR describes and analyzes the project's site-specific impacts on the following resources: Air, biological, climate change, cultural and paleontological, geothermal and groundwater, geologic, soil, mineral, grazing, wild horses and burros, land use, noise and vibration, population and housing, public safety, hazardous materials, fire, recreation, socioeconomics and environmental justice, traffic, utilities and public service, visual, and surface water.

In addition to scoping activities, a Notice of Availability of the Draft EIS/EIR was published in the **Federal Register** on November 16, 2012 (77 FR 68813), announcing a 60-day comment period ending January 15, 2013. In response to requests, the NEPA comment period was extended to January 30, 2013 and the CEQA comment period was extended to February 20, 2013. Additionally, two public meetings were held on December 5 and 6, 2012, in Mammoth Lakes and Lake Crowley, California, respectively.

One oral comment and 28 comment letters were received. Comments on the Draft EIS/EIR primarily pertained to the NEPA and CEQA processes, project alternatives, and impacts to various resources and uses. The agencies also received statements in support of the proposal.

All comments were addressed in the Final EIS/EIR, some of which resulted in corrections and clarifying text that did not significantly change the alternatives or analysis. Similarly, consultation pursuant to Section 106 of the National Historic Preservation Act and Section 7 of the Federal Endangered Species Act has resulted in revisions to the project as reflected in the Final EIS/EIS that further avoid impacts to cultural and biological resources.

Authority: 40 CFR 1506.6, 40 CFR 1506.10.

Thomas Pogacnik,

Deputy State Director.

[FR Doc. 2013–16128 Filed 7–3–13; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR936000.L14300000.ET0000 FUND: 13XL1109AF; HAG–13–0143; OR–47417]

Public Land Order No. 7817; Extension of Public Land Order No. 6986; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order extends the duration of the withdrawal created by Public Land Order No. 6986, which was issued effective July 1, 1993, for an

additional 20-year period. The extension is necessary to continue protection of the scenic, recreational, and fish and wildlife habitat values in the scenic section of the Illinois Wild and Scenic River located in the Rogue River-Siskiyou National Forest between the mouth of Deer Creek and the mouth of Briggs Creek, which would otherwise expire on June 30, 2013.

DATES: *As of:* July 1, 2013.

FOR FURTHER INFORMATION CONTACT: Michael L. Barnes, Bureau of Land Management, Oregon/Washington State Office, 503–808–6155, or Dianne Torpin, United States Forest Service, Pacific Northwest Region, 503–808–2422. 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 either of the above individuals. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with either of the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The purpose for which the withdrawal was first made requires this extension to continue to protect the scenic, recreational, and fish and wildlife habitat values of the scenic section of the Illinois Wild and Scenic River between the mouth of Deer Creek and the mouth of Briggs Creek located in the Rogue-Siskiyou National Forest. The withdrawal extended by this order will expire on June 30, 2033, unless as a result of a review conducted prior to the expiration date, pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be further extended.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

Public Land Order No. 6986 (58 FR 35408 (1993)), which withdrew approximately 4,239.95 acres of National Forest System land from location and entry under the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect the scenic section of the Illinois Wild and Scenic River located in the Rogue River-Siskiyou National Forest between the mouth of Deer Creek and the mouth of Briggs Creek, is hereby extended for an additional 20-year period until June 30, 2033.

Dated: June 20, 2013.

Rhea S. Suh,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2013–16214 Filed 7–3–13; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO300000, L14300000.ET0000.xx00000]

Public Land Order No. 7818; Withdrawal of Public Lands for the Protection and Preservation of Solar Energy Zones for Future Energy Development; Arizona, California, Colorado, Nevada, New Mexico, and Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 303,900 acres of public lands from location and entry under the United States mining laws, subject to valid existing rights, for a period of 20 years to protect 17 Solar Energy Zones (SEZ) for future solar energy development. The lands have been and will remain open to mineral and geothermal leasing, and mineral material sales.

DATES: *As of:* June 27, 2013.

FOR FURTHER INFORMATION CONTACT: Ray Brady, Bureau of Land Management, by telephone at 202–912–7312 or by email at *rbrady@blm.gov*, or contact one of the Bureau of Land Management offices listed below:

Arizona State Office, One North Central Avenue, Suite 800, Phoenix, Arizona 85004, 602–417–9200.

California State Office, 2800 Cottage Way, Suite W–1623, Sacramento, California 95825, 916–978–4400.

Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, 303–239–3600.

Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502, 775–861–6400.

New Mexico State Office, 301 Dinosaur Trail, Santa Fe, New Mexico 87508, 877–276–9404.

Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, Utah 84101, 801–539–4133.

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 or offices. The FIRS is available 24 hours per day, 7 days per week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Copies of maps depicting the land descriptions are available within the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States Web site (*http://solareis.anl.gov*) and are also available from the Bureau of Land Management offices listed in the ''For Further Information Contact'' section above.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2), but not from the public land, mineral leasing, geothermal leasing, or mineral material laws, to protect 17 solar energy zones:

ARIZONA—AZ 035131

Gila and Salt River Meridian

Brenda SEZ:

T. 5 N., R. 15 W.,
Sec. 31, lots 1 to 4, inclusive, E½NW¼, and E½SW¼.
T. 4 N., R. 16 W.,
Sec. 1, lots 3 and 4, S½NW¼, and SW¼;
Secs. 2, 3, and 4;
Sec. 9, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 10, N½, N½S½, and SW¼SW¼;
Sec. 11, NW¼.

The areas described aggregate 3,343 acres.

Gillespie SEZ:

T. 2 S., R. 6 W.,
Sec. 6, SW¼, W½SE¼, and SE¼SE¼, unsurveyed;
Sec. 7, N½;, NE¼SW¼, N½SE¼, and SE¼SE¼, unsurveyed;
Sec. 8, SE¼NW¼;, W½;NW¼, SW¼, S½SE¼, and NW¼SE¼, unsurveyed;
Sec. 9, SW¼SW¼, unsurveyed;
Sec. 15, NW¼SW¼, N½SW¼SW¼, SE¼SW¼, and S½SW¼SE¼, unsurveyed;
Sec. 16, S½NE¼, S½NW¼NE¼, NW¼, and N½NE¼SE¼, unsurveyed;
Sec. 17, N½NE¼, N½SE¼NE¼, NE¼NW¼, and N½NW¼NW¼, unsurveyed;
Sec. 22, S½NE¼NE¼, NW¼NE¼, N½SW¼NE¼, SE¼NE¼, and N½NE¼NW¼, unsurveyed;
Sec. 23, SW¼NW¼, N½SW¼, SE¼SW¼, S½NE¼SE¼, NW¼SE¼, and S½SE¼, unsurveyed;
Sec. 24, S½NW¼SW¼ and S½SW¼, unsurveyed.
T. 2 S., R. 7 W.,
Sec. 1, SE¼SW¼, NE¼SE¼, and S½SE¼;

Sec. 12, N½NE¼, SE¼NE¼, and NE¼NW¼.

The areas described aggregate 2,607 acres.

CALIFORNIA—CA 050951

San Bernardino Meridian

Riverside East SEZ

T. 4 S., R. 15 E.,
Sec. 25, NE¼NE¼, W½NE¼, W½, W½SE¼, and SE¼SE¼, excluding fee easement CARI 07041;
Sec. 26, N½, S½SW¼SW¼, SW¼SE¼SW¼, NE¼SE¼, NE¼NW¼SE¼, and NE¼SE¼SE¼, excluding fee easements CALA 053581 and CARI 07041;
Sec. 27, N½NE¼, N½SE¼ NE¼, N½NE¼NW¼, SE¼NE¼SW¼, E½SE¼SW¼, S½SE¼, and S½NW¼SE¼, excluding the Chuckwalla Desert Wildlife Management Area (DWMA) and fee easements CALA 053581 and CARI 07041;
Sec. 34, E½ and E½E½W½, excluding the Chuckwalla DWMA;
Sec. 35, lot 2, SW¼NE¼NE¼, S½NW¼NE¼, S½NE¼, SE¼SE¼NE¼, W½, N½SE¼, and SW¼SE¼, excluding fee easements CALA 053581, CARI 07041, and CALA 057221.

T. 5 S., R. 15 E.,
Sec. 3, lot 1 in the NE¼, E½ lot 2 in the NE¼, and E½SE¼, excluding the Chuckwalla DWMA;
Sec. 10, E½NE¼ and NE¼SE¼, excluding the Chuckwalla DWMA;
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, E½SE¼, excluding the Chuckwalla DWMA;
Sec. 22, E½NE¼, N½S½, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼, excluding the Chuckwalla DWMA;
Sec. 23, N½ and SE¼;
Sec. 24, N½, SW¼, NE¼SE¼, and S½SE¼;
Sec. 25, those portions of N½N½ and NW¼SW¼NW¼, northerly of the northern right-of-way boundary CACA 18888;
Sec. 27, NW¼NW¼, northerly of the northern right-of-way boundary CARI 07303, excluding the Chuckwalla DWMA.

T. 4 S., R. 16 E.,
Sec. 31, S½ of lot 3 in the SW¼, excluding fee easement CALA 053581.

T. 5 S., R 16 E.,
Secs. 1 and 2;
Sec. 3, lots 1 and 2 in the NE¼, lots 1 and 2 in the NW¼, and SE¼, excluding fee easement CALA 053581;
Sec. 4, lots 1 and 2 in the NE¼, excluding fee easement CALA 053581;
Sec. 6, lots 1 and 2 in the NE¼ and lots 1 and 2 in the NW¼, excluding fee easement CALA 053581;
Sec. 8, S½NW¼SW¼ and SW¼SW¼;
Secs. 10, 11, and 13, excluding fee easement CALA 053581;
Sec. 14, E½;
Sec. 15, S½;
Sec. 17, S½NE¼, NW¼NW¼, and S½NW¼;
Sec. 18, lots 1 and 2 in the SW¼ and SE¼;
Secs. 19 and 20;
Sec. 21, N½;
Sec. 22;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, and S½;
Sec. 24;
Sec. 25, W½;
Sec. 26;
Sec. 27, northerly of the northern right-of-way boundary CARI 05498;
Sec. 28, N½N½N½;
Sec. 29, N½N½N½;
Sec. 30, lot 1 in the NW¼, N½ of lot 2 in the NW¼, and N½NE¼;
Sec. 34, those portions of N½N½NE¼, and NE¼NE¼NW¼, lying northerly of the northern right-of-way boundary CARI 05498;
Sec. 35, N½N½N½.

T. 5 S., R. 17 E.,
Secs. 1 and 2, excluding the Palen McCoy Wilderness Area CACA 35105;
Sec. 3, excluding fee easement CALA 053588;
Sec. 5, lots 1 and 2 in the NW¼ and SW¼;
Sec. 6;
Sec. 7, excluding fee easement CALA 053581;
Sec. 8, W½ and SE¼;
Sec. 9, SW¼, W½SE¼, SW¼NE¼SE¼, W½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 10, E½E½E½, excluding fee easement CALA 053581;
Sec. 11, excluding the Palen McCoy Wilderness Area CACA 35105;
Sec. 14, excluding the Palen McCoy Wilderness Area CACA 35105, and excluding fee easement CALA 053588;
Sec. 15, NE¼NE¼NE¼, SW¼NW¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼, and S½SE¼SW¼, excluding fee easement CALA 053588;
Secs. 17 and 18, excluding fee easement CALA 053581;
Sec. 19, lots 1 and 2 in the NW¼, lots 1 and 2 in the SW¼, and NE¼;
Sec. 20, W½NW¼, SE¼NW¼, and S½;
Sec. 21;
Sec. 22, excluding fee easement CALA 053588;
Sec. 23, excluding the Palen McCoy Wilderness Area CACA 35105 and fee easement CALA 053588;
Sec. 26, SW¼NW¼ and SW¼;
Sec. 27, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 28;
Sec. 29, NE¼ and S½;
Secs. 31 to 34, inclusive;
Sec. 35, N½NW¼ and SW¼NW¼.

T. 6 S., R. 17 E.,
Sec. 1, lots 1 and 2 in the NW¼ and S½;
Sec. 2;
Sec. 3, E½ lot 1 in the NE¼, lot 2 in the NE¼, W½ lot 1 in the NW¼, lot 2 in the NW¼, W½SW¼, and E½SE¼;
Sec. 4, that portion lying northerly of the northern right-of-way of CARI 05498;
Sec. 5, lot 2 in the NE¼ and lot 2 in the NW¼;
Sec. 6 and secs. 9 to 12, inclusive, those portions northerly of the northern right-of-way of CARI 05498.

T. 6 S., R. 18 E.,
Secs. 1 to 4, inclusive, excluding the Palen McCoy Wilderness area CACA 35105;
Sec. 7, lots 1 and 2 in the SW¼ and SE¼;
Sec. 9;
Sec. 10, N½, NE¼SW¼, and N½SE¼;
Secs. 11, 12, and 13;
Sec. 14, N½, N½SW¼, and SE¼;
Secs. 17 and 18, those portions lying northerly of the northern right-of-way line of CARI 05498;
Sec. 23, N½NE¼, NE¼NW¼, and that portion of the N½SE¼, lying northerly of the northern right-of-way line of CARI 05498;
Sec. 24, that portion of the S½ lying northerly of the northern right-of-way line of CARI 05498.

T. 6 S., R. 19 E.,
Secs. 3 to 6, inclusive, excluding the Palen McCoy Wilderness area CACA 35105;
Secs. 7, 8, and 9;
Secs. 10 to 13, inclusive, excluding the Palen McCoy Wilderness area CACA 35105;
Secs. 14, 15, 17, and 18;
Sec. 19, N½ lot 1 in the NW¼, N½ lot 2 in the NW¼, S½ lot 1 in the SW¼, S½ lot 2 in the SW¼, NW¼NE¼, and SE¼;
Secs. 20 to 24, inclusive;
Sec. 25, W½;
Secs. 26 and 27;
Secs. 28, 29, 34, and 35, lying northerly of the northern right-of-way line of CALA 0107395.

T. 6 S., R. 20 E.,
Sec. 3, partially unsurveyed;
Secs. 5, 7, and 8, excluding the Palen McCoy Wilderness area CACA 35105;
Secs. 9, 10, and 15;
Sec. 16, NE¼NW¼ and S½NW¼;
Sec. 17, N½ and SE¼;
Sec. 18;
Sec. 19, lots 1 and 2 in the SW¼ and W½E½;
Sec. 20, W½, NE¼SE¼, and S½SE¼;
Sec. 21, NE¼, N½NW¼, SW¼NW¼, and SE¼;
Sec. 22, N½ and SE¼, partly unsurveyed;
Sec. 23, S½;
Sec. 24, S½;
Sec. 25, N½ and SE¼;
Sec. 26;
Sec. 27, N½NW¼, SW¼NW¼, and S½;
Sec. 28, NE¼, NE¼SW¼, S½SW¼, and SE¼;
Secs. 29 and 30;
Sec. 31, N½ lot 1 in the NW¼ and N½N½NE¼;
Sec. 32, N½N½N½;
Sec. 33, N½N½N½;
Sec. 34, N½N½N½;
Sec. 35, NW¼NE¼, N½NW¼, and S½.

T. 7 S., R. 20 E.,
Sec. 1, lots 1 and 2 in the NE¼, lots 1 and 2 in the NW¼, and SW¼;
Sec. 2, lots 1 and 2 in the NE¼, lots 1 and 2 in the NW¼, and SE¼;
Sec. 11, NE¼NE¼, S½NE¼, and S½;
Secs. 12, 13, 24, and 25.

T. 4 S., R. 21 E.,
Sec. 2, SW¼, partly unsurveyed;
Secs. 3 and 4;
Sec. 5, E½ lot 1 in the NE¼, lots 5 to 12, inclusive, and SE¼;
Sec. 8, E½;

Secs. 9 to 15, inclusive, partly unsurveyed, and secs. 21 to 35, inclusive.
T. 5 S., R. 21 E.,
Secs. 1 to 14, inclusive;
Sec. 15, S½;
Secs. 17 to 23, inclusive, partly unsurveyed;
Sec. 24, S½;
Secs. 25 to 30, inclusive, and secs. 32 to 35, inclusive, partly unsurveyed.
T. 6 S., R. 21 E.,
Secs. 4, 5, 8, and 9;
Sec. 15, lots 1 and 2, SW¼, and W½SE¼;
Secs. 19 and 22;
Sec. 23, lots 2, 3, 5, and 6, and W½W½;
Sec. 26, lot 1;
Sec. 27;
Sec. 29, N½ and SW¼;
Sec. 30;
Sec. 31, lots 5, 6, 9 to 12, inclusive, 17, and 18, S½NE¼, and SE¼;
Sec. 32, NW¼;
tracts 37 to 47, inclusive, 49 to 56, inclusive, 58, 59, 61, 62, 68, 69, 71, 73 to 78A, inclusive, and 78B to 80, inclusive.
T. 7 S., R. 21 E.,
Sec. 2, lots 3 to 6, inclusive, S½N½, E½SW¼, and NW¼SE¼;
Sec. 3;
Sec. 4, lots 3 and 4, S½NE¼, and S½;
Sec. 5, S½S½;
Sec. 6, SE¼;
Sec. 7;
Sec. 8, SW¼;
Sec. 9, NE¼ and S½;
Sec. 10;
Sec. 11, N½ and SW¼;
Sec. 12, NW¼ and N½SW¼;
Sec. 13;
Sec. 14, S½NE¼, W½, and SE¼;
Sec. 15, W½ and SE¼;
Sec. 17, NE¼, SE¼NW¼, and S½;
Sec. 18;
Secs. 19, 20, and 21, excluding the Mule Mountain Area of Critical Environmental Concern (ACEC);
Sec. 22, N½ and SW¼;
Secs. 23 and 24;
Sec. 25, S½NW¼ and N½SW¼;
Sec. 26, E½;
Secs. 27 to 34, inclusive, excluding the Mule Mountain ACEC;
Sec. 35.
T. 4 S., R 22 E.,
Sec. 7, unsurveyed;
Sec. 8, excluding the Big Maria Mountain Wilderness Area CACA 35061, unsurveyed;
Secs. 17 to 20, inclusive and secs. 29 to 33, inclusive, unsurveyed.
T. 5 S., R. 22 E.,
Secs. 2 to 6, inclusive;
Sec. 7, lots 1 and 2 in the NW¼ and E½;
Secs. 8 to 14, inclusive;
Sec. 15, E½;
Sec. 17;
Sec. 18, lots 1 and 2 in the NW¼, lots 1 and 2 in the SW¼, and NE¼;
Secs. 19 and 20;
Sec. 21, S½;
Secs. 22, 23, and 24;
Sec. 25, W½NE¼, NW¼, N½SW¼, excluding Midland Road as designated on record of survey map on file in Book 11 pages 49 and 50 of record of survey, Records of Riverside County California;
Sec. 26, N½;
Sec. 27, N½ and SW¼;
Sec. 28, S½;
Sec. 29, N½ and SW¼;
Sec. 30;
Sec. 31, E½;
Sec. 32;
Sec. 33, SW¼.
T. 6 S., R. 22 E.,
Sec. 3, lots 1 and 2 in the NW¼;
Secs. 4 to 7, inclusive;
Sec. 8, lots 1 to 6, inclusive, N½NE¼, and NW¼;
Sec. 9, NE¼, N½NW¼, SE¼NW¼, and E½SE¼;
Sec. 10, NW¼NW¼;
Sec. 17, lot 1;
Sec. 18, lots 1 to 6, inclusive.
T. 7 S., R. 22 E.,
Sec. 18, lot 4,
tract 62;
tract 63, lot 1;
tracts 64, 113, and 115.

The areas described aggregate 159,457 acres.

Imperial East SEZ:

T. 16 S., R. 17 E.,
Secs. 21 to 28, inclusive, those portions lying southerly of the southern right-of-way of Interstate 8 and east of Lake Cahuilla No. 5 ACEC;
Sec. 33, except that portion lying in Lake Cahuilla No. 5 ACEC;
Secs. 34 and 35.
T. 16 S., R. 18 E.,
Secs. 29 and 30, those portions lying southerly of the southern right-of-way of Interstate 8;
Sec. 31, lot 3, NE¼, NE¼NW¼, SE¼SW¼, and S½SE¼;
Sec. 32, that portion of the N½N½ lying southerly of the southern right-of-way of Interstate 8, S½NW¼SW¼, and S½S½;
Sec. 33, that portion of the N½ lying southerly of the southern right-of-way of Interstate 8 and N½SE¼;
Sec. 34, those portions of the N½SW¼ and NW¼SE¼ lying southerly of the southern right-of-way of Interstate 8.

The areas described aggregate 5,722 acres.

COLORADO—CO 073899

New Mexico Principal Meridian

Antonito Southeast SEZ:

T. 32 N., R. 9 E.,
Sec. 3, lot 4, SW¼NW¼, W½SW¼, SE¼SW¼, SW¼SE¼, and E½SE¼;
Secs. 4, 9, 10, and 11;
Sec. 12, W½ and SE¼;
Secs. 13, 14, 15, and secs 21 to 24, inclusive.
T. 32 N., R. 10 E.,
Sec. 7, lot 4, SE¼SW¼, and S½SE¼;
Sec. 8, S½S½;
Sec. 9, SW¼SW¼;
Secs. 17 to 20, inclusive;
Sec. 21, lots 1 to 4, inclusive, W½NE¼, and NW¼.

The areas described aggregate 10,318 acres.

Fourmile East SEZ

T. 37 N., R. 12 E.,
Sec. 2, lots 3 and 4 and S½NW¼;
Sec. 3, lots 3 and 4 and S½N½.
T. 38 N., R. 12 E.,
Sec. 13, SW¼ and W½SE¼;
Sec. 23;
Sec. 24, W½ and W½SE¼;
Sec. 25, W½NE¼ and W½;
Sec. 26;
Sec. 35, NW¼.

The areas described aggregate 2,882 acres.

Los Mogotes East SEZ

T. 34 N., R. 8 E.,
Secs. 1 and 12;
Sec. 13, NE¼NE¼, W½NE¼, W½, and NW¼SE¼;
Sec. 24, W½ and W½SE¼;
Sec. 25, W½E½ and W½.

The areas described aggregate 2,640 acres.

DeTilla Gulch SEZ

T. 45 N., R. 9 E.,
Sec. 29, that portion of the S½ lying one-quarter mile or more southeasterly and parallel to the centerline of Highway 285;
Sec. 30, that portion of the SE¼SE¼ lying one-quarter mile or more southeasterly and parallel to the centerline of Highway 285;
Sec. 31, those portions of the NE¼ and the SE¼NW¼ lying one-quarter mile or more southeasterly and parallel to the centerline of Highway 285; and those portions of the NE¼SW¼ and the N½SE¼ lying one-quarter mile or more north of and parallel to the centerline of the Old Spanish National Historic Trail as mapped by the National Park Service;
Sec. 32, N½, and that portion of the N½SW¼, lying one-quarter mile or more north of and parallel to the centerline of the Old Spanish National Historic Trail as mapped by the National Park Service;
Sec. 33, N½NE¼ and NW¼.

The areas described aggregate 1,064 acres.

NEVADA—NV 087208

Mount Diablo Meridian

Amargosa Valley SEZ:

T. 13 S., R. 47 E.,
Sec. 35, NE¼NE¼, S½NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 36, that portion lying southerly and westerly of the centerline of U.S. Highway No. 95.
T. 14 S., R. 47 E.,
Sec. 8, E½, unsurveyed;
Sec. 9, unsurveyed;
Secs. 10, 11, 13, and 14, those portions lying southerly and westerly of the centerline of U.S. Highway No. 95, unsurveyed;
Secs. 15 and 16, unsurveyed;
Sec. 21, E½, unsurveyed;
Secs. 22 and 23, unsurveyed;
Sec. 24, that portion lying southerly and westerly of the centerline of U.S. Highway No. 95, unsurveyed;

Sec. 25, W½NE¼, and W½, unsurveyed;
Secs. 26 and 27, unsurveyed;
Sec. 34, E½, unsurveyed;
Sec. 35, unsurveyed;
Sec. 36, W½, unsurveyed.
T. 15 S., R. 47 E.,
Sec. 1, W½W½, unsurveyed;
Sec. 2, unsurveyed;
Sec. 12, NW¼NW¼, unsurveyed.

The areas described aggregate 9,690 acres.

Dry Lake SEZ:

T. 17 S., R. 63 E.,
Sec. 33, lots 9, 10, 13, and 14, and NE¼SE¼;
Sec. 34, lots 1 to 4, inclusive, NE¼, S½NW¼, and N½S½;
Secs. 35 and 36.
T. 18 S., R. 63 E.,
Secs. 1 and 2;
Sec. 3, lots 1 2, 3, 5, 7 to 10, inclusive, 13, and 14, S½NE¼, and NE¼SE¼;
Sec. 4, lot 5;
Sec. 10, lot 1;
Sec. 11, lots 1, 3, 4, 5, and 9, NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 12; that portion lying northerly and westerly of the centerline of the southbound lane of I–15;
Sec. 13, those portions lying northerly and westerly of the centerline of the southbound lane of I–15 and northerly and easterly of the centerline of U.S. Highway No. 93;
Sec. 14, lot 1.
T. 17 S., R. 64 E.,
Sec. 31, lots 5 to 8, inclusive, SW¼NE¼, E½W½, and that portion of the SE¼ lying northerly and westerly of the centerline of the southbound lane of I–15;
Sec. 32, that portion of the SW¼ lying northerly and westerly of the centerline of the southbound lane of I–15.
T. 18 S., R. 64 E.,
Secs. 6 and 7, those portions lying northerly and westerly of the centerline of the southbound lane of I–15.

The areas described aggregate 6,160 acres.

Dry Lake Valley North SEZ:

T. 1 N., R. 64 E.,
Sec. 35, S½;
Sec. 36, S½.
T. 1 S., R. 64 E.,
Secs. 1, 12, and 13;
Sec. 21, E½ and E½W½;
Secs. 22 to 27, inclusive;
Sec. 28, E½;
Sec. 33, E½E½ and NW¼NE¼;
Secs. 34, 35, and 36.
T. 2 S., R. 64 E.,
Secs. 1, 2, and 3;
Sec. 4, lot 1 and SE¼NE¼;
Sec. 10, N½, N½SW¼, SE¼SW¼, and SE¼;
Secs. 11 to 14, inclusive;
Sec. 15, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 24;
Sec. 25, N½NE¼.
T. 1 N., R. 65 E.,
Sec. 31, S½;
Sec. 32, W½SW¼.
T. 1 S., R. 65 E.,
Sec. 6, lots 3, 4, and 7 to 13, inclusive;
Secs. 7, 8, 17 to 20, inclusive, and secs 29, 30, and 31;
Sec. 32, N½, SW¼, and W½SE¼.
T. 2 S., R. 65 E.,
Sec. 5, lots 2, 3, and 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Secs. 6 and 7;
Sec. 8, W½E½ and W½;
Sec. 17, W½NE¼, SE¼NE¼, W½, and SE¼;
Secs. 18 and 19;
Sec. 20, W½NE¼ and W½;
Sec. 29, NW¼, N½SW¼, and SE¼SW¼;
Sec. 30, lot 1, NE¼, E½NW¼, and NE¼SE¼.

The areas described aggregate 28,726 acres.

Gold Point SEZ:

T. 6 S., R. 41 E.,
Sec. 13, S½;
Sec. 14, E½SE¼;
Sec. 23, E½E½ and NW¼SE¼;
Sec. 24;
Sec. 25, N½, NE¼SW¼, and N½SE¼;
Sec. 26, NE¼NE¼.
T. 6 S., R. 41½ E.,
Sec. 13, N½SW¼ and SW¼SW¼, unsurveyed;
Sec. 14, S½, unsurveyed;
Sec. 15, S½, unsurveyed;
Sec. 16, S½, unsurveyed;
Secs. 21 and 22, unsurveyed;
Sec. 23, N½NE¼, SW¼NE¼, W½, and NW¼SE¼, unsurveyed;
Sec. 26, NW¼NW¼, unsurveyed;
Sec. 27 N½, SW¼, N½SE¼, and SW¼SE¼, unsurveyed;
Sec. 28, unsurveyed.

The areas described aggregate 4,810 acres.

Millers SEZ:

T. 3 N., R. 39 E.,
Sec. 1;
Sec. 2, lot 1, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 11, N½N½ and SW¼NW¼;
Sec. 12, N½NW¼.
T. 4 N., R. 39 E.,
Sec. 36, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼.
T. 3 N., R. 40 E.,
Sec. 4, lots 3 and 4, S½NW¼, and NW¼SW¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, and N½S½;
Sec. 6.
T. 4 N., R. 40 E.,
Sec. 10, S½S½;
Sec. 11, S½;
Sec. 12, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 13, W½E½ and W½;
Secs. 14, 15, and 16;
Sec. 17, S½N½ and S½;
Sec. 18, SE¼;
Sec. 19, E½, E½NW¼, and NE¼SW¼;
Secs. 20 to 23, inclusive;
Sec. 24, W½E½ and W½;
Sec. 25, NW¼ and W½SW¼;
Secs. 26 to 29, inclusive;
Sec. 30, lot 4, E½, and E½SW¼;
Secs. 31 and 32;
Sec. 33, N½, SW¼, and N½SE¼;
Sec. 34;
Sec. 35, N½, SW¼, and W½SE¼.

The areas described aggregate 16,560 acres.

NEW MEXICO—NM 114441

New Mexico Principal Meridian

Afton SEZ:

T. 25 S., R. 1 E.,
Secs. 7, 8, 14, 15, 17, and 18;
Sec. 19, lots 1 to 4, inclusive, NE¼NE¼, W½E½, E½W½, and SE¼SE¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼, and W½SE¼SE¼;
Sec. 21, N½, N½S½, SE¼SW¼, and S½SE¼;
Secs. 22 to 30, inclusive, and Secs. 33, 34, and 35.
T. 24 S., R. 1 W.,
Sec. 19 and Secs. 28 to 35, inclusive.
T. 25 S., R. 1 W.,
Sec. 1, Secs. 3 to 6 inclusive, and Secs. 8 to 15, inclusive.
T. 24 S., R. 2 W.,
Secs. 23 to 26, inclusive, and Sec. 35.
T. 25 S., R. 2 W.,
Sec. 1.

The areas described aggregate 30,706 acres.

UTAH—087557

Salt Lake Meridian

Escalante Valley SEZ:

T. 33 S., R. 14 W.,
Sec. 8, NE¼, E½NW¼, SW¼NW¼, and S½;
Sec. 9, E½NE¼, S½SW¼, and SE¼;
Sec. 10;
Sec. 11, W½ and W½SE¼, those portions lying west of Railroad Right-of-Way Grant UTSL 0032533;
Sec. 14, E½, that portion lying west of Railroad Right-of-Way Grant UTSL 0032533;
Secs. 15, 17, 19, and 30;
Sec. 31, excluding the dry intermittent lake bed in lots 3 and 4.
T. 34 S., R. 14 W.,
Sec. 6, lot 4.
T. 33 S., R. 15 W.,
Sec. 24, NW¼;
Sec. 25.

The areas described aggregate 6,837 acres.

Milford Flats South SEZ:

T. 30 S., R. 10 W.,
Sec. 18, lots 1 and 2, and E½NW¼.
T. 30 S., R. 11 W.,
Sec. 7, lots 3 and 4, and E½SE¼;
Sec. 8, SW¼ and W½SE¼;
Sec. 10, NE¼, E½NW¼, and S½;
Sec. 12, W½;
Sec. 13, N½, N½SW¼, and NW¼SE¼;
Secs. 14 and 15, excluding the Minersville Canal;
Secs. 17 and 18;
Sec. 19, lots 1 and 2, NE¼, and E½NW¼;
Sec. 20, excluding the Minersville Canal;

Sec. 21, N½, N½S½, and SW¼SW¼, excluding the Minersville Canal;
Sec. 22, N½NE¼ and NW¼, excluding the Minersville Canal;
Sec. 29, N½NW¼, excluding the Minersville Canal;
Sec. 30, N½NE¼.

The areas described aggregate 6,320 acres.

Wah Wah Valley SEZ:

T. 27 S., R. 14 W.,
Sec. 8, E½ and SE¼SW¼;
Sec. 9, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 10;
Sec. 11, lots 1 and 2, SW¼NE¼, S½NW¼, SW¼, and W½SE¼, excluding the WahWah Wash;
Sec. 13, lot 1;
Sec. 14, excluding the WahWah Wash;
Sec. 15;
Sec. 17, NW¼NE¼;
Sec. 21, lots 1 and 6, and E½NE¼;
Sec. 22;
Sec. 23, excluding the WahWah Wash;
Sec. 26, N½ and N½S½, excluding the WahWah Wash;
Sec. 27, N½ and N½S½;
Sec. 28, NE¼ and N½SE¼.

The areas described aggregate 6,058 acres.

The total areas described aggregate 303,900 acres of public lands in Arizona, California, Colorado, Nevada, New Mexico, and Utah.

2. The withdrawal made by this order does not alter the applicability of the public land laws other than the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: June 27, 2013.

Rhea S. Suh,

Assistant Secretary—Policy, Management and Budget.

[FR Doc. 2013–16215 Filed 7–3–13; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAZG02000.L71220000.EU0000. LLVTFA1158500; AZA–281317–01]

Notice of Realty Action: Direct Sale of Public Lands in Pima County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action.

SUMMARY: The Bureau of Land Management (BLM), Tucson Field Office (TFO), proposes to sell a parcel of public land consisting of approximately 5.96 acres in Pima County, Arizona. The parcel is being proposed for noncompetitive direct sale to the Three Points Fire District under the provisions of the Federal Land Policy and Management Act of 1976, as amended (FLPMA), and the BLM sales and mineral conveyance regulations for the appraised fair market value (FMV) of $83,440.

DATES: Comments regarding the proposed direct sale must be received by the BLM within 45 days of the date this notice is published in the **Federal Register**.

ADDRESSES: Written comments concerning the proposed sale should be sent to Brian B. Bellew, Field Manager, BLM Tucson Field Office, 3201 East Universal Way, Tucson, AZ 85756.

FOR FURTHER INFORMATION CONTACT: Linda Dunlavey, Realty Specialist, at the above address, or phone 520–258–7260. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The following described public land is being proposed for direct sale to the Three Points Fire District in accordance with Sections 203(a)(1) and 209(b)(1)(1) of FLPMA, at not less than the appraised FMV.

Gila & Salt River Meridian

Township 16 South, Range 10 East,
Sec. 4, Lot 17.

The area described contains approximately 5.96 acres in Pima County, Arizona. Regulations contained in 43 CFR 2710.0–3(a) and 43 CFR 2711.3–3(a)(2) make allowances for land sales, and also for sales whereby a competitive sale is not appropriate and the public interest would be best served by a direct sale. The public land was identified as suitable for disposal in the BLM Phoenix Resource Management Plan and Record of Decision approved September 29, 1989. It is not needed for any other Federal purpose, and is difficult and uneconomic to manage. Disposal would alleviate the continued administration of existing land use authorizations. This is an important public project for the community of Three Points as it will provide a permanent solution for fire protection services. Speculative bidding would jeopardize the timely completion and economic viability of the project. A competitive sale is therefore not appropriate and the public interest would best be served by a direct sale. No significant biological and cultural resource values have been identified. There are no impacts to resource values that are expected from this action. The BLM prepared a mineral potential report dated February 23, 2012, and concluded that the lands identified for sale have no known mineral value. The BLM proposes that conveyance of the Federal mineral interests would occur simultaneously with the sale of the land. The project is not expected to affect the Tohono O'Odham Indian Reservation and the San Xavier Indian Reservation, which are located within 10 miles of the sale property. Conveyance of the identified public land will be subject to valid existing rights and encumbrances of record, including, but not limited to, rights-of-ways for roads and public utilities. On July 5, 2013 the above-described land will be segregated from all forms of appropriation under the public land laws, including the mining laws, except for the sale and mineral disposal provisions of FLPMA. Upon publication of this Notice of Realty Action and until completion of the sale, the BLM will no longer accept land use applications affecting the identified public land, except applications for the amendment of previously filed right-of-way applications or existing authorizations to increase the term of the grants in accordance with 43 CFR 2807.15 and 2886.15. The segregation will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on July 6, 2015, unless extended by the BLM Arizona State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date. The land will not be sold until at least 60 days after the date of publication of this notice in the **Federal Register** at the appraised FMV of $83,400. The patent, if issued, will be subject to the following terms, conditions, and reservations:

1. A reservation of a right-of-way to the United States for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

2. A condition that the conveyance be subject to all valid existing rights documented on the official public land records at the time of patent issuance, including:

a. Right-of-way AZA–33726 to Trico Electric for a 15-feet-wide buried power line;

b. Right-of-way AZA–23954 to Pima County for a 50-feet-wide access road;

c. Right-of-way AZA–35609 to Thim Water Company for a 15-feet-wide water line; and

d. Right-of-way AZA–17733 to Century Link for a 10-feet-wide fiber optic line.

3. A notice and indemnification statement under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(W)), indemnifying and holding the United States harmless from any release of hazardous materials that may have occurred and any claims arising out of the patentee's use, occupancy, or operations on the patented land;

4. Additional terms and conditions that the authorized officer deems appropriate. Detailed information concerning the proposed land sale, including the appraisal, planning, and environmental documents and a mineral report, are available for review at the address above.

Public comments regarding the proposed sale may be submitted in writing to the BLM Tucson Field Manager at the address above. Comments, including names and street addresses of respondents, will be available for public review at the BLM Tucson Field Office during regular business hours. Before including your address, phone number, email address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. While you may ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. Any adverse comments regarding the proposed sale will be reviewed by the BLM Tucson Field Manager or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of timely filed objections (within 45 days of publication of this notice), this realty action will become the final determination of the Department of the Interior.

Authority: 43 CFR 2711.1–2(a) and (c).

Brian B. Bellew,

BLM Tucson Field Manager.

[FR Doc. 2013–16132 Filed 7–3–13; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLES003420.L14300000.EU0000;WIES–057676]

Notice of Intent To Amend the 1985 Wisconsin Resource Management Plan and Prepare an Associated Environmental Analysis and Notice of Realty Action for the Direct (Non-Competitive) Sale of Reversionary Interests, Oneida County, Wisconsin

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent and Notice of Realty Action.

SUMMARY: In compliance with the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, the Bureau of Land Management (BLM) Northeastern States Field Office (NSFO) intends to amend the 1985 Wisconsin Resource Management Plan (RMP) and prepare an associated Environmental Assessment (EA) in accordance with the National Environmental Policy Act of 1969, as amended, to consider the direct sale of reversionary interests in approximately 0.81 acres of lands patented under provisions of the Recreation and Public Purposes (R&PP) Act, as amended, to the Unity Point Improvement Association, a nonprofit organization. By this notice, the BLM NSFO is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: Comments on issues for the RMP amendment may be submitted in writing until August 19, 2013. The date(s) and location(s) of any scoping meetings will be announced at least 15 days in advance through the local news media, newspapers and the BLM Web site at: *http://www.blm.gov/es/st/en.html.* In order to be included in the analysis, all comments must be received prior to the close of the 45-day scoping period or 30 days after the last public meeting, whichever is later. The NSFO will provide additional opportunities for public participation as appropriate.

This notice also initiates the public comment period for the proposed sale of reversionary interest in lands patented to the Unity Point Improvement Association pending approval of the plan amendment. Written comments regarding the proposed sale must be received by the BLM on or before August 19, 2013. If the proposed sale is determined suitable for disposal, the reversionary interest will not be conveyed until at least September 3, 2013.

ADDRESSES: You may submit comments on issues and planning criteria related to the 1985 Wisconsin RMP Amendment and/or the proposed sale by any of the following methods:

- *Web site: http://on.doi.gov/J10kUe.*
- *Email: cgrundma@blm.gov.*
- *Fax:* 414–297–4409.
- *Mail:* BLM Northeastern States Field Office, 626 East Wisconsin Avenue, Suite 200, Milwaukee, Wisconsin 53202–4617.

Documents pertinent to this proposal may be examined at the BLM Northeastern States Field Office, 626 East Wisconsin Avenue, Suite 200, Milwaukee, WI 53202–4617.

FOR FURTHER INFORMATION CONTACT: Carol Grundman, Realty Specialist, telephone 414–297–4447; address BLM Northeastern States Field Office, 626 East Wisconsin Avenue, Suite 200, Milwaukee, Wisconsin 53202–4617; email *cgrundma@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: This document provides notice that the BLM NSFO, Milwaukee, Wisconsin, intends to prepare an RMP amendment with an associated EA for the public lands within the State of Wisconsin, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The two parcels of land with reversionary interest is located in Oneida County, Wisconsin, and encompasses approximately 0.81 acres of public land. The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process. Preliminary issues for the plan amendment area have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issues include: Impact of the proposed amendment on land use values, ownership, and potential development; impact of the proposed amendment on cultural resources, such as archeological sites and historic trails; and impact of the proposed amendment on wildlife. Preliminary planning criteria include: BLM planning regulations at 43 CFR 1600; Section 203 of FLPMA sale criteria (43 U.S.C. 1713) and regulations found at 43 CFR 2710; and BLM policy

and other applicable laws and regulations.

The BLM will determine as a result of the proposed plan amendment and associated EA whether the reversionary interest in the lands are suitable for disposal, then the BLM NESO, Milwaukee, Wisconsin, intends to convey the reversionary interests in the lands patented to the Unity Point Improvement Association, Oneida County, Wisconsin, to allow and achieve the highest and best use of the lands without the threat of a reversion of title for breach of patent conditions. The lands are not needed for Federal purposes and the United States has no present interest in the properties other than the reservation of the mineral interests to the United States and whether a direct sale of the reversionary interest is appropriate under Section 203 of FLPMA. The proposed action is consistent with Federal laws, State and local planning and zoning ordinances. If it is determined through the planning process the lands are suitable, the reversionary interests in the lands will be offered by direct sale to the Unity Point Improvement Association for the appraised fair market value of $78,000 at least October 3, 2013.

Pursuant to the terms and conditions of the original patents dated July 25, 1966, and October 5, 1972, the United States retains and continues to hold reversionary interests in the following lands:

4th Principal Meridian

T. 37 N., R. 8 E.,
Sec. 33, lots 6 and 13.

The area described contains 0.81 acres per the official survey, approved April 23, 1928.

The lands were conveyed to the Unity Point Improvement Association for the purpose of providing public recreation and lake access, but this use is no longer needed because the State of Wisconsin developed facilities for recreation and lake access in the immediate area. Development of the lands for recreation have been limited by the small area and location of the parcels on a densely subdivided narrow peninsula with inadequate access along a private single lane dirt road. The BLM received a request from the Unity Point Improvement Association to purchase the reversionary interests held by the United States to allow the lands to be used for purposes otherwise restricted by the reversionary clause in the patents under the R&PP authority. The sale of reversionary interests will eliminate management oversight for lands that have been underutilized and undeveloped for public recreation as intended by the terms and conditions of the R&PP Act conveyance.

If the plan amendment is approved, the reversionary interests in the lands will be offered by direct sale procedures in accordance with regulations at 43 CFR 2711.3–3(a)(1)(3) and (4). The direct sale of reversionary interest to Unity Point Improvement Association would be appropriate to protect the landowner from economic loss and retain sale and release of the reversionary interests in the 0.81 acres will be made in accordance with Section 203 of FLPMA, applicable regulations of the Secretary of the Interior, and the following:

1. A condition that the conveyance be subject to all valid existing rights of record;

2. An appropriate indemnification clause protecting the United States from claims arising out of the patentee's use, occupancy, or operations on the patented lands;

3. The terms and conditions of the United States patent 1239859 and patent 1242505 reserving mineral deposits in the lands, together with the right to mine and remove the same, under applicable laws and such regulations to be established by the Secretary of the Interior;

4. No representation, warranty, or covenant of any kind, express or implied, is given or made by the United States as to access to or from any parcel of land, the title, whether or to what extent the lands may be developed, physical condition, present or potential uses, or any other circumstance or condition; and

5. Additional terms and conditions that the authorized officer deems appropriate to ensure proper land use and protection of the public interest.

Detailed information concerning the proposed sale, including the appraisal, planning and environmental documents, are available for review at the NSFO at the address listed in the **ADDRESSES** section above.

You may submit comments on issues and planning criteria and/or the proposed direct sale in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 45-day scoping period or within 30 days after the last public meeting, whichever is later. The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed.

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.

The BLM will use an interdisciplinary approach to develop the plan amendment and associated EA in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: Archaeology, wildlife and fisheries, and lands and realty.

Any adverse written comments received regarding the proposed sale will be reviewed by the BLM State Director, Eastern States, who may sustain, vacate, or modify the realty action. In the absence of adverse comments and with the approval of the amendment, the proposed realty action will become the final determination of the Department of the Interior.

Authority: 40 CFR 1501.7; 43 CFR 1610.2; 2711.1–2(a)(c).

John G. Lyon,

State Director, Eastern States.

[FR Doc. 2013–16130 Filed 7–3–13; 8:45 am]

BILLING CODE 4310–GJ–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1110 (Review)]

Sodium Hexametaphosphate From China; Determination

On the basis of the record [1] developed in the subject five-year review, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping duty order on sodium hexametaphosphate from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted this review on February 1, 2013 (78 FR 7452) and determined on May 7, 2013, that it

[1] The record is defined in sec. 207.2(f) of the Commission=s Rules of Practice and Procedure (19 CFR 207.2(f)).

would conduct an expedited review (78 FR 31576, May 24, 2013). The Commission transmitted its determination in this investigation to the Secretary of Commerce on June 28, 2013. The views of the Commission are contained in USITC Publication 4410 (June 2013), entitled *Sodium Hexametaphosphate from China: Investigation No. 731–TA–1110 (Review).*

By order of the Commission.
Issued: June 28, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–16093 Filed 7–3–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–829]

Certain Toner Cartridges and Components Thereof; Issuance of General Exclusion Order and Cease and Desist Orders; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to issue a general exclusion order (''GEO'') and cease and desist orders (''CDOs'') in the above-captioned investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on February 27, 2012, based upon a complaint filed on behalf of Canon, Inc. of Tokyo, Japan; Canon U.S.A., Inc. of Lake Success, New York; and Canon Virginia, Inc. of Newport News, Virginia (collectively, ''Canon'') on January 23, 2012. 77 FR 11586 (Feb. 27, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) in the sale for importation, importation, or sale after importation of certain toner cartridges and components thereof that infringe one or more of claims 128–130, 132–133 and 139–143 of U.S. Patent Nos. 5,903,803 (''the '803 patent'') or claims 24–30 of U.S. Patent No. 6,128,454 (''the '454 patent''). The notice of investigation named thirty-four respondents.

On August 30, 2012, the ALJ issued an initial determination finding the following sixteen respondents in default: Shanghai Orink Infotech International Co., Ltd. of Shanghai, China; Orink Infotech International Co., Ltd. of Hong Kong, China; Zhuhai Rich Imaging Technology Co., Ltd. of Guangdong, China; Standard Image Co., Ltd. (a/k/a Shanghai Orink Co., Ltd.) of Shanghai, China; Zhuhai National Resources & Jingjie Imaging Products Co., Ltd. (d/b/a Huebon Co., Ltd., d/b/a Ink-Tank) of Guangdong, China; Standard Image USA, Inc. (d/b/a Imaging Standard Inc.) of Santa Ana, California; Printronic Corporation (d/b/a Printronic.com, d/b/a InkSmile.com) of Santa Ana, California; Nukote, Inc. of Plano, Texas; Acecom, Inc.—San Antonio (d/b/a InkSell.com) of San Antonio, Texas; Do It Wiser LLC (d/b/a Image Toner) of Marietta, Georgia; E-Max Group, Inc. (d/b/a Databazaar.com) of Miramar, Florida; IJSS Inc. (d/b/a TonerZone.com, d/b/a InkJetSuperstore.com) of Los Angeles, California; Imaging Resources LLC of Chatsworth, California; Ink Technologies Printer Supplies, LLC of Dayton, Ohio; SupplyBuy.com, Inc. of Nashville, Tennessee; and Zinyaw LLC (d/b/a TonerPirate.com) of Houston, Texas. Order No. 14 (nonreviewed October 2, 2012).

On October 10, 2012, the ALJ issued an ID granting Canon's unopposed motion to withdraw the complaint as to respondent, Nukote Internacional de Mexico, S.A. de C.V. of Neuva Leon, Mexico and thereby to terminate this respondent from the investigation. Order No. 17 (nonreviewed Nov. 14, 2012).

The remaining respondents were terminated from the investigation on the basis of consent orders: Clover Holdings, Inc.; Clover Technologies Group LLC; Clover Vietnam Co., Ltd.; Dataproducts USA, LLC; Dataproducts Imaging Solutions S.A. de C.V.; CAU Acquisition Co., LLC (d/b/a Cartridges Are Us); Atman, Inc. (d/b/a pcRUSH.com); Dexxxon Digital Storage, Inc.; Discount Office Items, Inc. and Deal Express LLC (d/b/a Discount Office Items); Green Project, Inc.; GreenLine Paper Co., Inc.; Myriad Greeyn LLC; Office World Inc. and OfficeWorld.com, Inc.; OnlineTechStores.com, Inc. (d/b/a SuppliesOutlet.com); and Virtual Imaging Products, Inc. Order No. 8 (nonreviewed July 16, 2012); Order No. 12 (nonreviewed Aug. 10, 2012); Order No. 18 (nonreviewed Nov. 14, 2012); Order No. 19 (nonreviewed Nov. 14, 2012); Order No. 20 (nonreviewed Nov. 14, 2012); Order No. 22 (nonreviewed Dec. 13, 2012). Accordingly, the only parties remaining active in this investigation are Canon and the Investigative Attorney (''IA'').

On September 21, 2012, Canon filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement. On October 4, 2012, the IA submitted a response supporting the motion. On February 26, 2013, the ALJ issued an ID (Order No. 24), granting the motion. On March 25, 2013, the Commission determined not to review the ID.

On November 16, 2012, Canon filed a motion for summary determination of violation with respect to the defaulting respondents. On February 28, 2013, the ALJ issued his final initial determination on violation and recommendation on remedy (''ID/RD''), Order No. 25, granting the motion. The ALJ recommended issuance of a general exclusion order, issuance of cease and desist orders to the eleven defaulting domestic respondents, and the imposition of a bond of 100 percent of entered value during the period of Presidential review. On April 17, 2013, the Commission issued notice of its determination not to review the ALJ's final determination on violation.

The Commission has determined that the appropriate form of relief is the following: (1) A GEO under 19 U.S.C. 1337(d)(2), prohibiting the unlicensed entry of toner cartridges and components thereof that infringe one or more of claims 128–130, 132, 133 and 139–143 of the '803 patent or claims 24–30 of the '454 patent; and (2) CDOs directed to defaulting domestic respondents Standard Image USA, Inc.; Printronic Corporation; Nukote, Inc.; Do It Wiser LLC; E-Max Group, Inc.; IJSS Inc.; Imaging Resources, LLC; Ink Technologies Printer Supplies LLC; SupplyBuy.com, Inc.; Zinyaw LLC; and Acecom Inc.—San Antonio; and defaulting foreign respondents Shanghai Orink Infotech International Co., Orink

Infotech International Co., Zhuhai Rich Imaging Technology Co., Ltd; Standard Image Co., Ltd; and Zhuhai National Resources & Jingjie Imaging Products Co., Ltd.

The Commission has further determined that the public interest factors enumerated in section 337(d) and (f) (19 U.S.C. 1337(d), (f)) do not preclude issuance of the GEO and the CDOs. The Commission has determined that the bond for temporary importation during the period of Presidential review (19 U.S.C. 1337(j)) shall be in the amount of 100 percent of the entered value of the imported articles that are subject to the order. The Commission's orders were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.42–50 of the Commission's Rules of Practice and Procedure (19 CFR 210.42–50).

Issued: June 28, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–16092 Filed 7–3–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–13–016]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 10, 2013 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.
2. Minutes
3. Ratification List
4. Vote in Inv. Nos. 731–TA–1105 and 1106 (Review) (Lemon Juice from Argentina and Mexico). The Commission is currently scheduled to complete and file its determinations and views on or before July 26, 2013.
5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: July 1, 2013.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2013–16260 Filed 7–2–13; 11:15 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Appendix B Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under United States Code by Attorneys in Larger Chapter 11 Cases; Correction

AGENCY: Executive Office for United States Trustees, Justice.

ACTION: Notice of internal procedural guidelines; correction.

SUMMARY: The Executive Office for United States Trustees published a notice of internal procedural guidelines in the **Federal Register** of June 17, 2013, concerning guidelines for reviewing applications for compensation and reimbursement of expenses filed by attorneys in larger chapter 11 cases with $50 million or more in assets and $50 million or more in liabilities, aggregated for jointly administered cases. The **DATES** caption of the June 17, 2013 notice established an effective date for the guidelines of November 1, 2013. However, the text of the guidelines contained an inconsistent reference to the effective date. This notice corrects that reference in the text to conform it to the controlling effective date of November 1, 2013.

FOR FURTHER INFORMATION CONTACT: Nan Roberts Eitel, Associate General Counsel for Chapter 11 Practice, Executive Office for United States Trustees, 441 G St. NW., Suite 6150, Washington, DC 20530.

Correction: In the **Federal Register** of June 17, 2013, in FR Doc. 2013–14323, on page 36249, in the first column, correct numbered paragraph 3 to read:

3. The United States Trustees will use these Guidelines to review applications for compensation filed by attorneys employed under sections 327 or 1103 of the Code in all chapter 11 cases that meet the threshold and that are filed on or after November 1, 2013. The Guidelines generally will not apply to counsel retained as an ordinary course professional pursuant to appropriate court order or local rule (''ordinary course professional''), unless the professional is required to file a fee application under such court order or local rule.

Dated: June 28, 2013.

Rosemary Hart,

Special Counsel and Liaison to the Federal Register.

[FR Doc. 2013–16123 Filed 7–3–13; 8:45 am]

BILLING CODE 4410–40–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,813A]

Eastman Kodak Company, IPS, Including On-Site Leased Workers From Adecco, Dayton, Ohio; Notice of Termination of Certification

This Notice terminates the Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance issued by the Department of Labor (Department) on March 19, 2013 for all workers of Eastman Kodak Company, IPS, including on-site leased workers from Adecco, Dayton, Ohio (TA–W–74, 813A).

At the request of Eastman Kodak Company, the Department reviewed the certification applicable to workers of Eastman Kodak Company, IPS, Dayton, Ohio (TA–W–74, 813A). The review revealed that the amended certification was issued based on a misunderstanding of the article produced at the Dayton, Ohio facility and of the operations of Eastman Kodak Company.

On April 25, 2013, the Department issued a Notice of Initiation of Investigation to Terminate Certification of Eligibility applicable to workers and former workers of Eastman Kodak Company, IPS, including on-site leased workers from Adecco, Dayton, Ohio. The Department's Notice was published in the **Federal Register** on May 15, 2013. The Department has not received any responses to the Notice.

Information provided by Eastman Kodak Company show that the Dayton, Ohio facility operates independently from the Spencerport, New York facility. Based on this information, the Department determines that workers and former workers of Eastman Kodak Company, IPS, Dayton, Ohio (TA–W–74, 813A) were not affected by the shift in production to a foreign country which was the basis for the certification of workers and former workers at the firm's Spencerport, New York facility (TA–W–74, 813). Consequently, the certification issued under investigation TA–W–74, 813A has been terminated.

On March 26, 2013, the Department issued a Notice of Termination of

Reconsideration Investigation applicable to workers and former workers of Eastman Kodak Company, IPS, Dayton, Ohio (TA–W–81, 387) because the workers are eligible to apply for Trade Adjustment Assistance under TA–W–74, 813A. Because the basis for the termination of the reconsideration investigation no longer exists, the Department will re-open the reconsideration investigation and issue a determination on reconsideration accordingly.

Signed in Washington, DC this 21st day of June, 2013.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–16157 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–80,532B]

Advanced Energy Industries, Inc., Including On-Site Leased Workers From Mid Oregon Personnel and All Star Labor, Including Workers Whose Unemployment Insurance (UI) Wages Are Reported Through PV Powered, Currently Known as AE Solar Energy, Inc., Bend, Oregon; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273), and Section 246 of the Trade Act of 1974 (26 U.S.C. 2813), as amended, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance on November 30, 2011, applicable to workers of Advanced Energy Industries, Inc., including on-site leased workers of Mid Oregon Personnel, Bend, Oregon (AEI). AEI is engaged in activities related to the production of solar invert subcomponents. The Department's Notice was published in the **Federal Register** on December 13, 2011 (76 FR 77556).

On January 19, 2012, the Department amended the certification to include workers who had their wages reported through a separate unemployment insurance (UI) tax account under the name PV Powered, currently known as AE Solar Energy, Inc.

At the request of the State agency, the Department reviewed the certification for workers of AEI. New information shows that workers leased from All Star Labor were employed on-site at the Bend, Oregon location of the subject firm. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from All Star Labor working on-site at the Bend, Oregon location of AEI. The amended notice applicable to TA–W–80,532B is hereby issued as follows:

''All workers of Advanced Energy Industries, Inc., including on-site leased workers of Mid Oregon Personnel and All Star Labor, including workers whose unemployment insurance (UI) wages are reported through PV Powered, currently known as AE Solar Energy, Inc., Bend Oregon, who became totally or partially separated from employment on or after October 18, 2010, through November 30, 2013, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, and are also eligible to apply for alternative trade adjustment assistance under Section 246 of the Trade Act of 1974.''

Signed at Washington, DC this 21st day of June, 2013.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–16158 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers by (TA–W) number issued during the period of June 17, 2013 through June 21, 2013.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Under Section 222(a)(2)(A), the following must be satisfied:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the sales or production, or both, of such firm have decreased absolutely; and

(3) One of the following must be satisfied:

(A) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

(B) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased;

(C) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased;

(D) imports of articles like or directly competitive with articles which are produced directly using services supplied by such firm, have increased; and

(4) the increase in imports contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; or

II. Section 222(a)(2)(B) all of the following must be satisfied:

(1) a significant number or proportion of the workers in such workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) One of the following must be satisfied:

(A) there has been a shift by the workers' firm to a foreign country in the production of articles or supply of services like or directly competitive with those produced/supplied by the workers' firm;

(B) there has been an acquisition from a foreign country by the workers' firm of articles/services that are like or directly competitive with those produced/supplied by the workers' firm; and

(3) the shift/acquisition contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in public agencies and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or

are threatened to become totally or partially separated;

(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

(3) the acquisition of services contributed importantly to such workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(c) of the Act must be met.

(1) a significant number or proportion of the workers in the workers' firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm is a Supplier or Downstream Producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act, and such supply or production is related to the article or service that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(f) of the Act must be met.

(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3); or

(B) notice of an affirmative determination described in subparagraph (1) is published in the **Federal Register**; and

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); or

(B) notwithstanding section 223(b)(1), the 1- year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
82,360	Innovative Arc Tubes Corporation	Bridgeport, CT	December 31, 2011.
82,428	Vette Thermal Solutions, LLC, Coolcentric Division, Wakefield-Vette, Heico Companies, LLC.	Ontario, NY	February 5, 2012.
82,724	Saint-Gobain Ceramics, Inc., d/b/a Corhart Refractories, High Performance Materials Div., Manpower, etc.	Buckhannon, WV	May 10, 2012.
82,793	Arvato, Bertelsmann SE & Co. KGAA, United Staffing Services, Square, etc.	Valencia, CA	June 5, 2012.
82,797	Simpson Lumber Company LLC, John's Prairie Operations Division	Shelton, WA	June 7, 2012.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (shift in production or services) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
82,464	Fenner Dunlop, Fenner Dunlop Americas, f/n/a Scandura (Ohio), Time Staffing.	Port Clinton, OH	February 12, 2012.
82,525	Assurant, Inc., Enterprise Business Services Center	Miami, FL	March 5, 2012.
82,525A	Assurant, Inc., Enterprise Business Services Center	Atlanta, GA	March 5, 2012.
82,525B	Assurant, Inc., Enterprise Business Services Center	West Des Moines, IA	March 5, 2012.
82,525C	Assurant, Inc., Enterprise Business Services Center	Milwaukee, WI	March 5, 2012.
82,525D	Assurant, Inc., Enterprise Business Services Center	Rapid City, SD	March 5, 2012.
82,525E	Assurant, Inc., Enterprise Business Services Center	Wayne, PA	March 5, 2012.
82,606	Peptisyntha, Inc., Solvay America, Inc	Torrance, CA	March 26, 2012.
82,653	Libbey Glass, Inc., Libbey, Inc., Jean Simpson Personnel Services	Shreveport, LA	April 12, 2012.
82,674	Createthe Group, Inc., Commerce Technology Solutions, Forrest Solutions, Wisdom Infotech, etc.	New York, NY	April 22, 2012.
82,679	SST Truck Company, LLC, Navistar, Inc., Truck Specialty Center (TSC), Employee Solutions.	Garland, TX	April 18, 2012.
82,716	BT Americas, BT North Americas, BT PLC, Tech Mahindra and Manpower.	Irving, TX	May 3, 2012.

TA–W No.	Subject firm	Location	Impact date
82,764	KEMET Electronics Corporation, Phillips Staffing, Excluding The Accounts Payable Department, etc.	Simpsonville, SC	May 24, 2012.
82,774	Campbell Soup Company, Finance Department, Aerotek Professional Services, Magellan Search, etc.	Camden, NJ	May 31, 2012.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports) and (a)(2)(B) (shift in production or services to a foreign country) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
81,983	Curwood, Subsidiary of Bemis, Inc.	Minneapolis, MN	
81,983A	Curwood, Subsidiary of Bemis, Inc.	St. Louis Park, MN	
82,437	W.W. Friedline, Inc.	Somerset, PA	
82,586	AAR Mobility Systems, AAR Corporation	Cadillac, MI	
82,599	Aerial Machine & Tool Corporation, Aqua Lung America	Meadows Of Dan, VA	
82,607	Teleperformance, USA, Inc., Pocatello Division	Pocatello, ID	

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
82,573	Hewlett Packard Company, Enterprise Group	Palo Alto, CA	
82,574	Hewlett Packard Company, Personal Printing Systems Group	Palo Alto, CA	
82,576	Hewlett Packard Company, Global Functions	Palo Alto, CA	
82,577	Hewlett Packard Company, Enterprise Services	Palo Alto, CA	
82,578	Hewlett Packard Company, Software Group	Palo Alto, CA	

I hereby certify that the aforementioned determinations were issued during the period of June 17, 2013 through June 21, 2013. These determinations are available on the Department's Web site *tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Dated: June 24, 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–16160 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–82,568; TA–W–82,568A; TA–W–82,537B]

Homeward Residential, Inc., a Subsidiary of Ocwen Loan Servicing, LLC, Including On-Site Leased Workers From Staffmark Staffing, Including Workers Whose Unemployment Insurance (UI) Wages Are Reported Through American Mortgage Servicing, Inc., Coppell, Texas; Homeward Residential, Inc., a Subsidiary of Ocwen Loan Servicing, LLC, Including On-Site Leased Workers From Staffmark Staffing, Including Workers Whose Unemployment Insurance (UI) Wages Are Reported Through American Mortgage Servicing, Inc., Addison, Texas; Homeward Residential, Inc., a Subsidiary of Ocwen Loan Servicing, LLC, Including On-Site Leased Workers From Staffmark Staffing, Including Workers Whose Unemployment Insurance (UI) Wages Are Reported Through American Mortgage Servicing, Inc., Jacksonville, Florida; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 24, 2013, applicable to workers of Homeward Residential, Inc., a subsidiary of Ocwen Loan Servicing, LLC, including on-site leased workers from Staffmark Staffing, Coppell, Texas, Homeward Residential, Inc., a subsidiary of Ocwen Loan Servicing, LLC, including on-site leased workers from Staffmark Staffing, Addison, Texas and Homeward Residential, Inc., a subsidiary of Ocwen Loan Servicing, LLC, including on-site leased workers from Staffmark Staffing, Jacksonville, Florida. The workers supply mortgage servicing customer services. The notice was published in the **Federal Register** on May 15, 2013 (78 FR 28635).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that Homeward Residential, Inc. was formerly known as American Home Mortgage Servicing, Inc. Workers separated from employment at the Coppell, Texas, Addison, Texas and Jacksonville, Florida locations of Homeward Residential, Inc., a subsidiary of Ocwen Loan Servicing, LLC had their wages reported through a separate unemployment insurance (UI) tax account under the name American Home Mortgage Servicing, Inc.

Accordingly, the Department is amended this certification to include workers of the subject firm whose unemployment insurance (UI) wages are reported through American Mortgage Servicing, Inc.

The intent of the Department's certification is to include all workers of the subject firm who were adversely affected by the acquisition of mortgage servicing customer services from India.

The amended notice applicable to TA–W–82,568, TA–W–82,568A and TA–W–82,568B are hereby issued as follows:

All workers from Homeward Residential, Inc., a subsidiary of Ocwen Loan Servicing, LLC, including on-site leased workers from Staffmark Staffing, including workers whose unemployment insurance (UI) wages are reported through American Mortgage Servicing, Inc., Coppell, Texas (TA–W–82,568); Homeward Residential, Inc., a subsidiary of Ocwen Loan Servicing, LLC, including on-site leased workers from Staffmark Staffing, including workers whose unemployment insurance (UI) wages are reported through American Mortgage Servicing, Inc., Addison, Texas (TA–W–82,568A), and Homeward Residential, Inc., a subsidiary of Ocwen Loan Servicing, LLC, including on-site leased workers from Staffmark Staffing, including workers whose unemployment insurance (UI) wages are reported through American Mortgage Servicing, Inc., Jacksonville, Florida (TA–W–82,568B), who became totally or partially separated from employment on or after March 15, 2012, through April 24, 2015, and all workers in the group threatened with total or partial separation from employment on date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed at Washington, DC this 21st day of June 2013.

Del Min Amy Chen,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–16162 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–74,919]

RG Steel Sparrows Point LLC, Formerly Known as Severstal Sparrows Point LLC, a Subsidiary of RG Steel LLC, Including On-Site Leased Workers From Echelon Service Company, Sun Associated Industries, Inc., MPI Consultants Llc, Alliance Engineering, Inc., Washington Group International, Javan & Walter, Inc., Kinetic Technical Resources Co., Innovative Practical Approach, Inc., CPSI, Accounts International, Adecco, Aerotek, Booth Consulting, Crown Security, Eastern Automation, Eds(Hp), Teksystems, URS Corporation, B More Industrial Services LLC, Recycling & Treatment Technologies of Baltimore, Llc, and Lafarge North America, Sparrows Point, Maryland; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor (Department) issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on February 9, 2011, applicable to workers and former workers of RG Steel Sparrows Point LLC, formerly known as Severstal Sparrows Point LLC, a subsidiary of RG Steel LLC, Sparrows Point, Maryland.

The Department has issued amended certifications applicable to the subject firm on June 22, 2012, July 18, 2012, July 30, 2012, January 16, 2013, and March 2013.

Workers at the subject firm were engaged in employment related to production of rolled steel. The worker group includes on-site leased workers from various firms.

The Department has received information that workers from LaFarge North America were employed on-site at the Sparrows Point, Maryland location of RG Steel Sparrows Point LLC and has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers. Based on these findings, the Department is amending this certification to include workers leased from LaFarge North America who worked on-site at the Sparrows Point, Maryland facility.

The amended notice applicable to TA–W–74,919 is hereby issued as follows:

''All workers of RG Steel Sparrows Point LLC, formerly known as Severstal Sparrows

Point LLC, a subsidiary of RG Steel LLC, including on-site leased workers from Echelon Service Company, Sun Associated Industries, Inc., MPI Consultants LLC, Alliance Engineering, Inc., Washington Group International, Javan & Walter, Inc., Kinetic Technical Resources Co., Innovative Practical Approach, Inc., CPSI, Accounts International, Adecco, Aerotek, Booth Consulting, Crown Security, Eastern Automation, EDS(HP), TekSystems, URS Corporation, B More Industrial Services LLC, Recycling & Treatment Technologies of Baltimore, LLC, and LaFarge North America, Sparrows Point, Maryland, who became totally or partially separated from who became totally or partially separated from employment on or after November 22, 2009 through February 9, 2013, and all workers in the group threatened with total or partial separation from employment on February 9, 2011 through February 9, 2013, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.''

Signed in Washington, DC, this 21st day of June, 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2013–16161 Filed 7–3–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 15, 2013.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 15, 2013.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 26th day of June 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[26 TAA petitions instituted between 6/17/13 and 6/21/13]

TA–W	Subject Firm (petitioners)	Location	Date of institution	Date of petition
82814	Federal Mogul (Company)	Chicago, IL	06/17/13	06/15/13
82815	Deloitte Services (State/One-Stop)	Hermitage, TN	06/18/13	06/17/13
82816	Guyot Manufacturing, Inc. (Workers)	Cedar Springs, MI	06/18/13	06/17/13
82817	Volt (Apple Inc) (Workers)	Austin, TX	06/18/13	06/11/13
82818	Propex Operating Company, LLC (Company)	Nashville, GA	06/18/13	06/17/13
82819	Vaughan Furniture Company (Workers)	Galax, VA	06/18/13	06/11/13
82820	Aon Hewitt (State/One-Stop)	Hunt Valley, MD	06/18/13	06/17/13
82821	Summit Business Media (Workers)	Centennial, CO	06/18/13	06/07/13
82822	Smead Manufacturing (State/One-Stop)	Hastings, MN; Locust Grove, GA; Cedar City, UT; Logan, OH,.	06/19/13	06/03/13
82823	A.P. Sales Company (Company)	Brighton, MI	06/19/13	06/17/13
82824	One West Bank (State/One-Stop)	Austin, TX	06/19/13	06/18/13
82825	J.K. Products and Services, Inc. (Workers)	Jonesboro, AR	06/19/13	06/18/13
82826	Ametek Aerospace & Defense (Union)	Wilmington, MA	06/20/13	06/19/13
82827	Wonik Quartz International Corporation (Workers)	Albuquerque, NM	06/20/13	06/13/13
82828	Automatic Data Processing (ADP) (State/One-Stop)	San Dimas, CA	06/20/13	06/19/13
82829	BT Americas, Inc. (State/One-Stop)	Quincy, MA	06/20/13	06/18/13
82830	Caterpillar, Inc.—Mapleton Foundry (State/One-Stop)	Peoria, IL	06/20/13	06/19/13
82831	International Business Machines (IBM) (State/One-Stop)	Armonk, NY	06/21/13	06/20/13
82832	Saxon Mortgage Services (State/One-Stop)	Fort Worth, TX	06/21/13	06/20/13
82833	Cameron PCS (Workers)	Magnolia, TX	06/21/13	06/20/13
82834	Callaway Golf Ball Operations, Inc. (Company)	Chicopee, MA	06/21/13	06/10/13
82835	Alloy Wire Belt (State/One-Stop)	Modesto, CA	06/21/13	06/20/13
82836	Water Pik, Inc. (State/One-Stop)	Fort Collins, CO	06/21/13	06/21/13
82837	A.A. Laun Furniture Company (Workers)	Kiel, WI	06/21/13	06/20/13
82838	Apria Healthcare (State/One-Stop)	Overland Park, KS	06/21/13	06/20/13
82839	IBM (State/One-Stop)	Williston, VT	06/21/13	06/21/13

[FR Doc. 2013–16159 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Federal Employees' Compensation; Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure 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 Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721) and Notice of Law Enforcement Officer's Death (CA–722). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before September 3, 2013.

ADDRESSES: Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0372, fax (202) 693–1447, Email *alvarez.vincent@dol.gov*. Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Employees' Compensation Act (FECA) provides, under 5 U.S.C. 8191, et seq. and 20 CFR 10.735, that non-Federal law enforcement officers injured or killed under certain circumstances are entitled to the benefits of the Act, to the same extent as if they were employees of the Federal Government. The CA–721 and CA–722 are used by non-Federal law enforcement officers and their survivors to claim compensation under the FECA. Form CA–721 is used for claims for injury. Form CA–722 is used for claims for death. This information collection is currently approved for use through August 31, 2013.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* Enhance the quality, utility and clarity of the information to be collected; and

* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval to collect this information to determine eligibility for benefits.

Type of Review: Extension

Agency: Office of Workers' Compensation Programs

Title: Notice of Law Enforcement Officer's Injury or Occupational Disease (CA–721), Notice of Law Enforcement Officer's Death (CA–722).

OMB Number: 1240–0022

Agency Number: CA–721 and CA–722

Affected Public: Individuals or households; business or other for-profit; State, Local or Tribal Government.

Total Respondents: 10

Total Annual Responses: 10

Average Time per Response: 60–90 minutes

Estimated Total Burden Hours: 14

Frequency: On occasion

Total Burden Cost (capital/startup): $0

Total Burden Cost (operating/maintenance): $5

Comments submitted in response to this notice will be summarized and/or 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.

Dated: June 27, 2013.

Vincent Alvarez,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2013–16140 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Energy Employees Occupational Illness Compensation; Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure 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 Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Energy Employees Occupational Illness Compensation Program Act Forms (Forms EE–1, EE–2, EE–3, EE–4, EE–7, EE–8, EE–9, EE–10, EE–11A, EE–11B, EE–12, EE–13, EE–16, EE–20). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before September 3, 2013.

ADDRESSES: Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0372, fax (202) 693–1447, Email *alvarez.vincent@dol.gov*. Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) is the primary agency

responsible for the administration of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended (EEOICPA or Act), 42 U.S.C. 7384 *et seq.* The Act provides for timely payment of compensation to covered employees and, where applicable, survivors of such employees, who sustained either ''occupational illnesses'' or ''covered illnesses'' incurred in the performance of duty for the Department of Energy and certain of its contractors and subcontractors. The Act sets forth eligibility criteria for claimants for compensation under Part B and Part E of the Act, and outlines the various elements of compensation payable from the Fund established by the Act. The information collections in this ICR collect demographic, factual and medical information needed to determine entitlement to benefits under the EEOICPA. This information collection is currently approved for use through October 31, 2013.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for the revision of this information collection in order to carry out its responsibility to determine a claimant's eligibility for compensation under the EEOICPA.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Energy Employees Occupational Illness Compensation Act Forms (various).

OMB Number: 1240–0002

Agency Number: EE–1, EE–2, EE–3, EE–4, EE–7, EE–8, EE–9, EE–10, EE–11A, EE–11B, EE–12, EE–13, EE–16 and EE–20

Affected Public: Individuals or households; Business or other for-profit

Total Respondents: 65,013

Total Responses: 66,020

Estimated Total Burden Hours: 23,190

Total Burden Cost (capital/startup): $0

Total Burden Cost (operating/maintenance): $28,089

Comments submitted in response to this notice will be summarized and/or 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.

Dated: June 27, 2013.

Vincent Alvarez,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2013–16141 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–CR–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Federal Employees' Compensation; Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure 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 Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Claim for Reimbursement of Benefit Payments and Claims Expense Under the War Hazards Compensation Act (CA–278). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before September 3, 2013.

ADDRESSES: Mr. Vincent Alvarez, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0372, fax (202) 693–1447, Email *alvarez.vincent@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs (OWCP) is the federal agency responsible for administration of the War Hazards Compensation Act (WHCA), 42 U.S.C. 1701 et seq. Under section 1704(a) of the WHCA, an insurance carrier or self-insured who has paid workers' compensation benefits to or on account of any person for a war-risk hazard may seek reimbursement for benefits paid (plus expenses) out of the Employment Compensation Fund for the Federal Employees' Compensation Act (FECA) at 5 U.S.C. 8147. Form CA–278 is used by insurance carriers and the self-insured to request reimbursement. The information collected is used by OWCP staff to process requests for reimbursement of WHCA benefit payments and claims expense that are submitted by insurance carriers and self-insureds. The information is also used by OWCP to decide whether it should opt to pay ongoing WHCA benefits directly to the injured worker. This information collection is currently approved for use through October 31, 2013.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other

technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks extension of approval to collect this information in order to carry out its responsibility to reimburse insurance carriers and self-insureds who meet the statutory requirements of the War Hazards Compensation Act (WHCA) for reimbursement.

Type of Review: Extension

Agency: Office of Workers' Compensation Programs

Title: Claim for Reimbursement of Benefit Payments and Claims Expense Under the War Hazards Compensation Act.

OMB Number: 1240–0006

Agency Number: CA–278

Affected Public: Business or other for-profit

Total Respondents: 393

Total Responses: 393

Estimated Total Burden Hours: 197

Total Burden Cost (capital/startup): $0

Total Burden Cost (operating/maintenance): $1,407

Comments submitted in response to this notice will be summarized and/or 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.

Dated: June 27, 2013.

Vincent Alvarez,

Agency Clearance Officer, Office of Workers' Compensation Programs, US Department of Labor.

[FR Doc. 2013–16142 Filed 7–3–13; 8:45 am]

BILLING CODE 4510–CH–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting Notice

DATE AND TIME: The Legal Services Corporation's Institutional Advancement Committee will meet telephonically on July 9, 2013. The meeting will commence at 4:00 p.m., EDT, and will continue until the conclusion of the Committee's agenda.

LOCATION: John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., Washington DC 20007.

PUBLIC OBSERVATION: Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

- Call toll-free number: 1–866–451–4981;
- When prompted, enter the following numeric pass code: 5907707348
- When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the presiding Chair may solicit comments from the public.

STATUS OF MEETING: Upon a vote of the Board of Directors, the meeting may be closed to the public to discuss prospective funders for LSC's 40th anniversary celebration and development activities.

A verbatim transcript will be made of the closed session meeting of the Institutional Advancement Committee. The transcript of any portion of the closed session falling within the relevant provision of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (9), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED: Closed

1. Approval of agenda
2. Discussion of prospective funders for LSC's 40th anniversary celebration and development activities.
3. Consider and act on adjournment of meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

ACCESSIBILITY: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals needing other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov*, at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: July 1, 2013.

Atitaya C. Rok,

Staff Attorney.

[FR Doc. 2013–16259 Filed 7–2–13; 11:15 am]

BILLING CODE 7050–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 13–071]

Privacy Act of 1974; Privacy Act System of Records

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of Privacy Act system of records.

SUMMARY: Each Federal agency is required by the Privacy Act of 1974 to publish a description of the systems of records it maintains containing personal information when a system is substantially revised, deleted, or created. In this notice, NASA provides the required information for a new system of records related to NASA's Astronaut Candidate Selection System. This new system will help streamline and expedite NASA's selection of astronauts, in accordance with requirements set forth in 14 CFR part 1214, Subpart 1214.11, NASA Astronaut Candidate Recruitment and Selection Program.

DATES: Submit comments on or before 60 calendar days from the date of this publication.

ADDRESSES: Patti F. Stockman, NASA Privacy Act Officer, Office of the Chief Information Officer, NASA Headquarters, Washington, DC 20546–0001, 202–358–4787, *NASA-PAOfficer@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: NASA Privacy Act Officer, Patti F. Stockman, 202–358–4787, *NASA-PAOfficer@nasa.gov.*

NASA 10ACSR

SYSTEM NAME:

Astronaut Candidate Selection Records.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Location 5, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on persons who have applied to the agency for consideration as candidates for and recipients of training associated with

NASA Astronaut and Human Space Flight Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system include identifying information for the individuals in employment applications and resumes and records of specialized training, honors and awards. The system also contains relevant human resource correspondence, records an individual's qualifications for participation in a specialized program, evaluations of candidates, and final NASA determinations of candidates' qualification for the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

51 U.S.C. 20113; 44 U.S.C. 3101; 5 U.S.C. 3301, 3307, 3308, 3311, 3312, and 3325.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

NASA standard routine uses, as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on a secure server as electronic records.

RETRIEVABILITY:

Records are retrieved from the system by any one or a combination of name, Discipline Area, or unique identification number.

SAFEGUARDS:

Records are maintained within a secure, electronic database and protected in accordance with the requirements and procedures of the NASA regulations at 14 CFR 1212.605, utilizing database servers with self-encrypting ''data-at-rest'' technologies, located in secured, monitored, restricted access rooms. An approved security plan for this system has been established in accordance with OMB Circular A–130, Management of Federal Information Resources. Only key authorized employees with appropriately configured system roles can access the system through approved authentication methods, and only from workstations within the NASA Intranet or via a secure VPN connection that requires two-factor authentication.

RETENTION AND DISPOSAL:

No records are authorized for disposal at this time, but will be transferred to NARA after 7 years of creation in accordance with Disposition Authority DAA–0255–2013–0001, once approved by the National Archives and Records Administration and incorporated into NASA Records Retention Schedules as Schedule 8, Item 35.

SYSTEM MANAGERS AND ADDRESSES:

Astronaut Candidate Program Manager, Location 5, as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify the System Manager at the address given above.

RECORD ACCESS PROCEDURE:

Individuals who wish to gain access to their records should submit their request in writing to the system manager.

CONTESTING RECORD PROCEDURES:

The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by individual concerned are set forth in 14 CFR 1212.4.

RECORD SOURCE CATEGORIES:

Civil servant application information is received by the NASA Astronaut Candidate Selection System from applicants themselves via an electronic interface with the NASA Enterprise Application Competency Center (NEACC) that receives a portion of all records from the USAJobs.gov Web site, operated by the United States Office of Personnel Management (OPM), and into which applicants enter their own application data. Candidate Qualification input is received directly from individuals used as references who have direct knowledge of applicant capabilities. In certain circumstances, updates to this information may be submitted by the individual on whom the record is maintained and/or the NASA Personnel Office(s).

Dated: June 28, 2013.

Richard J. Keegan, Jr.,

NASA Chief Information Officer (Acting).

[FR Doc. 2013–16193 Filed 7–3–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIME AND DATES: The Members of the National Council on Disability (NCD) will hold a quarterly meeting on Thursday, July 25, 3:00 p.m.–5:30 p.m. (EDT), and Friday, July 26, 2013, 8:30 a.m.–12:15 p.m. Noon (EDT).

PLACE: The meeting will occur at a different location each day. On Thursday, the quarterly meeting will be held at the White House Old Executive Office Building. The location, due to security clearance considerations, will not be open to the public, however the quarterly meeting's proceedings will be available by phone to interested parties (in a listen-only capacity with the exception of the public comment period). Interested parties may access Thursday's meeting's proceedings by phone by using the following call-in number: 1–888–778–8914; passcode: 3123791. If asked, the call host's name is Jeff Rosen. On Friday, the quarterly meeting will be held at the Access Board Conference Room, 1331 F Street NW., Suite 800, Washington, DC. Interested parties may join the meeting in person or by phone in a listening-only capacity (with the exception of the public comment period) using the following call-in number: 1–888–778–8914; passcode: 3123791. If asked, the call host's name is Jeff Rosen.

MATTERS TO BE CONSIDERED: On Thursday afternoon, the Council will discuss and deliberate a draft NCD Principles Statement. After the discussion, the Council will receive public comment for fifteen minutes. On Friday, the Council will receive reports from the Executive Director and the Chairperson as well as from NCD's standing committees. Following these reports, NCD will hear from a panel of policy experts on new models of workplace accommodations, including Chai Feldblum, Commissioner, Equal Employment Opportunity Commission; John Evans, WA Vocational Rehabilitation Employer Relations Manager; and Susan Mazrui, AT&T Director of Public Policy. Following the panel and brief break, NCD will receive public comment from individuals interested in focusing their remarks on workplace accommodations.

Following public comment, the Council will discuss two pending NCD policy reports—one on the veterans disability benefits backlog, and the other on the Help America Vote Act.

AGENDA: The times provided below are approximations for when each agenda item is anticipated to be discussed (all times Eastern):

Thursday, July 25:

3:00–3:15 p.m. Overview of Afternoon Activities
3:15–5:15 Council Discussion on NCD Principles Statement
5:15–5:30 p.m. Public Comment (phone comment only; all topics)

Tuesday, April 23:

8:30–8:45 a.m. Introduction of NCD Members, Staff, and Guests;

Chairperson's Report; Executive Director's Report
8:45–9:30 a.m. Committee Reports (Audit & Finance; Governance; Policy Development and Program Evaluation; CRPD Task Force)
9:30–10:30 a.m. Panel on New Models of Workplace Accommodations
10:45–11:15 a.m. Public Comment (phone and in-person; limited to comments about new ideas and models regarding workplace accommodations for people with disabilities)
11:15–11:45 a.m. Council Discussion on Draft Veterans Disability Benefits Backlog Report
11:45 a.m.–12:15 p.m. Council Discussion on Draft Help America Vote Act Report
12:15 p.m. Adjourn

PUBLIC COMMENT: Any individuals interested in providing public comment will be asked to provide their names and their organizational affiliations, if applicable, and to limit their comments to three minutes. Individuals may also provide public comment by sending their comments in writing to Lawrence Carter-Long, Public Affairs Specialist, at *lcarterlong@ncd.gov*, using the subject line of ''Public Comment.''

CONTACT PERSON FOR MORE INFORMATION: Anne Sommers, NCD, 1331 F Street NW., Suite 850, Washington, DC 20004; 202–272–2004 (V), 202–272–2074 (TTY).

ACCOMMODATIONS: A CART streamtext link has been arranged for each day of the board meeting. For Thursday, beginning at 3:00 p.m., EDT, the web link to access CART is *http://www.streamtext.net/text.aspx?event=072513NCD300pm.* For Friday, beginning at 8:30 a.m., e.d.t., the web link to access CART is *http://www.streamtext.net/text.aspx?event=072613NCD830am.* Those who plan to attend Friday's meeting in person and require accommodations should notify NCD as soon as possible to allow time to make arrangements.

Please note: To help reduce exposure to fragrances for those with multiple chemical sensitivities, NCD requests that all those attending the meeting in person please refrain from wearing scented personal care products such as perfumes, hairsprays, colognes, and deodorants.

Dated: July 2, 2013.

Rebecca Cokley,

Executive Director.

[FR Doc. 2013–16310 Filed 7–2–13; 4:15 pm]

BILLING CODE 6820–MA–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is 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 is properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection of: Blanket Justification for NEA Funding Application Guidelines and Reporting Requirements. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. The NEA is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Can help the agency minimize the burden of the collection of information on those who are to respond, including through the use of electronic submission of responses through Grants.gov.

ADDRESSES: Send comments to Jillian Miller, Director, Office of Guidelines and Panel Operations, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Room 621, Washington, DC 20506–0001; telephone (202) 682–5504 (this is not a toll-free number), fax (202) 682–5049.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 2013–16114 Filed 7–3–13; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and Request for Comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

DATES: Written comments on this notice must be received by September 3, 2013 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

For Additional Information or Comments: Ms. Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–(800) 877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Grantee Reporting Requirements for Materials Research Science and Engineering Centers (MRSECs)

OMB Number: 3145–NEW

Expiration Date of Approval: Not applicable.

Type of Request: Intent to seek approval to establish an information collection.

Overview of this Information Collection: The Materials Research Science and Engineering Centers (MRSECs) Program supports innovation in interdisciplinary research, education, and knowledge transfer. MRSECs build intellectual and physical infrastructure within and between disciplines,

weaving together knowledge creation, knowledge integration, and knowledge transfer. MRSECs conduct world-class research through partnerships of academic institutions, national laboratories, industrial organizations, and/or other public/private entities. New knowledge thus created is meaningfully linked to society.

MRSECs enable and foster excellent education, integrate research and education, and create bonds between learning and inquiry so that discovery and creativity more fully support the learning process. MRSECs capitalize on diversity through participation in center activities and demonstrate leadership in the involvement of groups underrepresented in science and engineering.

MRSECs will be required to submit annual reports on progress and plans, which will be used as a basis for performance review and determining the level of continued funding. To support this review and the management of a Center, MRSECs will be required to develop a set of management and performance indicators for submission annually to NSF via the Research Performance Project Reporting module in Research.gov and an external technical assistance contractor that collects programmatic data electronically. These indicators are both quantitative and descriptive and may include, for example, the characteristics of center personnel and students; sources of financial support and in-kind support; expenditures by operational component; characteristics of industrial and/or other sector participation; research activities; education activities; knowledge transfer activities; patents, licenses; publications; degrees granted to students involved in Center activities; descriptions of significant advances and other outcomes of the MRSEC effort. Such reporting requirements will be included in the cooperative agreement that is binding between the academic institution and the NSF.

Each Center's annual report will address the following categories of activities: (1) Research, (2) education, (3) knowledge transfer, (4) partnerships, (5) shared experimental facilities, (6) diversity, (7) management, and (8) budget issues.

For each of the categories the report will describe overall objectives for the year, problems the Center has encountered in making progress towards goals, anticipated problems in the following year, and specific outputs and outcomes.

MRSECs are required to file a final report through the RPPR and external technical assistance contractor. Final reports contain similar information and metrics as annual reports, but are retrospective.

Use of the Information: NSF will use the information to continue funding of the Centers, and to evaluate the progress of the program.

Estimate of Burden: 60 hours per center for 23 centers for a total of 1380 hours.

Respondents: Non-profit institutions.

Estimated Number of Responses per Report: One from each of the 23 MRSECs.

Comments: Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: June 28, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–16097 Filed 7–3–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Extend an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and Request for Comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request clearance of this collection. In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

DATES: Written comments on this notice must be received by September 3, 2013 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR ADDITIONAL INFORMATION OR COMMENTS: Ms. Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; telephone (703) 292–7556; or send email to *splimpto@nsf.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–(800) 877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Title of Collection: Grantee Reporting Requirements for Partnerships for Research and Education in Materials (PREM).

OMB Number: 3145–NEW

Expiration Date of Approval: Not applicable.

Type of Request: Intent to seek approval to extend an information collection.

Overview of This Information Collection

The Partnerships for Research and Education in Materials (PREM) aims to enhance diversity in materials research and education by stimulating the development of formal, long-term, collaborative research and education relationships between minority-serving colleges and universities and centers, institutes and facilities supported by the NSF Division of Materials Research (DMR). With this collaborative model PREMs build intellectual and physical infrastructure within and between disciplines, weaving together knowledge creation, knowledge integration, and knowledge transfer. PREMs conduct world-class research through partnerships of academic institutions, national laboratories, industrial organizations, and/or other public/private entities. New knowledge thus created is meaningfully linked to society, with an emphasis on enhancing diversity.

PREMs enable and foster excellent education, integrate research and education, and create bonds between learning and inquiry so that discovery and creativity more fully support the learning process. PREMs capitalize on diversity through participation and collaboration in center activities and demonstrate leadership in the involvement of groups underrepresented in science and engineering.

PREMs will be required to submit annual reports on progress and plans,

which will be used as a basis for performance review and determining the level of continued funding. To support this review and the management of the award PREMs will be required to develop a set of management and performance indicators for submission annually to NSF via the Research Performance Project Reporting module in Research.gov and an external technical assistance contractor that collects programmatic data electronically. These indicators are both quantitative and descriptive and may include, for example, the characteristics of personnel and students; sources of financial support and in-kind support; expenditures by operational component; research activities; education activities; patents, licenses; publications; degrees granted to students involved in PREM activities; descriptions of significant advances and other outcomes of the PREM effort.

Each PREM's annual report will address the following categories of activities: (1) Research, (2) education, (3) knowledge transfer, (4) partnerships, (5) diversity, (6) management, and (7) budget issues.

For each of the categories the report will describe overall objectives for the year, problems the PREM has encountered in making progress towards goals, anticipated problems in the following year, and specific outputs and outcomes.

PREMs are required to file a final report through the RPPR and external technical assistance contractor. Final reports contain similar information and metrics as annual reports, but are retrospective.

Use of the Information: NSF will use the information to continue funding of PREMs, and to evaluate the progress of the program.

Estimate of Burden: 25 hours per PREM for 14 PREMs for a total of 350 hours.

Respondents: Non-profit institutions.

Estimated Number of Responses per Report: One from each of the fourteen PREMs.

Comments: Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: June 28, 2013.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2013–16098 Filed 7–3–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Site visit review of the Materials Research Science and Engineering Center (MRSEC) at the University of Utah by the Division of Materials Research (DMR) #1203

Dates & Times: July 12, 2013, 7:15 a.m.–6:45 p.m.

Place: University of Michigan, Ann Arbor, MI

Type of Meeting: Part open

Contact Person: Dr. Charles Ying, Program Director, Materials Research Science and Engineering Centers Program, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4920.

Purpose of Meeting: To provide advice and recommendations concerning further support of the MRSEC at the University of Utah.

Agenda: *Friday, July 12, 2013.*

7:15 a.m.–9:00 a.m. Closed—Executive Session

9:00 a.m.–3:00 p.m. Open—Review of the Utah MRSEC

3:00 p.m.–6:45 p.m. Closed—Executive Session

Reason for Late Notice: Due to unforeseen administrative scheduling complications and the necessity to proceed with the review.

Reason for Closing: The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the MRSEC. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: July 1, 2013.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 2013–16105 Filed 7–3–13; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298; NRC–2013–0139]

Cooper Nuclear Station; Application and Amendment to Facility Operating License Involving Proposed No Significant Hazards Consideration Determination

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing and petition for leave to intervene.

DATES: Comments must be filed by August 5, 2013. A request for a hearing must be filed by September 3, 2013.

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–2013–0139. 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, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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: Lynnea Wilkins, Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1377, email: *Lynnea.Wilkins@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2013–0139 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–2013–0139.
- *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 application for amendment, dated February 12, 2013, is available electronically in ADAMS under Accession No. ML13050A029.
- *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–2013–0139 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. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR–46, issued to Nebraska Public Power District (the licensee), for operation of the Cooper Nuclear Station (CNS) located in Nemaha County, Nebraska.

The proposed amendment would modify CNS license condition 2.E to require incorporation of the commitments listed in Appendix A of NUREG–1944 in the updated safety analysis report (USAR) to be managed in accordance with section 50.59 of Title 10 of the *Code of Federal Regulations* (10 CFR).

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, 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. 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. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed license amendment does not involve a change to any plant equipment that initiates or mitigates a plant accident. The change revises License Condition 2.E to specify the inclusion of all of the License Renewal commitments into the USAR. The proposed changes to the wording of this License Condition are administrative in nature.

Therefore, the proposed license amendment does not significantly increase the probability or consequences of an accident.

2. Do the proposed changes create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This change does not modify or add any equipment or involve controlling or operating equipment. It does not involve initiators to any events in the USAR. Rather, this change revises License Condition 2.E to specify the inclusion of all of the License Renewal commitments into the USAR. The proposed changes to the wording of this License Condition is administrative in nature, and does not create a new or different kind of accident than that previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not involve revisions to design codes or design margins. Rather, this change revises License Condition 2.E to specify the inclusion of all of the License Renewal commitments into the USAR. The proposed changes to the wording of this License Condition are administrative in nature.

Therefore, the proposed license amendment 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.

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.

III. Opportunity to Request a Hearing; Petition for Leave to Intervene

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.

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 O1F21, 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 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 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 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.

IV. Electronic Submissions (E-Filing)

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'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 ten 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 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 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 NRC'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 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 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 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 July 5, 2013. 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 action, see the application for amendment dated February 12, 2013.

Attorney for licensee: Mr. John C. McClure, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499.

NRC Branch Chief: Michael T. Markley.

Dated at Rockville, Maryland, this 26th day of June, 2013.

For the Nuclear Regulatory Commission.

Lynnea Wilkins,

Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2013–16139 Filed 7–3–13; 8:45 am]

BILLING CODE 7590–01–P

RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

Agency Information Collection Activities: Renewal of Currently Approved Collection; Comment Request

ACTION: Notice of submission to Office of Management and Budget and 30-day public comment period.

SUMMARY: The Recovery Accountability and Transparency Board (Board) is giving public notice that it will submit a currently approved information collection to the Office of Management and Budget (OMB) for renewal. The public and affected federal agencies are invited to comment on the proposed approval renewal pursuant to the Paperwork Reduction Act of 1995 (PRA).

DATES: Written comments must be submitted to OMB at the address below on or before August 5, 2013 to be assured of consideration.

ADDRESSES: Send all comments to Sharon Mar, Desk Officer for the Recovery Accountability and Transparency Board, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax 202–395–5167; or email to *smar@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to the PRA, the Board invites the general public and affected federal agencies to comment on the proposed information collection approval renewal. The Board published a notice of proposed information collection approval renewal on March 29, 2013, *see* 78 FR 19333. No comments were received.

In response to this notice, comments and suggestions should address one or more of the following points: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the Board; (b) the accuracy of the Board's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of information technology; and (e) whether small businesses are affected by this collection.

In this notice, the Board is soliciting comments concerning the following information collection:

Title of Collection: Section 1512 Data Elements-Federal Financial Assistance

ICR Reference No.: 201004–0430–001

OMB Control No.: 0430–0004

ICR Status: The approval for this information collection is scheduled to expire on 7/31/2013.

Description: Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111–5, 123 Stat. 115 (2009) (Recovery Act), requires recipients of Recovery Act funds to report on the use of those funds. These reports are submitted to *FederalReporting.gov,* and certain information from these reports is then posted publically. This collection pertains only to recipients of federal financial assistance.

More specifically, prime recipients, sub-recipients, and vendors who receive federal financial assistance Recovery Act funds are required to submit Section 1512 data elements as set forth in the *Recipient Reporting Data Dictionary* (available electronically at *https://www.federalreporting.gov/federalreporting/downloads.do*). The following is a cumulative summary of the reporting guidance issued by the Office of Management and Budget (OMB) in its June 22, 2009, guidance entitled, ''Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009'' (M–09–21), and its December 18, 2009, guidance entitled, ''Updated Guidance on the American Recovery and Reinvestment Act—Data Quality, Non-Reporting Recipients, and Reporting of Job Estimates'' (M–10–08):

Prime Recipients: The prime recipient is ultimately responsible for the reporting of all data required by Section 1512 of the Recovery Act and the OMB Guidance, including the Federal Funding Accountability and Transparency Act (FFATA) data elements for the sub-recipients of the prime recipient required under Section1512(c)(4). In addition, the prime recipient must report three additional data elements associated with any vendors receiving funds from the prime recipient for any payments greater than $25,000. Specifically, the prime recipient must report the identity of the vendor by reporting the DUNS number, the amount of the payment, and a description of what was obtained in exchange for the payment. If the vendor does not have a DUNS number, then the name and zip code of the vendor's headquarters will be used for identification.

Sub-Recipients of the Prime Recipient: The sub-recipients of the prime recipient may be required by the prime recipient to report the FFATA data elements required under Section 1512(c)(4) for payments from the prime recipient to the sub-recipient. The reporting sub-recipients must also report one data element associated with any vendors receiving funds from that sub-recipient. Specifically, the sub-recipient must report, for any payments greater than $25,000, the identity of the vendor by reporting the DUNS number, if available, or otherwise the name and zip code of the vendor's headquarters.

Required Data: The specific data elements to be reported by prime recipients and sub-recipients are included in the *Recipient Reporting Data Dictionary.* Below are the basic reporting requirements to be reported on prime recipients, recipient vendors, sub-recipients, and sub-recipient vendors. Where noted, the information is not entered by the recipient but rather is derived from another source:

Prime Recipient

1. Funding Agency Code
2. Awarding Agency Code
3. Program Source (TAS)
4. Award Number
5. Order Number
6. Recipient DUNS Number
7. Parent DUNS (derived from CCR)
8. Recipient Type (derived from CCR)
9. CFDA Number
10. Government Contracting Office Code
11. Recipient Congressional District
12. Recipient Account Number
13. Final Report (not FFATA)
14. Award Type
15. Award Date
16. Award Description
17. Project Name or Project/Program Title
18. Quarterly Activities/Project
19. Project Status
20. Activity Code (NAICS or NTEE–NPC)
21. Number of Jobs
22. Descriptions of Jobs Created/Retained
23. Amount of Award
24. Total Federal Amount ARRA Funds Received/Invoiced
25. Total Federal Amount of ARRA Expenditure
26. Total Federal ARRA Infrastructure Expenditure
27. Infrastructure Purpose and Rationale
28. Infrastructure Contact Information
29. Recipient Primary Place of Performance
30. Recipient Indication of Reporting Applicability
31. Recipient Officer Names and Compensation (if applicable)
32. Total Number of Sub-Awards to Individuals
33. Total Amount of Sub-Awards to Individuals
34. Total Number of Payments to Vendors Less Than $25,000/Award
35. Total Amount of Payments to Vendors Less Than $25,000/Award
36. Total Number of Sub-Awards Less Than $25,000/Award
37. Total Amount of Sub-Awards Less Than $25,000/Award

Sub-Recipient

1. Sub-Recipient DUNS
2. Sub-Award Number
3. Sub-Recipient Name and Address (derived from CCR)
4. Sub-Recipient Congressional District
5. Amount of Sub-Award
6. Total Sub-Award Funds Disbursed
7. Sub-Award Date
8. Sub-Recipient Place of Performance
9. Sub-Recipient Indication of Reporting Applicability
10. Sub-Recipient Officer Names and Compensation (if applicable)

Vendor

1. Award Number—Prime Recipient Vendor
2. Sub-Award Number—Sub-Recipient Vendor
3. Vendor DUNS Number
4. Vendor HQ Zip Code + 4
5. Vendor Name
6. Product and Service Description
7. Payment Amount

Affected Public: Recipients, as defined in Section 1512(b)(1) of the Recovery Act, of Recovery Act funds (specifically, Federal financial assistance).

Total Estimated Number of Respondents: 24,356.

Frequency of Responses: Quarterly.

Total Estimated Annual Burden Hours: 160,263.

Dated: July 1, 2013.

Atticus J. Reaser,

General Counsel, Recovery Accountability and Transparency Board.

[FR Doc. 2013–16151 Filed 7–3–13; 8:45 am]

BILLING CODE 6821–15–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69892]

Order Exempting Market Makers Participating in NASDAQ Stock Market LLC's Market Quality Program From Section 11(d)(1) of the Securities Exchange Act of 1934 and Rule 11d1–2 Thereunder

June 28, 2013.

On March 13, 2013, the Securities and Exchange Commission (''Commission'') approved a proposed rule change of the NASDAQ Stock Market LLC (''Exchange'' or ''NASDAQ'') to add new

NASDAQ Rule 5950 (''New Rule 5950'') to establish the Market Quality Program (''MQP'' or ''Program'').[1] In connection with the Program, on a voluntary pilot basis, an MQP Company [2] may list an eligible MQP Security [3] on NASDAQ and in addition to the standard (non-MQP) NASDAQ listing fee, a sponsor may pay a fee (''MQP Fee'') [4] that will be used for the purpose of incentivizing one or more market makers participating in the MQP (''MQP Market Makers'') to enhance the market quality of an MQP Security.

Section 11(d)(1) of the Exchange Act [5] generally prohibits a broker-dealer from extending or maintaining credit, or arranging for the extension or maintenance of credit, on shares of new issue securities, if the broker-dealer participated in the distribution of the new issue securities within the preceding 30 days. The Commission's view is that shares of open-end investment companies and unit investment trusts registered under the 1940 Act, such as ETF shares, are distributed in a continuous manner, and broker-dealers that sell such securities are therefore participating in the ''distribution'' of a new issue for purposes of Section 11(d)(1).[6]

The Division of Trading and Markets, acting under delegated authority, granted an exemption from Section 11(d)(1) and Rule 11d1–2 thereunder for broker-dealers that have entered into an agreement with an ETF's distributor to place orders with the distributor to purchase or redeem the ETF's shares (''Broker-Dealer APs'').[7] The SIA Exemption allows a Broker-Dealer AP to extend or maintain credit, or arrange for the extension or maintenance of credit, to or for customers on the shares of qualifying ETFs subject to the condition that neither the Broker-Dealer AP, nor any natural person associated with the Broker-Dealer AP, directly or indirectly (including through any affiliate of the Broker-Dealer AP), receives from the fund complex any payment, compensation, or other economic incentive to promote or sell the shares of the ETF to persons outside the fund complex, other than non-cash compensation permitted under NASD Rule 2830(l)(5)(A), (B), or (C). This condition is intended to eliminate special incentives that Broker-Dealer APs and their associated persons might otherwise have to ''push'' ETF shares.

The MQP will permit certain ETFs to voluntarily incur increased listing fees payable to the Exchange. In turn, the Exchange will use the fees to make incentive payments to market makers that improve the liquidity of participating issuers' securities, and thus enhance the market quality for the participating issuers. Incentives payments will be accrued for, among other things, executing purchases and sales on the Exchange. Receipt of the incentive payments by certain broker-dealers will implicate the condition of the SIA Exemption from the new issue lending restriction in Section 11(d)(1) of the Exchange Act discussed above. The Commission's view is that the incentive payments market makers will receive under the proposal are indirect payments from the fund complex to the market maker and that those payments are compensation to promote or sell the shares of the ETF. Therefore, in the absence of an exemption from Section 11(d)(1) and rule 11d1–2 thereunder, an MQP Market Maker that is also a Broker-Dealer AP for an ETF (or an associated person or an affiliate of a Broker-Dealer AP) that receives the incentives will not be able to rely on the SIA Exemption from Section 11(d)(1).[8]

NASDAQ has requested, on behalf of itself and those MQP Market Makers who are broker-dealers (or any associated person or affiliate of such broker-dealers), exemptive, interpretive or no-action relief from the requirements of Section 11(d)(1) of the Exchange Act and Rule 11d1–2 thereunder, in connection with certain payments from the Exchange to certain Market Makers participating in the MQP, as discussed in its letter.[9]

NASDAQ believes that the MQP Credit should not disqualify a Broker-Dealer AP or Non-AP Broker-Dealer from relying on the SIA exemption. Among other things, NASDAQ notes that the MQP Credit is provided only to MQP Market Makers that meet or exceed MQP market quality standards and that it will not act as an incentive for Broker-Dealer APs or Non-AP Broker-Dealers to ''push'' the MQP Securities. In addition, many features of the MQP seek to improve the quality of the market for MQP Securities, enhance liquidity in participating MQP Securities, and reduce spreads and decrease the effective cost of investing in MQP Securities. NASDAQ notes that the MQP Credit attributable to sales of MQP Securities by an MQP Market Maker is modest at approximately 25% of the total MQP Credit, with the remainder attributable to purchases by the MQP Market Maker and quotes. The Exchange also notes the ''the unprecedented transparency of the MQP through a dedicated MQP Web page, will enable investors to understand the MQP and the roles of MQP Companies, MQP Market Makers and the Exchange within the Program.'' [10]

[1] Securities Exchange Act Release No. 69195, (Mar. 20, 2013) (''Approval Order''). The Approval Order contains a detailed description of the MQP. On December 7, 2012, NASDAQ filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, as amended (''Act'' or ''Exchange Act'') and Rule 19b–4 thereunder, a proposed rule change to establish the MQP. The proposed rule change, as modified by Amendment No. 1 thereto, was published for comment in the **Federal Register** on December 31, 2012. Securities Exchange Act Release No. 68515 (Dec. 21, 2012), 77 FR 77141 (Dec. 31, 2012) (''Notice''). On February 7, 2013, NASDAQ submitted Amendment No. 2 to the proposed rule change. On February 8, 2013 NASDAQ withdrew Amendment No. 2 due to a technical error in that amendment and submitted Amendment No. 3 to the proposed rule change. As noted in the Approval Order, Amendment No. 3 provided clarification to the proposed rule change and did not require notice and comment. On February 14, 2013, the Commission designated a longer period within which to take action on the proposed rule change. Securities Exchange Act Release No. 68925 (Feb. 14, 2013), 78 FR 12116 (Feb. 21, 2013). The Approval Order grants approval of the proposed rule change, as modified by Amendment Nos. 1 and 3.

[2] The term ''MQP Company'' means the trust or company housing the exchange traded fund (''ETF'') or, if the ETF is not a series of a trust or company, then the ETF itself. New Rule 5950(e)(5).

[3] The term ''MQP Security'' means an ETF security issued by an MQP Company that meets all of the requirements to be listed on NASDAQ pursuant to Rule 5705. New Rule 5950(e)(1).

[4] The MQP Fee, as described more fully in New Rule 5950(b)(2), consists of an annual basic MQP Fee, and may include an additional annual supplemental fee.

[5] 15 U.S.C. 78k(d)(1).

[6] *See, e.g.,* Exchange Act Release Nos. 6726 (Feb. 8, 1962), 27 FR 1415 (Feb. 15, 1962) and 21577 (Dec. 18, 1984), 49 FR 50174 (Dec. 27, 1984).

[7] See Letter from Catherine McGuire, Chief Counsel, Division of Trading and Markets, Securities and Exchange Commission to Securities Industry Association (Nov. 21, 2005) (''SIA Exemption'').

[8] *See* Approval Order, *supra* note 1, at 32–33.

[9] Letter from David M. Lynn, Morrison & Foerster LLP to David Blass, Chief Counsel, Division of Trading and Markets, Securities and Exchange Commission (June 27, 2013) (''Request Letter'').

[10] Request Letter at 14. Several Exchange Rules are designed to provide comprehensive and accessible disclosure to investors about the MQP Program through the Exchange's Web site or product-specific Web sites. New Rules 5950(a)(1)(C) and 5950(c)(3) require the Exchange to provide notification on its Web site regarding: (i) the acceptance of an MQP Company (on behalf of an MQP Security) and an MQP Market Maker into the MQP; (ii) the total number of MQP Securities that any one MQP Company may have in the MQP; (iii) the names of MQP Securities and the MQP Market Maker(s) in each MQP Security, and the dates that an MQP Company, on behalf of an MQP Security, commenced participation in and withdrew or was terminated from the MQP; and (iv) any limit on the number of MQP Market Makers permitted to register in an MQP Security. New Rule 5950(a)(2)(D) requires the Exchange to provide notification on its Web site when it receives notification that an MQP Company (on behalf of an MQP Security) or an MQP Market Maker intends to withdraw from the MQP, including the date of actual withdrawal or termination from the MQP. Rule 5950(b)(1) requires the MQP Company to disclose on a product-specific Web site for each

NASDAQ also believes that the potential market quality improvements of the MQP will be reduced if Broker-Dealers APs and non-AP Broker-Dealers do not receive the requested exemption. NASDAQ asserts that the MQP incentives are designed to encourage market markers to participate in the Program and that it is desirable for as many market participants as possible to participate in the Program. The Commission recognizes that broker-dealers that have to choose between participating in the MQP and having the ability to rely on the SIA Exemption may determine for business reasons that they would prefer to benefit from the SIA Exemption and thus would decline to participate in the MQP.[11] Therefore, we understand how the absence of an exemption from Section 11(d)(1) could serve to reduce the number of MQP Market Makers in the Program.

The Commission finds that it is appropriate in the public interest, and is consistent with the protection of investors, to grant a limited exemption from Section 11(d)(1) of the Exchange Act and Rule 11d1–2 thereunder to Broker-Dealer APs and Non-AP Broker-Dealers who participate in the MQP. The Program is intended to improve market quality by promoting enhanced liquidity, reduced spreads, and reduced cost of investing in MQP Securities. The Commission believes that granting the exemption will encourage a larger number of MQP Market Makers to participate in the program and that a larger number of MQP Market Makers should create greater potential for the market quality improvements the Program aims for. The Exchange determines to pay an MQP Credit only if an MQP Market Maker maintains a quality market in an MQP Security meeting certain spread and liquidity standards and that MQP payments are not intended to promote the sale of MQP Securities. The Commission believes that the portion of the MQP Credit attributable to sales of MQP Securities—approximately 25% of the MQP Credit, with the remainder attributable to purchases and quotations—may create a modest incentive for MQP Market Makers to promote the sale of MQP Securities, while creating an overall incentive for MQP Market Makers to enhance market quality. The Commission does not believe that this combination of incentives will provide the kind of ''share-pushing'' incentive with which Congress was concerned when it enacted Section 11(d). The required Web site disclosures [12] will also help Market Makers' customers understand the Program's effect on MQP Market Makers' incentives and thus will help investors to make informed decisions despite the potential additional sales pressure Market Makers may assert as a result of the MQP.

Conclusion

It is therefore ordered, that Broker-Dealer APs and Non-AP Broker-Dealers who participate in the MQP, may rely on the SIA Exemption pertaining to Section 11(d)(1) and Rule 11d1–2 thereunder,[13] subject to the conditions provided in that exemption, notwithstanding that Broker-Dealer APs and Non-AP Broker-Dealers may receive MQP Credits derived in part from the sale of MQP Securities as described in your request.

This exemption expires when the Program terminates, and is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. This order does not represent Commission views with respect to any other question that the proposed activities may raise or the applicability of other federal or state laws and rules to the proposed activities.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

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product, that the MQP Security is in the MQP and to provide a link to the Exchange's MQP Web site. The Exchange will also post monthly reports concerning the efficacy of the MQP program to its Web site.

[11] NASDAQ reports that Broker-Dealer APs and Non-AP Broker-Dealers believe that participating in the MQP in the absence of requested relief may ''present an unacceptable level of risk that may keep some market participants out of the Program.'' Request Letter, note 82. We choose not to speculate about the risk that these broker-dealers perceive, but we note that, even in the absence of exemption granted herein, a broker-dealer that receives MQP credits derived from sales of MQP Securities but that does not extend or maintain credit, or arrange for the extension or maintenance of credit, on shares of new issue MQP Securities for which the broker-dealer participated in the distribution within the preceding 30 days would not violate Exchange Act Section 11(d)(1).

[12] *See* note 10, *supra.*

[13] *See* note 7, *supra.*

[14] 17 CFR 200.30–3(a)(62).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69894; File No. SR–NSCC–2013–805]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of No Objection to Advance Notice Filing To Require That All Locked-in Trade Data Submitted to It for Trade Recording Be Submitted in Real-Time

June 28, 2013.

I. Introduction

On April 30, 2013, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–NSCC–2013–805 (''Advance Notice'') pursuant to Section 806(e) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd-Frank Act''),[1] entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'' or ''Title VIII'') and Rule 19b–4(n) of the Securities Exchange Act of 1934 (''Exchange Act''). On May 14, 2013, NSCC filed with the Commission Amendment No. 1 to the Advance Notice.[2] The Advance Notice was published in the **Federal Register** on June 11, 2013.[3] The Commission received one comment letter to the proposed rule change.[4] This publication serves as notice of no objection to the Advance Notice.

II. Analysis

NSCC filed the Advance Notice to require that all locked-in trade data submitted to NSCC for trade recording

[1] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[2] In Amendment No. 1, NSCC corrected a typographical error in the text of its Rules & Procedures (''Rules'') related to the Advance Notice.

[3] Release No. 34–69699 (June 5, 2013), 78 FR 35076 (June 11, 2013). NSCC also filed a proposed rule change pursuant to Section 19(b)(1) of the Exchange Act on April 30, 2013 seeking Commission approval to permit NSCC to change its rules to reflect the proposed change described herein. The Commission, through delegated authority, published notice of the proposed rule change on May 14, 2013. Release No. 34–69571 (May 14, 2013), 78 FR 29408 (May 20, 2013).

[4] Comment letter from Kermit Kubitz (''Kubitz'') dated June 10, 2013, *http://www.sec.gov/comments/sr-nscc-2013-05/nscc201305.shtml.* Kubitz supports the proposed rule change's requirement ''to submit trades without any pre-processing . . .'' and believes that, ''any cost associated with submitting higher volumes of data from limiting pre-netting is small compared to the risks and costs of inaccurate data which might result from submission of other than accurate trade data.'' The Commission considers all public comments received on the proposed rule change as comments to the Advance Notice.

be submitted in real-time,[5] and to prohibit pre-netting[6] and other practices that prevent real-time trade submission, as discussed below.

Proposal Overview

According to NSCC, the majority of all transactions processed at NSCC are submitted on a locked-in basis by self-regulatory organizations (''SRO'') (including national and regional exchanges and marketplaces), and Qualified Special Representatives (''QSR'').[7] Currently, NSCC data reveals that almost all exchanges[8] and some QSRs submit trades executed on their respective markets in real-time, representing approximately 91% of the locked-in trades submitted to NSCC today. The rule change will require that all locked-in trades submitted for trade recording by SROs and QSRs be submitted to NSCC in real-time.[9]

NSCC will also prohibit Pre-netting practices that preclude real-time trade submission. NSCC states that typically, Pre-netting is done on a bilateral basis between a QSR and its customer, both NSCC Members. According to NSCC, Pre-netting practices disrupt NSCC's ability to accurately monitor market and credit risks as they evolve during the trading day. Therefore, NSCC will prohibit Pre-netting activity on the part of entities submitting original trade data on a locked-in basis.[10] The rules of NSCC's affiliate Fixed Income Clearing Corporation (''FICC'') currently prohibit such activity, and this rule change will align NSCC's trade submission rules with those of FICC.[11]

Further, NSCC does not expect the rule changes to impact trade volumes significantly. According to NSCC, the majority of trades are currently being submitted to NSCC in real-time on a trade-by-trade basis, and NSCC is operationally capable of managing trade volumes that are multiple times larger than the historical peak volumes.

In the wake of recent industry disruptions, industry participants have been focused on developing controls to address the risks that arise from technology issues. A comment letter submitted to the Commission in advance of its Technology and Trading Roundtable, held in October 2012, and signed by a number of industry participants including SROs, broker-dealers, and buy-side firms, supported this rule change as a crucial component of the industry controls that could increase market transparency and ultimately mitigate risks associated with high-frequency trading and related technology.[12]

Implementation Timeframe

NSCC will advise Members of the implementation date of the rule change through issuance of an NSCC Important Notice. The rule change will not be implemented earlier than seven (7) months from the date of Commission approval.

III. Discussion

Although Title VIII does not specify a standard of review for an Advance Notice, the stated purpose of Title VIII is instructive.[13] The stated purpose of Title VIII is to mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically-important financial market utilities (''FMU'') and providing an enhanced role for the Board of Governors of the Federal Reserve System (''Federal Reserve'') in the supervision of risk management standards for systemically-important FMUs.[14]

Section 805(a)(2) of the Clearing Supervision Act[15] authorizes the Commission to prescribe risk management standards for the payment, clearing, and settlement activities of designated clearing entities and financial institutions engaged in designated activities for which it is the supervisory agency or the appropriate financial regulator. Section 805(b) of the Clearing Supervision Act[16] states that the objectives and principles for the risk management standards prescribed under Section 805(a) shall be to:

- promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

The Commission adopted risk management standards under Section 805(a)(2) of the Clearing Supervision Act on October 22, 2012 (''Clearing Agency Standards'').[17] The Clearing Agency Standards became effective on January 2, 2013 and require clearing agencies that perform central counterparty (''CCP'') services to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for their operations and risk management practices on an ongoing basis.[18] As such, it is appropriate for the Commission to review Advance Notices against these risk management standards that the Commission promulgated under Section 805(a) and the objectives and principles of these

[5] The term ''real-time,'' when used with respect to trade submission, will be defined in Procedure XIII (Definitions) of NSCC's Rules as the submission of such data on a trade-by-trade basis promptly after trade execution, in any format and by any communication method acceptable to NSCC.

[6] According to NSCC, any pre-netting practices include: (i) ''Summarization'' (i.e., a technique in which the clearing broker nets all trades in a single CUSIP by the same correspondent broker into fewer submitted trades); (ii) ''compression'' (i.e., a technique to combine submissions of data for multiple trades to the point where the identity of the party actually responsible for the trades is masked); (iii) netting; and (iv) any other practice that combines two or more trades prior to their submission to NSCC (collectively, ''Pre-netting'').

[7] QSRs are NSCC members (''Members'') that either (i) operate an automated execution system where they are always the contra side of every trade, (ii) are the parent or affiliate of an entity operating such an automated system, where they are the contra side of every trade, or (iii) clear for a broker-dealer that operates such a system and the subscribers to the system acknowledge the clearing Member's role in the clearance and settlement of these trades.

[8] One executing market with very low trade volume does not yet submit trades in real-time.

[9] Files submitted to NSCC by The Options Clearing Corporation (''OCC'') relating to option exercises and assignments (Procedure III, Section D—Settlement of Option Exercises and Assignments) will not be required to be submitted in real-time. OCC's process of assigning option assignments is and will continue to be an end-of-day process.

[10] Trades executed in the normal course of business between a Member that clears for other broker-dealers, and its correspondent, or between correspondents of the Member, which correspondent(s) is not itself a Member and settles such obligations through such clearing Member (i.e., ''internalized trades'') are not required to be submitted to NSCC and shall not be considered to violate the Pre-netting prohibition.

[11] *See, e.g.,* GSD Rule 11 (Netting System), Section 3 (''All trade data required to be submitted to the Corporation under this Section must be submitted on a trade-by-trade basis with the original terms of the trades unaltered. A Member or any of its Affiliates may not engage in the Pre-Netting of Trades prior to their submission to the Corporation in contravention of this section. In addition, a Member or any of its Affiliates may not engage in any practice designed to contravene the prohibition against the Pre-Netting of Trades.''), *http://dtcc.com/legal/rules_proc/FICC-Government_Security_Division_Rulebook.pdf. See also* Order Granting Approval of a Proposed Rule Change Relating to Trade Submission Requirements and Pre-Netting, Release No. 34–51908 (June 22, 2005), 70 FR 37450 (June 29, 2005).

[12] *See* Market Technology Roundtable Comment Letter dated Sept. 28, 2012, available at *http://www.sec.gov/comments/4-652/4652-17.pdf.*

[13] 12 U.S.C. 5461(b).

[14] *Id.*

[15] 12 U.S.C. 5464(a)(2).

[16] 12 U.S.C. 5464(b).

[17] Release No. 34–68080 (Oct. 22, 2012), 77 FR 66219 (Nov. 2, 2012).

[18] The Clearing Agency Standards are substantially similar to the risk management standards established by the Board of Governors governing the operations of designated FMUs that are not clearing entities and financial institutions engaged in designated activities for which the Commission or the Commodity Futures Trading Commission is the Supervisory Agency. *See* Financial Market Utilities, 77 FR 45907 (Aug. 2, 2012).

risk management standards as described in Section 805(b).

Consistent with Section 805(a), the Commission believes NSCC's proposal promotes robust risk management, as well as the safety and soundness of NSCC's operations, while reducing systemic risks and supporting the stability of the broader financial system. As discussed above, the rule change will allow NSCC to mitigate the operational risk that results from locked-in trade data not being submitted to NSCC in real-time.

Commission Rule 17Ad–22(d)(4) regarding identification and mitigation of operational risk,[19] adopted as part of the Clearing Agency Standards,[20] requires clearing agencies to establish, implement, maintain and enforce written policies and procedures reasonably designed to: ''[i]dentify sources of operational risk and minimize them through the development of appropriate systems, controls, and procedures . . . .'' [21] The Commission believes that the receipt of locked-in trade data on a real-time basis will permit NSCC's risk management processes to monitor trades closer to trade execution on an intra-day basis and identify and manage any issues relating to excessive risk exposure earlier on a closer to real-time basis, thereby potentially minimizing a source of operational risk.

IV. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act,[22] that the Commission does not object to the proposed rule change described in the Advance Notice (File No. SR–NSCC–2013–805) and that NSCC be and hereby is authorized to implement the proposed rule change as of the date of this notice or the date of the ''Order Approving Proposed Rule Change to Require that All Locked-in Trade Data Submitted to It for Trade Recording be Submitted in Real-time,'' [23] whichever is later.

By the Commission.

Kevin M. O'Neill,

Deputy Secretary.

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[19] 17 CFR 240.17Ad–22(d)(4).

[20] Release No. 34–68080 (Oct. 22, 2012), 77 FR 66219 (Nov. 2, 2012).

[21] 17 CFR 240.17Ad–22(d)(4).

[22] 12 U.S.C. 5465(e)(1)(I).

[23] Release No. 34–69890 (June 28, 2013).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69887; File No. SR–NASDAQ–2013–088]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Reduce the Fees Assessed Under NASDAQ Rule 7034 for Certain Co-Location Services

June 28, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on June 21, 2013, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

NASDAQ is proposing changes to reduce the fees assessed under NASDAQ Rule 7034 for certain co-location services.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. 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 proposes to repeat a temporary fee reduction program to attract new customers to its co-location facility in Carteret, New Jersey.[3] Specifically, the Exchange proposes to amend Rule 7034 to reduce the monthly recurring cabinet (''MRC'') fees assessed for installation of certain new co-location cabinets. The reduced MRC fees will apply to new cabinets ordered by users using the Co-Lo Console [4] on or after July 1, 2013 through August 31, 2013. The reduced fee shall apply to any cabinet that increases the number of dedicated cabinets beyond the total number dedicated to the user as of May 31, 2013 (''Baseline Number''), for so long as the total number of dedicated cabinets exceeds that user's Baseline Number. The reduced MRC fees will apply for a period of 24 months from the date the new cabinet becomes fully operational under NASDAQ rules, provided that the user's total number of cabinets continues to exceed the Baseline Number.

The Exchange proposes to reduce the applicable fees as follows:

Cabinet type	Current ongoing monthly fee	Reduced ongoing monthly fee
Low Density ..	$4,000	$2,000
Medium Density	5,000	2,500
Medium-High Density	6,000	3,500
High Density	7,000	4,500
Super High Density	13,000	8,000

New cabinets shall be assessed standard installation fees.

NASDAQ proposes to reduce co-location cabinet fees by different amounts to maintain a sliding scale of lower fees for higher density cabinets on a per kilowatt basis. The chart below reflects this scale:

Cabinet type	Max KW	New fee	Discount (percent)	Fee per KW
Super High Density	17	$8,000	38.46	$470.59
High Density	10	4,500	35.71	450.00

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Exchange Act Release No. 68624 (Jan. 1, 2013), 78 FR 3945 (Jan. 17, 2013) (notice of publication of SR–NASDAQ–2013–002, a two-month reduction in co-location cabinet fees).

[4] The ''Co-Lo Console'' is NASDAQ's web-based ordering tool, and it is the exclusive means for ordering colocation services.

Cabinet type	Max KW	New fee	Discount (percent)	Fee per KW
Medium High	7	3,500	41.67	500.00
Medium Density	5	2,500	50.00	500.00
Low Density	2.88	2,000	50.00	694.44

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Section 6(b)(4) of the Act,[6] in particular, in that 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. The proposed reduced fee will be assessed equally on all customers that place an order for a new cabinet after the designated period. The proposed amendments will provide an incentive for customers to avail themselves of the designated co-location services.

NASDAQ's proposal to reduce fees by differing amounts is fair and equitable because it reflects the economic efficiency of higher density co-location cabinets. First, the underlying costs for co-location cabinets consists [sic] of certain fixed costs for the data center facility (space, amortization, etc.) and certain variable costs (electrical power utilized and cooling required). The variable costs are in total higher for the higher power density cabinets, as reflected in their higher current prices. Second, the higher density cabinets were introduced later than the lower density cabinets (the High Density cabinet was introduced in 2009 and the Super High Density cabinet was introduced in 2011). Due to the competitive pressures that existed in 2011, Super High Density cabinets were introduced at lower fees per kilowatt. As a result of these already-reduced rates on higher density cabinets, NASDAQ has greater flexibility to discount fees for lower density cabinets, on a per kilowatt basis.

NASDAQ 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. In such an environment, NASDAQ must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. NASDAQ believes that the proposed rule change reflects this competitive environment because it is designed to ensure that the charges for use of the NASDAQ co-location facility remain competitive.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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. To the contrary, the Exchange's voluntary fee reduction is a response to increased competition for co-location services by other exchanges and trading venues. As more venues offer co-location services, competition drives costs lower. The Exchange, in order to retain existing orders and to attract new orders, is forced to offer a lower effective rate for aggregate cabinet demand. This competition benefits users, members and investors by lowering the average aggregate cost of trading on the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) of the Act,[7] NASDAQ has designated this proposal as establishing or changing a due, fee, or other charge imposed by the self-regulatory organization on any person, whether or not the person is a member of the self-regulatory organization, which renders the proposed rule change effective upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2013–088 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–2013–088. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4).

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

information that you wish to make available publicly.

All submissions should refer to File Number SR–NASDAQ–2013–088, and should be submitted on or before July 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–16087 Filed 7–3–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69891; File No. SR–BYX–2013–022]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Provide a Last Sale Data Feed

June 28, 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 June 25, 2013, BATS–Y Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. 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 filed a proposal to make available a new data feed to data recipients.[5] The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 make available an additional Exchange data feed for receipt by Exchange data recipients. The Exchange currently offers all of its various data feeds free of charge, though the Exchange intends to file a proposal shortly to commence charging for certain of such feeds. The data feeds currently offered by the Exchange include: (i) TCP PITCH; (ii) Multicast PITCH; (iii) TOP; (iv) DROP; (v) Historical Data; and (vi) Latency Monitoring (collectively, the ''Data Feeds''). The Exchange provides detailed and up to date technical information regarding each of the Data Feeds currently offered by the Exchange on its public Web site.[6] All orders and executions displayed through the Data Feeds are anonymous and do not contain the identity of the party that submitted the order.

The Exchange is proposing to amend Rule 11.22 in order to begin offering a new feed, the Last Sale Feed, to Members and non-members. The Last Sale Feed will be a direct data feed product that provides real-time, intraday trade information, including price, volume and time of executions. The Last Sale Feed will not include quotation information.

Currently, the Exchange provides real-time last sale information from its market center to the Security Information Processors (''SIPs'') for the national market system plans governing trading in NYSE listed securities (''Tape A securities''), NASDAQ listed securities (''Tape C securities''), and securities listed on exchanges other than NYSE or NASDAQ (''Tape B securities''). The SIPs then consolidate the Exchange's last sale information with similar information from other market centers, and disseminate the consolidated last sale data to market participants, including market data vendors. The Last Sale Feed will include last sale information regarding all Tape A securities, Tape B securities and Tape C securities with respect to activity occurring solely on the Exchange.

Various data recipients may wish to subscribe to and use the Last Sale Feed. For instance, data recipients that provide real-time market information on public Web sites or offer dynamic stock tickers, portfolio trackers, price/time graphs and other visual systems can use the Last Sale Feed in lieu of using the Exchange's existing Data Feeds. Data recipients may prefer the BATS Last Sale Feed because the Exchange's existing Data Feeds contain a significant amount of additional information that the data recipients may not need, which may result in unnecessary technology costs (*e.g.,* development, telecommunications or storage costs). The Exchange notes that similar market-specific last sale data products are offered by other market centers, including an identical data feed offered by the Exchange's affiliate, BATS Exchange, Inc. (''BATS BZX'').[7]

No market participant is required to subscribe to the Last Sale Feed because the same last sale prices are available in the Exchange's other Data Feeds. Market participants can also gain access to BYX last sale prices that are integrated with the prices that other markets make available through the SIPs. Indeed, even though the Last Sale Feed may provide to some participants an efficient alternative to the consolidated price information that investors and broker-dealers can receive on a consolidated basis from the SIPs, the Exchange believes that the information that the Exchange contributes to the consolidated tape and the increasingly lower latency of the data feeds offered by the SIPs will continue to satisfy the needs of the vast majority of individual and professional investors. Although certain data recipients might supplement their data feeds by adding the Last Sale Feed, it is unlikely that data recipients or distributors will replace the consolidated last sale feed provided by the SIPs with the Last Sale Feed. The Exchange represents that it

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] Exchange data recipients include Members of the Exchange as well as non-Members that have entered into an agreement with the Exchange that permits them to receive Exchange data.

[6] *http://www.batstrading.com/support/.*

[7] *See* BATS BZX Rule 11.22(g); NASDAQ Stock Market Rule 7039; NASDAQ OMX BX Rule 7039; *see also* Securities Exchange Act Release No. 61112 (December 4, 2009), 74 FR 65569 (December 10, 2009) (File No. SR–BX–2009–077) (filing of an immediately effective rule related to introduction of a last sale feed by NASDAQ OMX BX).

will not distribute its last sale feed on a more timely basis than it makes available the data that is provided to the SIPs for consolidation and dissemination.

In addition to offering a Last Sale Feed to market participants as described above, the Exchange proposes to eliminate reference to a data feed no longer offered by the Exchange, TCP FAST PITCH. As set forth in Rule 11.22(b), the Exchange discontinued offering TCP FAST PITCH on August 1, 2011.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.[8] Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act,[9] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers. Specifically, the Exchange believes that this proposal is in keeping with those principles by promoting increased transparency and efficiency through the dissemination of BYX data through an additional feed.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the proposed amendment will allow the Exchange to offer a data feed that is similar to data feeds offered by several of the Exchange's competitors. As noted above, although certain data recipients might supplement their data feeds by adding the Last Sale Feed, it is unlikely that data recipients or distributors will replace the consolidated last sale feed provided by the SIPs with the Last Sale Feed.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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[10] and Rule 19b–4(f)(6) thereunder.[11]

The Exchange has requested that the Commission waive the 30-day operative delay so that the Exchange may commence offering the Last Sale Feed at the same time as certain of the Exchange's other Data Feeds, which are already codified in Rule 11.22, and become subject to fees, which the Exchange has currently planned for July 1, 2013, subject to such fees being filed with the Commission. The Exchange noted that a Last Sale Feed is already available for the Exchange's affiliate, BATS Exchange, Inc. (''BATS BZX''), and stated that it believes it will help to avoid confusion and is therefore in the public interest if the Exchange is able to offer the Last Sale Feed on the same terms as of July 1, 2013. The Exchange noted that the receipt and use of the proposed Last Sale Feed is strictly voluntary and that such feed does not contain information not already made available through the Exchange' other Data Feeds. The Commission has determined that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because such waiver will enable BYX to implement the proposed rule change without undue delay in a manner consistent with a proposed rule change previously approved by the Commission.[12] Therefore, the Commission designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BYX–2013–022 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–BYX–2013–022. 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.,

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. BYX has satisfied this requirement.

[12] *See* Securities Exchange Act Release No. 61885 (April 9, 2010), 75 FR 20018 (April 16, 2010) (order approving the offering of BATS BZX's Last Sale Feed).

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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 BYX. 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–BYX–2013–022 and should be submitted on or before July 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–16090 Filed 7–3–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69889; File No. SR–BATS–2013–035]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, To Amend the Competitive Liquidity Provider Program

June 28, 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 June 17, 2013, BATS Exchange, Inc. (''Exchange'' or ''BATS'') 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 Exchange. On June 24, 2013, the Exchange submitted Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1 thereto, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to add an Interpretation and Policy .03 to Rule 11.8 entitled ''Competitive Liquidity Provider Program for Exchange Traded Products'' to incentivize competitive and aggressive quoting by market makers registered with the Exchange (''Market Makers'')[4] in Exchange-listed ETPs.[5] The Exchange is also proposing to make a corresponding amendment to Interpretation and Policy .02 to Rule 11.8, entitled ''Competitive Liquidity Provider Program'' in order to reflect the proposal to remove ETPs listed on the Exchange from the existing Competitive Liquidity Provider Program.

As proposed, the Competitive Liquidity Provider Program for Exchange Traded Products (the ''Program'') set forth in Interpretation and Policy .03 to Rule 11.8 will be effective for a one year pilot period beginning from the date of implementation of the program. During the pilot, the Exchange will periodically provide information to the Commission about market quality with respect to the Program.

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Background

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing and delisting of securities of issuers on the Exchange.[6] More recently, the Exchange received approval to operate a program that is designed to incentivize certain Market Makers registered with the Exchange as Competitive Liquidity Providers to enhance liquidity on the Exchange in all Exchange-listed securities (the ''CLP Program'').[7] The Exchange subsequently adopted financial incentives for the CLP Program[8] and thereafter amended certain components of the CLP Program, including financial incentives and quoting requirements for Competitive Liquidity Providers in the CLP Program.[9]

The purpose of this filing is to propose new Interpretation and Policy .03 to Rule 11.8, which is based substantially on the CLP Program, that seeks to incentivize certain market makers registered with the Exchange as Competitive Liquidity Providers (''CLPs'') to enhance liquidity on the Exchange in certain ETPs listed on the Exchange and thereby qualify to receive part of a daily rebate pursuant to the Program (a ''CLP Rebate''). The Exchange is also proposing to make several related amendments to existing Interpretation and Policy .02 to Rule 11.8 in order to remove ETPs from the CLP Program so that it applies only to corporate issues.

Proposed Interpretation and Policy .03 to Rule 11.8 will be effective for a one year pilot period. The pilot period will commence when the Program is implemented by the Exchange and a CLP Company,[10] on behalf of a CLP

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange made technical corrections and amended the proposed rule text to clarify that any CLP Security listed on the Exchange shall be eligible for the CLP Program for the first six months that it is listed on the Exchange, regardless of the ETP's CADV (as such terms are defined below).

[4] As defined in BATS Rules, the term ''Market Maker'' means a Member that acts as a market maker pursuant to Chapter XI of BATS Rules.

[5] As proposed in Interpretation and Policy .03 (b)(4) to Rule 11.8, the term ''ETP'' includes Portfolio Depository Receipts, Index Fund Shares, Trust Issued Receipts, and Managed Fund Shares, which are defined in Rule 14.11(b), 14.11(c), 14.11(f), and 14.11(i), respectively, which the Exchange may propose to expand in the future as it adds products which may be listed on the Exchange. Any such expansion would require the Exchange to file a proposal with the Commission under Rule 19b–4 of the Act.

[6] *See* Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR–BATS–2011–018).

[7] *See* Securities Exchange Act Release No. 66307 (February 2, 2012), 77 FR 6608 (February 8, 2012) (SR–BATS–2011–051).

[8] *See* Securities Exchange Act Release No. 66427 (February 21, 2012), 77 FR 11608 (February 27, 2012) (SR–BATS–2012–011).

[9] *See* Securities Exchange Act Release Nos. 67854 (September 13, 2012), 77 FR 58198 (September 19, 2012) (SR–BATS–2012–036) and 69190 (March 20, 2013), 78 FR 18384 (March 26, 2013) (SR–BATS–2013–005).

[10] As defined in proposed Interpretation and Policy .03(b)(2) to Rule 11.8, the term ''CLP Company'' means the trust or company housing the ETP or, if the ETP is not a series of a trust or company, then the ETP itself.

Security,[11] and one or more related market makers are accepted into the Program in respect of a security listed pursuant to the Program. The pilot program will, unless extended, end one year after implementation. During the pilot, the Exchange will submit monthly reports to the Commission about market quality with respect to the Program. The monthly reports will endeavor to compare, to the extent practicable, securities before and after they are in the Program, including those securities that ''graduate'' from the Program, and will include information regarding the Program which will enable the Exchange and the Commission to better analyze the effectiveness of the Program, such as: (1) Rule 605 metrics; [12] (2) volume metrics; (3) number of CLPs in target securities; (4) spread size; and (5) availability of shares at the NBBO. The Exchange will endeavor to provide similar data to the Commission about comparable ETPs that are listed on the Exchange that are not in the Program; and any other Program related data requested by the Commission for the purpose of evaluating the efficacy of the Program. The Exchange will post the monthly reports on its Web site. The first report will be submitted within sixty days after the Program becomes operative.

Competitive Liquidity Provider Program for Exchange Traded Products

The Exchange is proposing to adopt a new rule titled ''Competitive Liquidity Provider Program for Exchange Traded Products'' as Interpretation and Policy .03 to Rule 11.8. The Program is designed to promote market quality in CLP Securities [13] by allowing a CLP Company to list an eligible CLP Security on the Exchange and, in addition to paying the standard (non-CLP) listing fee as set forth in the fee schedule, a Sponsor [14] may pay a fee (a ''CLP Fee'') in order for the CLP Company, on behalf of a CLP Security, to participate in the Program, which will be credited to the BATS General Fund. The Exchange will then pay the CLP Rebate out of the BATS General Fund in order to incentivize CLPs in the CLP Security to quote aggressively in the CLP Security by providing a CLP Rebate to one or more CLPs that make a quality market in the CLP Security pursuant to the Program.[15]

The Exchange believes that the Program will be beneficial to the financial markets, to market participants including traders and investors, and to the economy in general. First, the Program will encourage narrow spreads and liquid markets in securities that generally have not been, or may not be, conducive to naturally having such narrow spreads and liquidity. These securities may include less actively traded or less well known ETPs that are made up of securities of less well known or start-up companies as components.[16] Second, in rewarding market makers that are willing to help to develop liquid markets for CLP Securities subject to the Program,[17] the Program would benefit traders and investors by encouraging more quote competition, narrower spreads, and greater liquidity. Third, the Program will lower transaction costs and enhance liquidity in both ETPs and their components, making those securities more attractive to a broader range of investors. In so doing, the Program will help companies access capital to invest and grow.

Securities Eligible for the Program

The Exchange is proposing that any CLP Company, on behalf of a CLP Security, shall be eligible for the Program, as long as: (i) The Exchange has accepted the Program application of the CLP Company with respect to the CLP Security and the Exchange has accepted the Program application of at least one CLP in the CLP Security; (ii) the CLP Security meets all requirements to be listed on the Exchange as an ETP; (iii) the CLP Security meets all Exchange requirements for continued listing at all times the CLP Security participates in the Program; (iv) while the CLP Security is participating in the Program, on a product-specific Web site, the CLP Company is indicating that the product is in the Program and provides a link to the Exchange's Program Web site; and (v) the security has a consolidated average daily volume (''CADV'') of less than 1 million shares for at least one of the past three calendar months, however, any CLP Security listed on the Exchange shall be eligible for the Program for the first six months that it is listed on the Exchange, regardless of the ETP's CADV.[18]

Application

The Exchange is proposing that any entity that wishes to participate in the Program must submit an application in the form prescribed by the Exchange, which includes both CLP Companies on behalf of a CLP Security and CLPs.[19]

CLPs

To become a CLP, a Member must submit a CLP application form with all supporting documentation to the Exchange. As is currently the case for membership applications to join the Exchange and applications to register as market makers on the Exchange, Exchange personnel in the Exchange's membership department will process such applications. Exchange personnel will determine whether an applicant is qualified to become a CLP based on the qualifications described below. After an applicant submits a CLP application to the Exchange, with supporting documentation, the Exchange shall notify the applicant Member of its decision. If an applicant is approved by the Exchange to receive CLP status, such applicant must establish connectivity with relevant Exchange systems before such applicant will be permitted to trade as a CLP on the Exchange. In the event an applicant is disapproved by the Exchange, such applicant may seek review under Chapter X of the Exchange's Rules governing adverse action and/or reapply for CLP status at least three (3) calendar months following the month in which the

[11] As defined in proposed Interpretation and Policy .03(b)(3) to Rule 11.8, the term ''CLP Security'' means an issue of or series of ETP securities issued by a CLP Company that meets all of the requirements to be listed on the Exchange pursuant to Rule 14.11.

[12] 17 CFR 242.605.

[13] The Exchange notes that CLP Securities do not encompass derivatives on such securities.

[14] As defined in proposed Interpretation and Policy .03(b)(5) to Rule 11.8, Sponsor means the registered investment adviser that provides investment management services to a CLP Company or any of such adviser's parents or subsidiaries.

[15] The enhanced market quality (e.g. liquidity) would, as discussed below, be identical to the existing CLP Quoting Requirements in Interpretation and Policy .02(g) to Rule 11.8. These standards include, for example, posting at least five round lots in a CLP Security at the NBB or NBO at the time of a SET in order to have a Winning Bid SET or Winning Offer SET, respectively, as well as requiring that a CLP is quoting at least a round lot at a price at or within 1.2% of the CLP's bid (offer) at the time of the SET in order to have a Winning Bid (Offer) Set. The two CLPs that have the most Winning Bid SETs and the two Eligible CLPs with the most Winning Offer SETs in a given CLP Security will split the CLP Credit on a pro-rata basis. Proposed Interpretation and Policy .03(i) to Rule 11.8.

[16] These small companies and their securities (whether components of listed products like ETPs or direct listings) have been widely recognized as essential to job growth and creation and, by extension, the health of the economy. Being included in a successful ETP can provide the stocks of these companies with enhanced liquidity and exposure, enabling them to attract investors and access capital markets to fund investment and growth.

[17] By imposing quality quoting requirements to enhance the quality of the market for CLP Securities, the Program will directly impact one of the ways that market makers manage risk in lower tier or less liquid securities (e.g. the width of bid and offer pricing).

[18] Proposed Interpretation and Policy .03(d)(1) and (d)(3) to Rule 11.8.

[19] Proposed Interpretation and Policy .03(c)(1) to Rule 11.8.

applicant received the disapproval notice from the Exchange. Chapter X of the Exchange's Rules provides any persons who are or are about to be aggrieved by an adverse action taken by the Exchange with a process to apply for an opportunity to be heard and to have the complained of action reviewed.[20]

To qualify as a CLP, a Member will be required to be a registered Market Maker in good standing with the Exchange consistent with Rules 11.5 through 11.8. Further, the Exchange will require each Member seeking to qualify as a CLP to have and maintain: (1) Adequate technology to support electronic trading through the systems and facilities of the Exchange; (2) one or more unique identifiers that identify to the Exchange CLP trading activity in assigned CLP Securities; [21] (3) adequate trading infrastructure to support CLP trading activity, which includes support staff to maintain operational efficiencies in the Program and adequate administrative staff to manage the Member's participation in the Program; (4) quoting and volume performance that demonstrates an ability to meet the CLP quoting requirement in each assigned CLP Security on a daily and monthly basis; (5) a disciplinary history that is consistent with just and equitable business practices; and (6) the business unit of the Member acting as a CLP must have in place adequate information barriers between the CLP unit and the Member's customer, research and investment banking business.[22] These requirements are identical to those of the existing CLP Program.[23]

Withdrawal and Renewal

The Exchange is proposing that any entity that wishes to withdraw from the Program must provide written notice to the Exchange, however, the requirements for CLPs and CLP Companies on behalf of CLP Securities are different, as further explained below.

CLPs

A CLP may withdraw from the status of a CLP by providing written notice to the Exchange. Such withdrawal shall become effective when those CLP Securities assigned to the withdrawing CLP are reassigned to another CLP. After the Exchange receives the notice of withdrawal from the withdrawing CLP, the Exchange will reassign such CLP Securities as soon as practicable but no later than thirty (30) days after the date said notice is received by the Exchange. In the event the reassignment of CLP Securities takes longer than the 30-day period, the withdrawing CLP will have no obligations under this Interpretation and Policy .03 and will not be held responsible for any matters concerning its previously assigned CLP Securities upon termination of this 30-day period.[24]

CLP Securities

A CLP Company may, on behalf of a CLP Security, after being in the Program for not less than two consecutive quarters, but less than one year, voluntarily withdraw from the Program on a quarterly basis. The CLP Company must notify the Exchange in writing, not less than one month prior to withdrawing from the Program. The Exchange, however, does retain discretion to allow a CLP Company to withdraw from the Program earlier than required above. In making such decision, the Exchange may take into account the volume and price movements in the CLP Security; the liquidity, size quoted, and quality of the market in the CLP Security; and any other relevant factors. After a CLP Security is in the Program for one year or more, the CLP Company may voluntarily withdraw from the Program on a monthly basis, so long as the CLP Company notifies the Exchange in writing not less than one month prior to withdrawing from the Program.[25]

After a CLP Company, on behalf of a CLP Security, is in the Program for one year, the Program and all obligations and requirements of the Program will automatically continue on an annual basis unless: (1) The Exchange terminates the Program by providing not less than one month prior notice of intent to terminate or the pilot Program is not extended or made permanent pursuant to a proposed rule change subject to filing with or approval by the Commission; (2) the CLP Company withdraws from the Program pursuant to the withdrawal rules described above; or (3) the CLP Company is terminated from the Program pursuant to subsection (n) of the proposal.[26]

CLP Company Fees

A CLP Company seeking to participate in the Program shall incur an annual basic CLP Fee of $30,000 per CLP Security. The basic CLP Fee must be paid to the Exchange prospectively on a quarterly basis.[27]

A CLP Company may also incur an annual supplemental CLP Fee per CLP Security. The basic CLP Fee and supplemental CLP Fee, when combined, may not exceed $100,000 per year. The supplemental CLP Fee is a fee selected by a CLP Company on an annual basis, if at all. The supplemental CLP Fee must be paid to the Exchange prospectively on a quarterly basis. The amount of the supplemental CLP Fee, if any, will be determined by the CLP Company initially per CLP Security and will remain the same for the period of a year. The Exchange will provide notification on its Web site regarding the amount, if any, of any supplemental CLP Fee determined by a CLP Company per CLP Security.[28]

The CLP Fee is in addition to the standard (non-CLP) Exchange listing fee applicable to the CLP Security and does not offset such standard listing fee.[29] For a CLP Security housed by a CLP Company that has a Sponsor or Sponsors, the CLP Fee with respect to the CLP Security shall be paid by the Sponsor or Sponsors of such CLP Security. The Exchange will prospectively bill each CLP Company for the quarterly CLP Fee for each CLP Security.[30] CLP Fees (both basic and

[20] Proposed Interpretation and Policy .03(g) to Rule 11.8.

[21] As proposed, a Member may not use such unique identifiers for trading activity at the Exchange in assigned CLP securities that is not CLP trading activity, but may use the same unique identifiers for trading activity in securities not assigned to a CLP. If a Member does not identify to the Exchange the unique identifier to be used for CLP trading activity, the Member will not receive credit for such CLP trading.

[22] Proposed Interpretation and Policy .03(f) to Rule 11.8.

[23] *See* Interpretation and Policy .02(c) and (e) to Rule 11.8.

[24] Proposed Interpretation and Policy .03(h) to Rule 11.8.

[25] Proposed Interpretation and Policy .03(c)(2) to Rule 11.8.

[26] Interpretation and Policy .03(n) to Rule 11.8 states that the Program will terminate with respect to a CLP Security under the following circumstances: (A) A CLP Security sustains a CADV of one million shares or more for three consecutive months, however, any CLP Security listed on the Exchange shall be eligible for the Program for the first six months that it is listed on the Exchange, regardless of the ETP's CADV; (B) A CLP Company, on behalf of a CLP Security, withdraws from the Program, is no longer eligible to be in the Program pursuant to this rule, or its Sponsor ceases to make CLP Fee payments to the Exchange; (C) A CLP Security is delisted or is no longer eligible for the Program; or (D) A CLP Security does not, for two consecutive quarters, have at least one CLP that is eligible for CLP Rebate. It should be noted, however, that termination of a CLP Company, CLP Security, or CLP does not preclude the Exchange from allowing re-entry into the Program where the Exchange deems such re-entry as proper.

[27] Proposed Interpretation and Policy .03(d)(2)(A) to Rule 11.8.

[28] Proposed Interpretation and Policy .03(d)(2)(B) to Rule 11.8.

[29] Proposed Interpretation and Policy .03(d)(2)(C) to Rule 11.8. The CLP Fee with respect to an ETP shall be paid by the Sponsor(s) of such ETP.

[30] Proposed Interpretation and Policy .03(d)(2)(D) to Rule 11.8.

supplemental) will be credited to the BATS General Fund.

CLP Quoting Requirements

CLPs are subject to both a daily quoting requirement in order to be eligible to receive financial incentives and a monthly quoting requirement in order to remain qualified as a CLP. These quoting requirements are identical to the quoting requirements of the Exchange's existing CLP Program.[31] Any CLP that meets the daily quoting requirement set forth below will be eligible to receive a portion of the CLP Rebate for each day's quoting activity. A CLP that does not meet the CLP monthly quoting requirement is subject to the non-regulatory penalties described below.

The Exchange will continue to measure the performance of a CLP in CLP Securities by calculating Size Event Tests (''SETs'') between 9:25 a.m. and 4:05 p.m. on every day on which the Exchange is open for business. The Exchange will measure each CLP's quoted size, excluding odd lots, at the NBB and NBO at least once per second to determine SETs. The CLP with the greatest aggregate size at the NBB at each SET (a ''Bid SET'') will be considered to have a winning Bid SET (a ''Winning Bid SET''). Separately, the CLP with the greatest aggregate size at the NBO at each SET (an ''Offer SET'') will be considered to have a winning Offer SET (a ''Winning Offer SET'').[32]

In order to meet the daily quoting requirement, a CLP must have Winning Bid SETs or Winning Offer SETs equal to at least 10% of the total Bid SETs or total Offer SETs, respectively, on any trading day in order to be eligible for any CLP Rebate (each such CLP, an ''Eligible CLP'') for a CLP Security, as is also required under the existing CLP Program.[33] Eligible CLPs will be ranked according to the number of Winning Bid SETs and Winning Offer SETs each trading day, and only the Eligible CLP or Eligible CLPs ranked number one and the Eligible CLP or Eligible CLPs ranked number two in each of the Winning Bid SETs and Winning Offer SETs will receive the CLP Rebate.[34]

In order to meet the monthly quoting requirements, a CLP must be quoting at the NBB or the NBO 10% of the time that the Exchange calculates SETs.[35]

As is also required under the Exchange's existing CLP Program, a CLP must be quoting, at a minimum, five round lots (usually 500 shares), excluding odd lots, of the CLP Security, at the NBB or NBO, respectively, at the time of a SET in order to have a Winning Bid SET or a Winning Offer SET. Such quoting requirements will be measured by utilizing the unique identifiers that the Member has identified for CLP trading activity.[36] In addition, during Regular Trading Hours[37] a CLP must also be quoting at least a displayed round lot offer, excluding odd lots, at a price at or within 1.2% of the CLP's bid at the time of the SET in order to have a Winning Bid SET.[38] Similarly, during Regular Trading Hours, a CLP must be quoting at least a displayed round lot offer, excluding odd lots, at a price at or within 1.2% of the CLP's offer at the time of the SET in order to have a Winning Offer Set.[39]

For purposes of calculating whether a CLP is in compliance with its CLP quoting requirements, the CLP must post displayed liquidity in round lots in its assigned CLP Securities at the NBB or the NBO.[40] A CLP may post non-displayed liquidity; however, such liquidity will not be counted as credit towards the CLP quoting requirements. The CLP shall not be subject to any minimum or maximum quoting size requirement in assigned CLP Securities apart from the requirement that an order be for at least one round lot. The CLP quoting requirements will be measured by utilizing the unique identifiers that the Member has identified for CLP trading activity. CLPs may only enter orders electronically directly into Exchange systems and facilities designated for this purpose. All CLP orders must only be for the proprietary account of the CLP Member.

CLP Rebate

As described above, pursuant to the Program, the Exchange will measure the performance of CLPs in CLP Securities by calculating SETs between 9:25 a.m. and 4:05 p.m. on every day on which the Exchange is open for business. Each day, one quarter of the total annual CLP Fees (basic and supplemental combined) for the CLP Security divided by the number of trading days in the current quarter will constitute the total CLP Rebate for the CLP Security. For instance, where the total CLP Fees for a CLP Security is $64,000 and there are 64 trading days in the current quarter, the total CLP Rebate for the CLP Security would be $250 [($64,000/4)/64].[41]

Accordingly, the two Eligible CLPs with the most Winning Bid SETs will split half of the daily CLP Rebate for the CLP Security on a pro rata basis and the two Eligible CLPs with the most Winning Offer SETs will split half of the daily CLP Rebate for the CLP Security on a pro rata basis.[42] Specifically, the Exchange is proposing to determine the portion of the CLP Rebate that a CLP receives based on the number of each CLP's Winning Bid (Offer) SETs as a percentage of total Winning Bid (Offer) SETs between the two CLPs with the most Winning Bid (Offer) SETs. For instance, where CLP1 has 6,000 Winning Bid (Offer) SETs, CLP2 has 4,000 Winning Bid (Offer) SETS, and CLP3 has 3,000 Winning Bid (Offer) SETs, CLP1 would be allocated 60% of half of the daily CLP Rebate [6,000/(6000+4000)] and CLP2 would be allocated 40% of the half of the daily CLP Rebate [4,000/(6,000+4,000)]. Using the example above, CLP1 would receive $75 [($250/2)×.6)] and CLP2 would receive $50 [($250/2)×.4]. In the event that there is only one Eligible CLP for the bid (offer) portion of the CLP Rebate for a CLP Security, such Eligible CLP will receive 100% of the bid (offer) half of the CLP Rebate. In the event that multiple CLPs have an equal number of winning SETs, the CLP with the highest executed volume in the CLP Security will be awarded the applicable portion of the CLP Rebate. Where no CLPs are eligible for the bid or offer portion of the CLP Rebate, no CLP Rebate will be awarded to any CLP and no refund will be provided.[43]

Assignment of CLP Securities

The Exchange, in its discretion, will assign to the CLP one or more CLP Securities for CLP trading purposes. The Exchange shall determine the number of CLP Securities assigned to each CLP. The Exchange, in its discretion, will assign one (1) or more CLPs to each CLP Security subject to the Program,

[31] *See* Interpretation and Policy .02(g) to Rule 11.8.

[32] Proposed Interpretation and Policy .03(i)(1) to Rule 11.8.

[33] *See* Interpretation and Policy .02(g)(1)(A) to Rule 11.8.

[34] Proposed Interpretation and Policy .03(i)(1)(A) to Rule 11.8.

[35] Proposed Interpretation and Policy .03 (i)(1)(B) to Rule 11.8.

[36] Proposed Interpretation and Policy .03(i)(4) to Rule 11.8.

[37] As defined in BATS Rule 1.5(w), the term ''Regular Trading Hours'' means the time between 9:30 a.m. and 4:00 p.m. Eastern Time.

[38] Proposed Interpretation and Policy .03(i)(5) to Rule 11.8.

[39] *Id.*

[40] Proposed Interpretation and Policy .03(i)(2) to Rule 11.8.

[41] Proposed Interpretation and Policy .03(m)(1) to Rule 11.8.

[42] *Id.*

[43] *Id.*

depending upon the trading activity of the CLP Security.[44]

Non-Regulatory Penalties

If a CLP fails to meet the CLP quoting requirements, the Exchange may impose certain non-regulatory penalties. First, if, between 9:25 a.m. and 4:05 p.m. on any day on which the Exchange is open for business, a CLP fails to meet its daily quoting requirement by failing to have at least 10% of the winning SETs for that trading day, the CLP will not be eligible to receive the CLP Rebate for that day's quoting activity in that particular assigned CLP Security. Second, if a CLP fails to meet its monthly quoting requirement for three (3) consecutive months in any assigned CLP Security, the CLP will be at risk of losing its CLP status. Thus, the Exchange may, in its discretion, take the following non-regulatory actions: (i) revoke the assignment of the affected CLP Security(ies) and/or one or more additional unaffected CLP Securities; or (ii) disqualify a Member's status as a CLP.[45]

The Exchange shall determine if and when a Member is disqualified from its status as a CLP. One (1) calendar month prior to any such determination, the Exchange will notify the CLP of such impending disqualification in writing. If the CLP fails to meet the monthly quoting requirements as described above for a third consecutive month in a particular CLP Security, the CLP may be disqualified from CLP status. When disqualification determinations are made, the Exchange will provide a disqualification notice to the Member informing such Member that it has been disqualified as a CLP.[46] In the event a Member is disqualified from its status as a CLP, such Member may re-apply for CLP status. Such application process shall occur at least three (3) calendar months following the month in which such Member received its disapproval or disqualification notice. Further, in the event a Member is determined to be ineligible for the CLP Rebate for failure to meet its daily quoting obligation or is disqualified from its status as a CLP, such Member may seek review under Chapter X of the Exchange's Rules governing adverse action.[47] As noted above, Chapter X of the Exchange's Rules provides any persons who are or are about to be aggrieved by an adverse action taken by the Exchange with a process to apply for an opportunity to be heard and to have the complained of action reviewed.

Web Site Disclosures

In order to provide transparency into the Program, including CLPs, CLP Companies, and the CLP Securities that are listed on the Exchange, the Exchange proposes to provide notification on its Web site regarding the following: (i) acceptance of a CLP Company, on behalf of a CLP Security, and a CLP into the Program; (ii) the total number of CLP Securities that any one CLP Company may have in the Program; (iii) the names of CLP Securities and the CLP(s) in each CLP Security, the dates that a CLP Company, on behalf of a CLP Security, commences participation in and withdraws or is terminated from the Program, and the name of each CLP Company and its associated CLP Security or Securities; (iv) a statement about the Program that sets forth a general description of the Program as implemented on a pilot basis and a fair and balanced summation of the potentially positive aspects of the Program as well as the potentially negative aspects and risks of the Program, and indicates how interested parties can get additional information about products in the Program; and (v) the intent of a CLP Company, on behalf of a CLP Security, or CLP to withdraw from the Program, and the date of actual withdrawal or termination from the Program.[48]

In addition, a CLP Company that, on behalf of a CLP Security, is approved to participate in the Program shall issue a press release to the public when the CLP Company, on behalf of a CLP Security, commences or ceases participation in the Program. The press release shall be in a form and manner prescribed by the Exchange, and, if practicable, shall be issued at least two days before commencing or ceasing participation in the Program. The CLP Company shall dedicate space on its Web site, or, if it does not have a Web site, on the Web site of the Sponsor of the CLP Security, that (i) includes any such press releases, and (ii) provides a hyperlink to the dedicated page on the Exchange's Web site that describes the Program.

Consistency With Regulation M

Rule 102 of Regulation M prohibits an issuer from directly or indirectly attempting ''to induce any person to bid for or purchase, a covered security during the applicable restricted period'' unless an exemption is available.[49] For the reasons discussed below, the Exchange believes that exemptive relief from Rule 102 should be granted for the Program.

First, the Exchange notes that the Commission and its staff have previously granted relief from Rule 102 to a number of exchange traded products (''Existing Relief'') in order to permit the ordinary operation of such exchange traded products.[50] In granting the Existing Relief, the Commission has relied in part on the exclusion from the provisions of Rule 102 provided by paragraph (d)(4) of Rule 102 for securities issued by an open-end management investment company or unit investment trust. In granting the Existing Relief from Rule 102 to other types of exchange traded products, for which the (d)(4) exception is not available, the staff has relied on (i) representations that the fund in question would continuously redeem exchange traded product shares in basket-size aggregations at their NAV and that there should be little disparity between the market price of an exchange traded product share and the NAV per share and (ii) a finding that ''[t]he creation, redemption, and secondary market transactions in [shares] do not appear to result in the abuses that Rules 101 and 102 of Regulation M were designed to prevent.'' [51] The crux of the Commission's findings in granting the Existing Relief rests on the premise that the prices of exchange traded product shares closely track their per-share NAVs. Given that the Program neither alters the derivative pricing nature of ETPs nor impacts the arbitrage opportunities inherent therein, the conclusion on which the Existing Relief is based remains unaffected by the Incentive Program. In this regard, most ETPs that would be eligible to participate in the Program would have previously been granted relief from Rule 102.

Second, the Program requires, among other things, that a CLP make two-sided quotes during Regular Trading Hours in

[44] Proposed Interpretation and Policy .03 (j)(1) to Rule 11.8.

[45] Proposed Interpretation and Policy .03 (l)(1) to Rule 11.8.

[46] Proposed Interpretation and Policy .03(l)(2) to Rule 11.8.

[47] Proposed Interpretation and Policy .03(l)(3) to Rule 11.8.

[48] Proposed Interpretation and Policy .03(o) to Rule 11.8.

[49] Rule 102 provides that ''[i]n connection with a distribution of securities effected by or on behalf of an issuer or selling security holder, it shall be unlawful for such person, or any affiliated purchaser of such person, directly or indirectly, to bid for, purchase, or attempt to induce any person to bid for or purchase, a covered security during the applicable restricted period'' unless an exception is available. *See* 17 CFR 242.102.

[50] *See, e.g.,* Letter from James A. Brigagliano, Acting Associate Director, Division of Market Regulation, to Stuart M. Strauss, Esq., Clifford Chance US LLP (October 24, 2006) (regarding class relief for exchange traded index funds).

[51] *See* Rydex Specialized Products LLC, SEC No-Action Letter (June 21, 2006).

order to have a winning set. The Program is not intended to raise ETP prices, but rather to improve market quality. In light of the derivative nature of ETPs, the Exchange does not expect that CLPs will quote outside of the normal quoting ranges for these products as a result of the CLP Rebate, but rather would quote within their normal ranges as determined by market factors. Indeed, the Program would not create any incentive for a CLP to quote outside such ranges.

Finally, the staff of the Exchange, which is a self-regulatory organization, would be interposed between the issuer and the CLP, administering a rules-based program with numerous structural safeguards described in the previous sections. Specifically, both CLPs and CLP Companies would be required to apply to participate in the Program and to meet certain standards. CLP Companies could not cause any fee to be paid to a CLP under the Program. The Exchange would collect the CLP Fees and credit them to the Exchange's General Fund. A CLP would be eligible to receive a CLP Rebate, again, from the Exchange's General Fund, only after it qualified for the CLP Rebate, as described above. Such qualification standards are set and monitored by the Exchange. Application to, continuation in, and withdrawal from the Program would be governed by published Exchange rules and policies, and there would be extensive public notice regarding the Program and payments thereunder on both the Exchange's and the CLP Company's Web sites. Given these structural safeguards, the Exchange believes that payments under the Program are appropriate for exemptive relief from Rule 102.

In summary, the Exchange believes that exemptive relief from Rule 102 should be granted for the Program because, for example: (1) The Program would not create any incentive for a CLP to quote outside of the normal quoting ranges for the ETPs included therein; (2) the Program has numerous structural safeguards, such as the application process for CLP Companies and CLPs, the interpositioning of the Exchange between CLP Companies and CLPs, and significant public disclosure surrounding the Program; and (3) the Program does not alter the basis on which Existing Relief is based and, furthermore, most ETPs that would be eligible to participate in the Program would have previously been granted relief from Rule 102.[52]

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of all securities trading on the Exchange, including ETPs participating in the Program, during all trading sessions, and to detect and deter violations of Exchange rules and applicable federal securities laws. The Exchange may obtain information via the Intermarket Surveillance Group (''ISG'') from other exchanges who are members or affiliates of the ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement,[53] and from listed CLP Companies and public and non-public data sources such as, for example, Bloomberg.

Changes to Interpretation and Policy .02 to Rule 11.8

The Exchange is also proposing to make certain changes to Interpretation and Policy .02 to Rule 11.8 that correspond with the addition of Interpretation and Policy .03. These changes are designed to remove any part of the CLP Program described in Interpretation and Policy .02 that relates directly to ETPs and to make clear that ETPs are not covered by Interpretation and Policy .02 to Rule 11.8. Specifically, the Exchange is proposing to: (i) Change the title from ''Competitive Liquidity Provider Program'' to ''Competitive Liquidity Provider Program for Corporate Issues''; (ii) delete section (d)(2) in order to make clear that ETPs are not eligible for the CLP Program; (iii) delete the last two sentences of section (h)(2) that relate specifically to the assignment of CLPs to ETPs participating in the CLP Program; and (iv) delete text in section (k)(1) related to financial incentives for ETPs.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[54] In particular, the proposal is consistent with Section 6(b)(4) and 6(b)(5) of the Act,[55] because it would provide 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, and it is designed to promote just and equitable principles of trade, 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.

The goal of the Program is to incentivize Members to make high-quality, liquid markets, which supports the primary goal of the Act to promote the development of a resilient and efficient national market system. The Program will enhance quote competition, improve liquidity on the Exchange, support the quality of price discovery, promote market transparency, and increase competition for listings and trade executions, while reducing spreads and transaction costs. Maintaining and increasing liquidity in Exchange-listed securities will help raise investors' confidence in the fairness of the market and their transactions.

Each aspect of the Program adheres to and supports the Act. First, the Program promotes the equitable allocation of fees and dues among issuers. The Program is completely voluntary in that it will provide an additional means by which issuers may relate to the Exchange, while not eliminating the ability to list ETPs without participation in the Program. Issuers can supplement the standard listing fees with those of the Program, which the Exchange believes to be consistent with the Act. While the Program will result in higher fees for issuers that choose to participate, the issuers receive significant benefits for participating, including greater liquidity, tighter spreads, and lower transaction costs for their investors. Additionally, issuers will have the ability to withdraw from the Program after an initial commitment if they determine that participation is not beneficial. In that case, the withdrawing issuers will automatically revert to the basic listing fee for ETPs.

The Program also represents an equitable allocation of fees and dues among Market Makers. Again, the Program is completely voluntary with respect to Market Maker participation in that it will provide an additional means

[52] The Exchange notes that the Commission granted a limited exemption from Rule 102 of Regulation M to The NASDAQ Stock Market LLC (''Nasdaq'') for a program similar to the Exchange's proposed Program. *See* Securities Exchange Act Release No. 69196 (March 20, 2013), 78 FR 18410 (March 26, 2013) (Order Granting a Limited Exemption From Rule 102 of Regulation M Concerning the NASDAQ Market Quality Program Pilot Pursuant to Regulation M Rule 102(A)) (the ''Nasdaq Exemption''). The Nasdaq Exemption includes certain conditions related to, among other things, notices to the public and disclosures with respect to Nasdaq's program. The Exchange notes that if the Commission were to provide exemptive relief from Rule 102 of Regulation M for the Program, it may include similar conditions.

[53] For a list of the current members and affiliate member of ISG, *see www.isgportal.com.*

[54] 15 U.S.C. 78f(b).

[55] 15 U.S.C. 78f(b)(4) and (5).

by which members may qualify for a CLP Rebate in a manner nearly identical to the existing CLP Program, without eliminating any of the existing means of qualifying for incentives on the Exchange. Currently, the Exchange employs multiple fee arrangements, including the CLP Program, to incentivize Market Makers to maintain high quality markets or to improve the quality of executions. Market Makers that choose to undertake increased burdens under the Program will be rewarded with increased rebates, while those that do not undertake such burdens will receive no added benefit. Where a CLP determines that the burdens imposed by the Program outweigh the benefits provided, the CLP may provide the Exchange with notice of withdrawal and will be withdrawn from the program in no longer than thirty days.

Additionally, the Program establishes an equitable allocation of CLP Rebates among Market Makers that choose to participate and fulfill the obligations imposed by the rule. If one Market Maker fulfills the bid (offer) obligations, bid (offer) portion of the CLP Rebate will be distributed to that CLP; if multiple CLPs satisfy the standard, the CLP Rebate will be distributed pro rata to the two CLPs with the most Winning Bid (Offer) SETs, as described above. In other words, all of the benefit of the CLP Rebate will flow to the highest-performing Market Makers, provided that at least one Market Maker fulfills the obligations under the proposed rule.

The Program is designed to avoid unfair discrimination among Market Makers and issuers. The proposed rule contains objective, measurable standards that the Exchange will apply with care. These standards will be applied equally to ensure that similarly situated parties are treated similarly. This is equally true for inclusion of issuers and Market Makers, withdrawal of issuers and Market Makers, and termination of eligibility for the Program. The standards are carefully constructed to protect the rights of all parties wishing to participate in the Program by providing notice of requirements and a description of the process. The Exchange will apply these standards with the same care and experience with which it applies the many similar rules and standards in the Exchange's rules.

In contrast to the extensive benefits of the Program, the participation of a CLP Company in the Program is substantially limited, by design. In this regard, a CLP Company is limited to making only the following determinations regarding the Program: Whether to participate in the Program; what CLP Security should be in the Program; what firms will participate in developing and funding the CLP Security; when the CLP Security should exit the Program; and the level of Supplemental Fees, if any, that should be applied. The CLP can never influence how, when, or the specific amount that a CLP receives as credit for making a market in a CLP Security. These functions are performed solely by the Exchange according to standards set forth in the Program.

The Exchange 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, or rebate opportunities available at other venues to be more favorable. Accordingly, the listing fees and rebates are constrained by the active competition for listings in ETPs and for market making. If a particular exchange charges excessive fees for listing, ETPs will choose to list elsewhere. Similarly, if an exchange fails to incent market makers to provide sufficient liquidity, participants will likely shift their order flow to other venues. Accordingly, the exchange charging excessive listing fees or providing insufficient rebates for market maker would likely not accomplish the goals of the Program. As such, the Exchange believes that this competitive dynamic imposes powerful restraints on the ability of any exchange to charge unreasonable fees for listing or provide insufficient rebates for market making activity.

The Exchange also notes that the Program, as proposed, is substantially similar to the existing functionality provided under the CLP Program. The Exchange believes that the CLP Program has been very beneficial to market participants, including investors, issuers, and Market Makers, by providing increased market quality in the form of tighter spreads and deeper liquidity. The Exchange believes that the proposed Program will enjoy similarly positive results to the benefit of issuers, investors in CLP Securities, and the financial markets as a whole.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Exchange 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. To the contrary, the Exchange believes that the proposal will increase competition in both the listings market and in competition for market makers. The Program will promote competition in the listings market by providing issuers with a vehicle for paying the Exchange additional fees in exchange for incentivizing tighter spreads and deeper liquidity in listed securities. While the Program closely resembles the existing CLP Program, the proposed modifications are a response to the competition from other markets that either have or are developing similar programs, including Nasdaq[56] and NYSE Arca Equities, Inc.[57]

The Exchange also believes that the proposed changes will enhance competition among participants by creating incentives for market makers to compete to make better quality markets. By requiring both that market makers meet the quoting requirements and also to compete for the CLP Rebate, the quality of quotes on the Exchange will improve. This, in turn, will attract more liquidity to the Exchange and further improve the quality of trading in CLP Securities, which will also act to bolster the Exchange's listing business. As mentioned above, this proposal is in response to similar programs at or in development at other markets.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written 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 (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal, as modified by Amendment No. 1 thereto, is consistent with the Act. Comments

[56] *See* Securities Exchange Act Release No. 69195 (March 20, 2013), 78 FR 18393 (March 26, 2013) (SR–NASDAQ–2012–137).

[57] *See* Securities Exchange Act Release No. 69335 (April 5, 2013), SR–NYSEARCA–2013–34 (March 21, 2013).

may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–BATS–2013–035 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–BATS–2013–035. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2013–035 and should be submitted on or before July 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[58]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–16089 Filed 7–3–13; 8:45 am]

BILLING CODE 8011–01–P

[58] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69890; File No. SR–NSCC–2013–05]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change To Require That All Locked-In Trade Data Submitted to It for Trade Recording Be Submitted in Real-time

June 28, 2013.

I. Introduction

On April 30, 2013, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–NSCC–2013–05 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder.[2] On May 14, 2013, NSCC filed with the Commission Amendment No. 1 to the proposed rule change.[3] The proposed rule change was published for comment in the **Federal Register** on May 20, 2013.[4] The Commission received one comment letter to the proposed rule change.[5] For the reasons discussed below, the Commission is granting approval of the proposed rule change.

II. Description

NSCC filed the proposed rule change to require that all locked-in trade data submitted to NSCC for trade recording be submitted in real-time,[6] and to prohibit pre-netting [7] and other practices that prevent real-time trade submission, as discussed below.

Proposal Overview

According to NSCC, the majority of all transactions processed at NSCC are submitted on a locked-in basis by self-regulatory organizations (''SRO'') (including national and regional exchanges and marketplaces), and Qualified Special Representatives (''QSR'').[8] Currently, NSCC data reveals that almost all exchanges [9] and some QSRs submit trades executed on their respective markets in real-time, representing approximately 91% of the locked-in trades submitted to NSCC today. The rule change will require that all locked-in trades submitted for trade recording by SROs and QSRs be submitted to NSCC in real-time.[10]

NSCC will also prohibit Pre-netting practices that preclude real-time trade submission. NSCC states that typically, Pre-netting is done on a bilateral basis between a QSR and its customer, both NSCC Members. According to NSCC, Pre-netting practices disrupt NSCC's ability to accurately monitor market and credit risks as they evolve during the trading day. Therefore, NSCC will prohibit Pre-netting activity on the part of entities submitting original trade data on a locked-in basis.[11] The rules of NSCC's affiliate Fixed Income Clearing Corporation (''FICC'') currently prohibit such activity, and this rule change will align NSCC's trade submission rules with those of FICC.[12]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, NSCC corrected a typographical error in the text of its Rules & Procedures (''Rules'') related to the proposed rule change.

[4] Release No. 34–69571 (May 14, 2013), 78 FR 29408 (May 20, 2013).

[5] Comment letter from Kermit Kubitz dated June 10, 2013, *http://www.sec.gov/comments/sr-nscc-2013-05/nscc201305.shtml*. The commenter supports the proposed rule change's requirement ''to submit trades without any pre-processing . . .'' and believes that, ''any cost associated with submitting higher volumes of data from limiting pre-netting is small compared to the risks and costs of inaccurate data which might result from submission of other than accurate trade data.''

[6] The term ''real-time,'' when used with respect to trade submission, will be defined in Procedure XIII (Definitions) of NSCC's Rules as the submission of such data on a trade-by-trade basis promptly after trade execution, in any format and by any communication method acceptable to NSCC.

[7] According to NSCC, any pre-netting practices include: (i) ''summarization'' (i.e., a technique in which the clearing broker nets all trades in a single CUSIP by the same correspondent broker into fewer submitted trades); (ii) ''compression'' (i.e., a technique to combine submissions of data for multiple trades to the point where the identity of the party actually responsible for the trades is masked); (iii) netting; and (iv) any other practice that combines two or more trades prior to their submission to NSCC (collectively, ''Pre-netting'').

[8] QSRs are NSCC members (''Members'') that either (i) operate an automated execution system where they are always the contra side of every trade, (ii) are the parent or affiliate of an entity operating such an automated system, where they are the contra side of every trade, or (iii) clear for a broker-dealer that operates such a system and the subscribers to the system acknowledge the clearing Member's role in the clearance and settlement of these trades.

[9] One executing market with very low trade volume does not yet submit trades in real-time.

[10] Files submitted to NSCC by The Options Clearing Corporation (''OCC'') relating to option exercises and assignments (Procedure III, Section D—Settlement of Option Exercises and Assignments) will not be required to be submitted in real-time. OCC's process of assigning option assignments is and will continue to be an end-of-day process.

[11] Trades executed in the normal course of business between a Member that clears for other broker-dealers, and its correspondent, or between correspondents of the Member, which correspondent(s) is not itself a Member and settles such obligations through such clearing Member (i.e., ''internalized trades'') are not required to be submitted to NSCC and shall not be considered to violate the Pre-netting prohibition.

[12] *See, e.g.,* GSD Rule 11 (Netting System), Section 3 (''All trade data required to be submitted to the Corporation under this Section must be submitted on a trade-by-trade basis with the

Further, NSCC does not expect the rule changes to impact trade volumes significantly. According to NSCC, the majority of trades are currently being submitted to NSCC in real-time on a trade-by-trade basis, and NSCC is operationally capable of managing trade volumes that are multiple times larger than the historical peak volumes.

In the wake of recent industry disruptions, industry participants have been focused on developing controls to address the risks that arise from technology issues. A comment letter submitted to the Commission in advance of its Technology and Trading Roundtable, held in October 2012, and signed by a number of industry participants including SROs, broker-dealers, and buy-side firms, supported this rule change as a crucial component of the industry controls that could increase market transparency and ultimately mitigate risks associated with high-frequency trading and related technology.[13]

Implementation Timeframe

NSCC will advise Members of the implementation date of the rule change through issuance of an NSCC Important Notice. The rule change will not be implemented earlier than seven (7) months from the date of Commission approval.

III. Discussion

Section 19(b)(2)(C) of the Act[14] 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 rules and regulations thereunder applicable to such organization. Section 17A(b)(3)(F) of the Act[15] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission finds that the rule change is consistent with these requirements because the receipt of locked-in trade data on a real-time basis should permit NSCC's risk management processes to monitor trades closer to trade execution on an intra-day basis and identify and manage any issues relating to excessive risk exposure earlier on a closer to real-time basis, thereby potentially minimizing a source of operational risk and facilitating the prompt and accurate clearance and settlement of securities transactions.

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[16] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17] that the proposed rule change (File No. SR–NSCC–2013–05) be, and hereby is, approved.[18]

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–16088 Filed 7–3–13; 8:45 am]

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original terms of the trades unaltered. A Member or any of its Affiliates may not engage in the Pre-Netting of Trades prior to their submission to the Corporation in contravention of this section. In addition, a Member or any of its Affiliates may not engage in any practice designed to contravene the prohibition against the Pre-Netting of Trades.''), *http://dtcc.com/legal/rules_proc/FICC-Government_Security_Division_Rulebook.pdf. See also* Order Granting Approval of a Proposed Rule Change Relating to Trade Submission Requirements and Pre-Netting, Release No. 34–51908 (June 22, 2005), 70 FR 37450 (June 29, 2005).

[13] *See* Market Technology Roundtable Comment Letter dated Sept. 28, 2012, available at *http://www.sec.gov/comments/4-652/4652-17.pdf.*

[14] 15 U.S.C. 78s(b)(2)(C).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 15 U.S.C. 78q–1.

[17] 15 U.S.C. 78s(b)(2).

[18] In approving the proposed rule change, the Commission considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–69893; File No. SR–CBOE–2013–067]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to Trades for Less Than $1

June 28, 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 June 28, 2013, the Chicago Board Options Exchange, Incorporated (''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 Exchange has designated the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to extend its program that allows transactions to take place at a price that is below $1 per option contract through January 5, 2014. The text of the proposed rule change is available on the Exchange's Web site (*www.cboe.org/Legal*), at the Exchange's Office of the Secretary and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

An ''accommodation'' or ''cabinet'' trade refers to trades in listed options on the Exchange that are worthless or not actively traded. Cabinet trading is generally conducted in accordance with the Exchange Rules, except as provided in Exchange Rule 6.54, *Accommodation Liquidations (Cabinet Trades),* which sets forth specific procedures for engaging in cabinet trades. Rule 6.54 currently provides for cabinet transactions to occur via open outcry at a cabinet price of $1 per option contract in any options series open for trading in the Exchange, except that the Rule is not applicable to trading in option classes participating in the Penny Pilot Program. Under the procedures, bids and offers (whether opening or closing a position) at a price of $1 per option contract may be represented in the trading crowd by a Floor Broker or by a Market-Maker or provided in response

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

to a request by a PAR Official/OBO, a Floor Broker or a Market-Maker, but must yield priority to all resting orders in the PAR Official/OBO cabinet book (which resting cabinet book orders may be closing only). So long as both the buyer and the seller yield to orders resting in the cabinet book, opening cabinet bids can trade with opening cabinet offers at $1 per option contract.

The Exchange has temporarily amended the procedures through June 28, 2013 to allow transactions to take place in open outcry at a price of at least $0 but less than $1 per option contract.[5] These lower priced transactions are traded pursuant to the same procedures applicable to $1 cabinet trades, except that (i) bids and offers for opening transactions are only permitted to accommodate closing transactions in order to limit use of the procedure to liquidations of existing positions, and (ii) the procedures are also available for trading in option classes participating in the Penny Pilot Program.[6] The Exchange believes that allowing a price of at least $0 but less than $1 better accommodates the closing of options positions in series that are worthless or not actively traded, particularly due to market conditions which may result in a significant number of series being out-of-the-money. For example, a market participant might have a long position in a call series with a strike price of $100 and the underlying stock might now be trading at $30. In such an instance, there might not otherwise be a market for that person to close-out the position even at the $1 cabinet price (*e.g.,* the series might be quoted no bid).[7]

The purpose of the instant rule change is to extend the operation of these temporary procedures through January 5, 2014, so that the procedures can continue without interruption while CBOE considers whether to seek permanent approval of the temporary procedures.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Act[8] and the rules and regulations thereunder and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, to remove impediments to and to perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange believes that allowing for liquidations at a price less than $1 per option contract better facilitates the closing of options positions that are worthless or not actively trading. Further, the Exchange believes the proposal is consistent with the Act because the proposed extension is of appropriate length to allow the Exchange and the Commission to continue to assess the impact of the Exchange's authority to allow transactions to take place in open outcry at a price of at least $0 but less than $1 per option in accordance with its attendant obligations and conditions, including the process for submitting such transactions to OCC for clearing.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes that allowing for liquidations at a price less than $1 per option contract better facilitates the closing of options positions that are worthless or not actively trading. The Exchange believes this promotes fair and orderly markets, as well as assists the Exchange in its ability to effectively attract order flow and liquidity to its market, and ultimately benefits all CBOE TPHs and all investors.

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the proposed rule change does not make any changes to Exchange rules, but simply extends an existing temporary program. Further, the program is available to all market participants through CBOE TPHs. The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, again, the proposed rule change does not make any changes to Exchange rules, but simply extends an existing temporary program. Moreover, to the extent that the program makes CBOE a more attractive marketplace, as noted above, the program is available to all market participants through CBOE TPHs.

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 proposal.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule 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 if consistent with the protection of investors and the

[5] *See* Securities Exchange Act Release Nos. 59188 (December 30, 2008), 74 FR 480 (January 6, 2009) (SR–CBOE–2008–133) (adopting the amended procedures on a temporary basis through January 30, 2009), 59331 (January 30, 2009), 74 FR 6333 (February 6, 2009) (extending the amended procedures on a temporary basis through May 29, 2009), 60020 (June 1, 2009), 74 FR 27220 (June 8, 2009) (SR–CBOE–2009–034) (extending the amended procedures on a temporary basis through June 1, 2010), 62192 (May 28, 2010), 75 FR 31828 (June 4, 2010) (SR–CBOE–2010–052) (extending the amended procedures on a temporary basis through June 1, 2011); 64403 (May 4, 2011), 76 FR 27110 (May 10, 2011) (SR–CBOE–2011–048) (extending the amended procedures on a temporary basis through December 30, 2011); 65872 (December 2, 2011), 76 FR 76788 (December 8, 2011) (SR–CBOE–2011–113) (extending the amended procedures on a temporary basis through June 29, 2012) and 67144 (June 6, 2012), 77 FR 35095 (June 12, 2012) (SR–CBOE–2012–053) (extending the amended procedures on a temporary basis through June 28, 2013).

[6] Currently the $1 cabinet trading procedures are limited to options classes traded in $0.05 or $0.10 standard increment. The $1 cabinet trading procedures are not available in Penny Pilot Program classes because in those classes an option series can trade in a standard increment as low as $0.01 per share (or $1.00 per option contract with a 100 share multiplier). Because the temporary procedures allow trading below $0.01 per share (or $1.00 per option contract with a 100 share multiplier), the procedures are available for all classes, including those classes participating in the Penny Pilot Program.

[7] As with other accommodation liquidations under Rule 6.54, transactions that occur for less than $1 are not be disseminated to the public on the consolidated tape. In addition, as with other accommodation liquidations under Rule 6.54, the transactions are exempt from the Consolidated Options Audit Trail (''COATS'') requirements of Exchange Rule 6.24, *Required Order Information.* However, the Exchange maintains quotation, order and transaction information for the transactions in the same format as the COATS data is maintained. In this regard, all transactions for less than $1 must be reported to the Exchange following the close of each business day. The rule also provides that transactions for less than $1 will be reported for clearing utilizing forms, formats and procedures established by the Exchange from time to time. In this regard, the Exchange initially intends to have clearing firms directly report the transactions to The Options Clearing Corporation (''OCC'') using OCC's position adjustment/transfer procedures. This manner of reporting transactions for clearing is similar to the procedure that CBOE currently employs for on-floor position transfer packages executed pursuant to Exchange Rule 6.49A, *Transfer of Positions.*

[8] 15 U.S.C. 78s(b)(1).

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

public interest, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[11] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6)[14] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[15] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the pilot program can continue without interruption. The Commission notes that the proposed rule change does not present any new, unique or substantive issues, but rather is merely extending an existing pilot program and that waiver of the 30-day operative delay will prevent confusion about whether the pilot program continues to be available. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest and designates the proposed rule change as operative effective June 28, 2013.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2013–067 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–2013–067. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. 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–2013–067 and should be submitted on or before July 26, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–16091 Filed 7–3–13; 8:45 am]

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[11] The Exchange has satisfied this requirement.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6).

[15] 17 CFR 240.19b–4(f)(6)(iii).

[16] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

GDT Tek, Inc., Gemini Explorations, Inc., Genetic Vectors, Inc., and Global Gate Property Corp.; Order of Suspension of Trading

July 2, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of GDT Tek, Inc. because it has not filed any periodic reports since the period ended June 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Gemini Explorations, Inc. because it has not filed any periodic reports since the period ended July 31, 2009.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Genetic Vectors, Inc. because it has not filed any periodic reports since the period ended September 30, 2000.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Global Gate Property Corp. because it has not filed any periodic reports since the period ended March 31, 2011.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EDT on July 2, 2013, through 11:59 p.m. EDT on July 16, 2013.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2013–16272 Filed 7–2–13; 4:15 pm]

BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2013–0019]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA)—Match Number 1014

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program that will expire on September 10, 2013.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting internally.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA

A. Participating Agency

SSA

B. Purpose of the Matching Program

This computer matching agreement establishes the terms, conditions, and safeguards under which we will compare the Federal Personnel/Payroll System records of current Social Security employees with the records of Disability Income (DI) and Supplemental Security Income (SSI) beneficiaries and recipients through a periodic computerized comparison of records. We will use this information to verify the employees' self-certification statements of income in order to ensure against DI and SSI overpayments.

C. Authority for Conducting the Matching Program

The legal authority for this agreement is as follows:

1. Section 1631(f) of the Social Security Act (Act) (42 U.S.C. 1383(f)) provides that ''[t]he head of any Federal agency shall provide such information as the Commissioner of Social Security needs for the purposes of determining eligibility for or amount of benefits, or verifying information with respect thereto.''

2. Section 1631(e)(1)(B)(i) of the Act (42 U.S.C. 1383(e)(1)(B)(i)) provides that SSA is required to verify eligibility of a recipient or applicant for SSI using independent or collateral sources.

3. Section 224(h)(1) of the Act (42 U.S.C. 424a(h)) provides that Federal agencies are required to provide information to SSA that it requires to determine the amount of DI benefits and to verify information with respect thereto.

4. This agreement is subject to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, as amended, and the provisions of the Computer Matching and Privacy Protection Act (CMPPA) of 1988. The comparison of records that is the subject of this agreement constitutes a matching program within the meaning of the Privacy Act, 5 U.S.C. 552a(a)(8)(A).

D. Categories of Records and Persons Covered by the Matching Program

The data elements included in the match file are:

1. Social Security number (SSN/BIC)—T2;
2. SSN/ID—T16;
3. Current and Separated Employees;
4. Name;
5. Date of birth;
6. Initial date of SSA employment;
7. SSA Employment Component;
8. Work schedule (i.e., Full/Part time; Conditional/Permanent; currently working/separated, etc.);
9. Year to Date Earnings;
10. Hourly rate;
11. Weekly Work Hours;
12. Employee Status (Active, LWOP, Military, Terminate, Separate, etc.);
13. Award Amount;
14. Organization (Office Location—name);
15. Duty Station (Office Location—City, State or County);
16. Servicing Personnel Office (SPO);
17. Pay Period Date (YYYYPP);
18. Last Pay Period (YYYYPP); and
19. Lump Sum Leave Payment.

E. Inclusive Dates of the Matching Program

The effective date of this matching program is September 11, 2013 provided that the following notice periods have lapsed: 30 days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2013–16100 Filed 7–3–13; 8:45 am]

BILLING CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2013–0032]

Privacy Act of 1974, As Amended: Proposed New Routine Use

AGENCY: Social Security Administration.

ACTION: New Proposed Routine Use Applicable to Four Systems of Records.

SUMMARY: In accordance with the Privacy Act of 1974 (5 U.S.C. 552a(e)(4) and (e)(11)) and our disclosure regulations (20 CFR Part 401), we are issuing public notice of our intent to publish a new routine use applicable to our systems of records entitled:

- Master Files of Social Security Number (SSN) Holders and SSN Applications, (60–0058) (the Enumeration System)
- Earnings Recording and Self-Employment Income System, (60–0059)
- Master Beneficiary Record (MBR), (60–0090)
- Prisoner Update Processing System (PUPS), (60–0269)

The Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively, the ACA) requires the use of a single, streamlined application to determine eligibility for an Insurance Affordability Program (IAP), which includes:

- a Qualified Health Plan (QHP) through an Exchange,
- Advance Payments of the Premium Tax Credit (APTC),
- Cost-Sharing Reductions (CSR),
- Medicaid,
- the Children's Health Insurance Program (CHIP), and
- the Basic Health Program (BHP).

As a part of the eligibility determination process, individuals may apply for an exemption from the individual responsibility requirement to maintain coverage (certification of exemption). The new routine use will enable SSA to disclose information to the Department of Health and Human Services (DHHS)/Centers for Medicare & Medicaid Services (CMS) to confirm the accuracy of attestations made by an individual to determine eligibility and entitlement to an IAP and identify individuals who qualify for certifications of exemption under the ACA. We discuss the routine use in detail in the Supplementary Information section below. We invite public comment on this proposal.

DATES: We filed a report of the routine use with the Chairman of the Senate Committee on Homeland Security and Governmental Affairs, the Chairman of the House Committee on Oversight and Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The routine use will become effective on August 31, 2013 unless we receive comments before that date that would result in a contrary determination.

ADDRESSES: Interested persons may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, Room 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401. All comments we receive will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Keisha Mahoney, Government Information Specialist, The Electronic Interchange and Liaison Division, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, Room 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 966–9048, Email: *Keisha.Mahoney@ssa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Purpose of the Proposed New Routine Use

Section 1411(c) of the ACA requires the Secretary of DHHS/CMS to establish a program meeting the requirements of the ACA to determine eligibility for and enrollment in an IAP, including:

- a QHP through the Exchange,
- APTC,
- CSRs,
- Medicaid,
- the CHIP, and
- the BHP.

As a part of the eligibility determination process, individuals may apply for certifications of exemption under the ACA. Specifically, individuals must furnish their name, date of birth, Social Security number (SSN), and attestation of citizenship status to the Secretary of DHHS/CMS. The Secretary of DHHS/CMS will submit the information to the Commissioner of SSA for a determination as to whether the information submitted is consistent with the records of SSA. The ACA also permits the Secretary of DHHS/CMS to request additional information that is relevant to determining entitlement and eligibility to programs. To accommodate such requests, SSA will disclose (1) Disability indicator, (2) death indicator, (3) prisoner data, (4) quarters of coverage, and (5) monthly and annual Social Security benefit information under title II of the Social Security Act (Act). Section 1411(c)(4) of the ACA requires DHHS/CMS and SSA to use an on-line system or a system otherwise involving electronic exchange to support such transactions. To support this need, we are establishing a new routine use to allow for such disclosures by SSA to DHHS/CMS. DHHS/CMS will use the data for the purpose of the administration of IAPs and for certifications of exemption under the ACA.

II. Proposed New Routine Use

The Privacy Act requires that agencies publish a notice in the **Federal Register** of ''each routine use of the records contained in the system, including the categories of users and the purpose of such use.'' 5 U.S.C. 552a(e)(4)(D). We developed the following new routine use that will allow us to disclose information to DHHS/CMS:

To the Department of Health and Human Services (DHHS)/Centers for Medicare and Medicaid Services (CMS) for the purpose of the administration of Insurance Affordability Programs (IAP) and to identify individuals who qualify for an exemption from the individual responsibility requirement in accordance with the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152). IAPs include a Qualified Health Plan through the Exchange, Advance Payments of the Premium Tax Credit, Cost Sharing Reductions, Medicaid, the Children's Health Insurance Program, and the Basic Health Program.

The new routine use will be included in the following systems of records:

- 60–0058, Master Files of SSN Holders and SSN Applications, last published on December 29, 2010 at 74 FR 62866, as new routine use 45;
- 60–0059, Earnings Recording and Self-Employment Income System, last published on January 11, 2006 at 71 FR 1819, as new routine use 34;
- 60–0090, Master Beneficiary Record, last published on January 11, 2006 at 71 FR 1826, as new routine use 39; and
- 60–0269, Prisoner Update Processing System (PUPS), last published on March 8, 1999 at 64 FR 11076, as new routine use 13.

SSA will rely on this routine use to disclose only those data elements from SSA's system of records that DHHS/CMS has demonstrated are necessary for the administration of IAPs and certifications of exemption in accordance with the ACA.

III. Compatibility of Routine Use

In accordance with the Privacy Act (5 U.S.C. 552(a) and (b)(3)), and our disclosure regulations (20 CFR Part 401), we are proposing to establish a new routine use to support the ACA.

We can disclose information when the disclosure is required by law (20 CFR 401.120).

• Section 1411(c) of the ACA requires SSA to determine whether the name, date of birth, SSN and attestation of citizenship of individuals applying for IAPs under the ACA are consistent with information in SSA's records.

• Section 205(r)(3) of the Social Security Act (Act) permits SSA to disclose, on a reimbursable basis, death information to a Federal or State agency that administers a Federally-funded benefit other than pursuant to the Act to ensure proper payment of such benefit. Section 7213 of the Intelligence Reform and Terrorism Prevention Act of 2004 provides SSA authority to add a death indicator to verification routines that the agency deems appropriate.

• Sections 202(x)(3)(B)(iv) and 1611(e)(1)(I)(iii) of the Act permit SSA to disclose, on a reimbursable basis, prisoner information to an agency administering a Federal or Federally-funded cash, food, or medical assistance program for eligibility and other administrative purposes under such program.

We can also disclose information when the purpose is compatible with the purpose for which we collected the information and is supported by a published routine use (20 CFR 401.150). The Privacy Act allows us to disclose information maintained in a system of records without consent of the record subject to another party if such disclosure is pursuant to a routine use published in the system of records. 5 U.S.C. 552a(b)(3). A ''routine use'' must be compatible with the purpose for which SSA collected the information (5 U.S.C. 552a(a)(7)). Under SSA's regulations, SSA may publish a routine use permitting it to disclose information to another government entity for the administration of other government programs when the information requested concerns eligibility, benefit amounts, or other matters of benefit status in a Social Security program and is relevant to determining the same matters in other programs. 20 CFR 401.150(c). SSA collects information from applicants for, and beneficiaries of, Social Security benefits to determine entitlement and eligibility to such SSA benefits and the amount of those benefits. Under the new routine use and in accordance with the ACA, SSA will disclose information concerning eligibility, benefit amounts, or other matters of benefit status in a Social Security program to DHHS/CMS for use in making initial eligibility determinations, and eligibility redetermination and renewal decisions, including appeal determinations for IAPs, and certifications of exemption under the ACA. Specifically, DHHS/CMS will use the information SSA provides to determine entitlement and eligibility in QHPs offered through an Exchange, including the APTCs under section 36B of the Internal Revenue Code of 1986 and CSRs under section 1402 of the ACA; a State Medicaid program under title XIX of the Act; the CHIP under title XXI of the Act; a State program under section 1331 of the ACA establishing qualified BHPs; and a certification of exemption pursuant to section 1311(d)(4)(H) of the ACA. The verification and disclosure of information in our records to DHHS/CMS for its use in administering the health and income maintenance programs under ACA and the Act, meet the statutory and compatibility requirements for routine use disclosures.

IV. Effect of the Routine Use on the Rights of Individuals

DHHS/CMS and SSA are subject to Privacy Act requirements. Our disclosures to DHHS/CMS are compliant with the Privacy Act, the ACA, and the Social Security Act. The Privacy Act requires that our routine use be compatible with the purpose for which we collected the information. 5 U.S.C. 552a(a)(7) and (b)(3). In this case, we collect the information we plan to disclose in order to administer our programs. We will disclose this information to DHHS/CMS in connection with the administration of IAPs and certifications of exemption under ACA. We have determined that this is a compatible purpose under the Privacy Act and our regulation. After we disclose information to DHHS/CMS under the new routine use, the information is subject to the relevant DHHS System of Records Notices. We will enter into a Computer Matching and Privacy Protection Act (CMPPA) agreement with DHHS/CMS to support the new routine use disclosures. CMPPA agreements have specific provisions to protect the privacy rights of record subjects; to protect the confidentiality and integrity of the records; and to prohibit unauthorized use of the records. Therefore, we do not anticipate that the routine use will have an unwarranted adverse effect on the privacy or other rights of individuals about whom we will disclose information.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

[FR Doc. 2013–16099 Filed 7–3–13; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 8372]

Culturally Significant Objects Imported for Exhibition Determinations: ''New Photography 2013: Adam Broomberg and Oliver Chanarin, Brendan Fowler, Annette Kelm, Lisa Oppenheim, Anna Ostoya, Josephine Pryde, and Eileen Quinlan''

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257 of April 15, 2003), I hereby determine that the objects to be included in the exhibition ''New Photography 2013: Adam Broomberg and Oliver Chanarin, Brendan Fowler, Annette Kelm, Lisa Oppenheim, Anna Ostoya, Josephine Pryde, and Eileen Quinlan,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at The Museum of Modern Art, New York, NY, from on or about September 14, 2013, until on or about February 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 Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6467). The mailing address is U.S. Department of State, SA–5, L/PD, Fifth Floor (Suite 5H03), Washington, DC 20522–0505.

Dated: June 27, 2013.

J. Adam Ereli,

Principal Deputy Assistant Secretary, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2013–16155 Filed 7–3–13; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 8368]

Designation of Abd Al-Ra'Ouf Abu Zaid Mohamed Hamza, also known as Abdul Rauf Abuzaid, also known as Abdel Raouf Abu Zayid Hamza, also known as Abdelraouf Abu Zaid Mohamed Hamzza Yasir, also known as Abdel Raouf Abu Zaid Mohamed, also known as Abd-al-Ra'uf Abu Zayd Muhammad Hamza, also known as Abdul Raouf Abu Zeid Muhammad Hamza, as a Specially Designated Global Terrorist Pursuant to Section 1(b) of Executive Order 13224, as Amended

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the individual known as Abd Al-Ra'Ouf Abu Zaid Mohamed Hamza, also known as Abdul Rauf Abuzaid, also known as Abdel Raouf Abu Zayid Hamza, also known as Abdelraouf Abu Zaid Mohamed Hamzza Yasir, also known as Abdel Raouf Abu Zaid Mohamed, also known as Abd-al-Ra'uf Abu Zayd Muhammad Hamza, also known as Abdul Raouf Abu Zeid Muhammad Hamza, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in Section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: June 20, 2013.

John F. Kerry,

Secretary of State.

[FR Doc. 2013–16077 Filed 7–3–13; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Release Certain Properties from All Terms, Conditions, Reservations and Restrictions of a Quitclaim Deed Agreement Between the City of Orlando and the Federal Aviation Administration for the Orlando International Airport, Orlando, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for Public Comment.

SUMMARY: The FAA hereby provides notice of intent to release certain airport properties ±0.422 acres at the Orlando International Airport, Orlando, FL from the conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and the City of Orlando, dated April 17, 1975. The release of property will allow the City of Orlando to dispose of the property for other than aeronautical purposes. The property is located near the corner of Boggy Creek Road and Osceola Parkway. The parcel is currently designated as Single Family Residential (RS–3). The property will be released of its federal obligations to allow for the widening of Boggy Creek Road. The fair market value of this parcel has been determined to be $165,000.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Orlando International Airport and the FAA Airports District Office.

DATES: Comments are due on or before AGC August 5, 2013.

ADDRESSES: Documents are available for review at Orlando International Airport, and the FAA Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822. Written comments on the Sponsor's request must be delivered or mailed to: Miguel A. Martinez, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

FOR FURTHER INFORMATION CONTACT: Miguel A. Martinez, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

SUPPLEMENTARY INFORMATION: Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the ''waiver'' or ''modification'' of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

Bart Vernace,

Manager, Orlando Airports District Office, Southern Office, Southern Region.

[FR Doc. 2013–16149 Filed 7–3–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Action on Proposed Highway in Georgia the Interstate 75 (I–75) Express, Clayton and Henry Counties, Georgia (Atlanta Metropolitan Area)

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitations on Claims for Judicial Review of Action by FHWA and Other Federal Agencies.

SUMMARY: This notice announces actions taken by FHWA and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The I–75 Express Lanes Project will design a managed lane system along I–75 from the SR 155 (Zack Hinton Parkway, South) interchange in Henry County north to the SR 138 (Stockbridge Highway) interchange in Clayton counties, a distance of approximately 17.94 miles. Those actions grant licenses, permits and approvals for the project.

DATES: By this notice, the FHWA is advising the public of the final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency action on the highway project will be barred unless the claim is filed on or before December 2, 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: Mr. Rodney Barry, Division Administrator, Georgia Division, Federal Highway Administration, 61 Forsyth Street, Suite 17T100; Atlanta, Georgia 30303; 8:00 a.m. to 5:00 p.m. (eastern time) Monday through Friday, 404–562–3630; email: *Rodney.Barry@dot.gov*. For Georgia Department of Transportation (GDOT): Mr. Keith Golden Commissioner, Georgia Department of Transportation, 600 West Peachtree Street, 22nd Floor, Atlanta, Georgia, 30308, 8:00 a.m. to 5:00 p.m. (eastern time) Monday through Friday, Telephone: (404) 631–1005, Email: *KGolden@dot.ga.gov*.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA and other

Federal agencies have taken final actions by issuing licenses, permits and approvals for the following highway project in the State of Georgia: The I–75 Express lanes project consists of constructing managed lanes from the SR 155 (Zack Hinton Parkway, South) interchange in Henry County north to the SR 138 (Stockbridge Highway) interchange located in metropolitan Atlanta, Georgia. The Selected Alternative will construct managed lanes in Henry County at the I–75 Bridge over SR 155 and terminate in Clayton County approximately 600 feet south of the I–75 southbound on-ramp from SR 139 and at SR 139 on I–675. From SR 155 to approximately one mile south of Mt. Carmel Road, a single reversible lane will be constructed. The single lane will then transition to two reversible lanes, which will continue to the northern terminus of the facility. Intelligent Transportation System infrastructure will be constructed to support the usage of the managed lanes. The facility will include improvements of approximately 17.94 miles on I–75. Congestion on this facility will be managed by electronic toll lane (ETL). The purpose of the project is listed below:

- Consistency with regional transportation planning initiatives.
- Provide reliable trip times and mobility
- Improve travel choices
- Expedite project delivery through the use of tolling for financing (construction financing implications)
- Reduce congestion accommodate regional growth and accessibility

The actions by the Federal agencies and the laws under which such actions were taken are described in the Draft Environmental Assessment (DEA), Final Environmental Assessment (EA) and in the FHWA Finding of No Significant Impact (FONSI) approved on March 12, 2013 and June 28, 2013 respectively, and in other documents in the FHWA project records. The DEA, FEA/FONSI and other project records are available by contacting FHWA or the Georgia Department of Transportation at the addresses listed above. The FHWA EA/FONSI, can be reviewed and downloaded from the project Web site at *http://www.I75Express.com* or at the following offices: GDOT District 3 Area Office, 115 Transportation Boulevard, Thomaston, Georgia 30286; GDOT District 7 Office, 5025 New Peachtree Road, Chamblee, Georgia 30341; McDonough Public Library, 1001 Florence McGarity Boulevard, McDonough, Georgia 30252; Cochran Public Library, 174 Birch Street, Stockbridge, Georgia 30281 and Clayton County Library System, Morrow Branch, 6225 Maddox Road, Morrow, Georgia 30260. Paper copies are available on request by contacting Loren Bartlett, Georgia Department of Transportation, 600 West Peachtree Street, 22nd Floor, Atlanta, Georgia, 30308, Telephone: (404) 631–1642, Email: *lbartlett@dot.ga.gov*.

A final decision regarding a Section 404 permit for this project has not yet been made. This notice, therefore, does not apply to the Section 404 permitting process for this project. 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]; 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:* Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303];

4. *Wildlife:* Endangered Species Act [16 U.S.C. 1531–1544]; Migratory Bird Treaty Act [16 U.S.C. 703–712];

5. *Historic and Cultural Resources:* Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470f];

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209];

7. *Water Resources:* Safe Drinking Water Act [42 U.S.C. 300f et seq.]; Flood Disaster Protection Act [42 U.S.C. 4001–12].

8. *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 Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; 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), as amended by Moving Ahead for Progress in the 21st Century Act (MAP–21), Pub. L. 112–141, § 1308, 126 Stat. 405 (2012).

Issued on: June 28, 2013.

Rodney Barry,

Division Administrator, Atlanta, Georgia.

[FR Doc. 2013–16112 Filed 7–3–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0142; Notice 1]

Nissan North America, Incorporated, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of Petition.

SUMMARY: Nissan North America, Inc. (Nissan) [1] has determined that certain model year (MY) 2009 through 2012 Nissan Titan trucks manufactured from January 31, 2008 to July 17, 2012 and MY 2012 Nissan NV trucks, buses or multipurpose passenger vehicles (MPVs) manufactured from December 20, 2010 to July 17, 2012, do not fully comply with paragraph S3.1.4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect.* Nissan has filed an appropriate report dated July 23, 2012, pursuant to 49 CFR Part 573, *Defect and Noncompliance Responsibility and Reports.*

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR Part 556), Nissan submitted a petition 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.

This notice of receipt of Nissan's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Vehicles Involved: Affected are approximately 45,167 MY 2009 through 2012 Nissan Titan trucks manufactured from January 31, 2008 to July 17, 2012 and MY 2012 Nissan NV trucks, buses or MPVs manufactured from December 20, 2010 to July 17, 2012 equipped with steering column-mounted transmission shift levers with a manual mode.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to

[1] Nissan North America, Inc. is a manufacturer of motor vehicles and is registered under the laws of the state of Delaware.

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, these provisions only apply to the subject 45,167 [2] vehicles that Nissan no longer controlled at the time it determined that the noncompliance existed.

Rule Text: Paragraph S3.1.4.1 of FMVSS No. 102 requires in pertinent part:

S3.1.4.1 Except as specified in S3.1.4.3, if the transmission shift position sequence includes a park position, identification of shift positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever any of the following conditions exist:

(a) The ignition is in a position where the transmission can be shifted; or

(b) The transmission is not in park.

Summary of Nissan's Analyses: Nissan explains that the noncompliance is that on the affected vehicles a unique sequence of actions can lead the shift position indicator to incorrectly display the shift position as required by paragraph S3.1.4.1 of FMVSS No. 102.

Nissan further explains that the noncompliance occurs when the following sequences are accomplished:

(1) The transmission is shifted into ''manual'' shift mode by pressing the ''manual'' shift mode button; and

(2) The ignition is switched from the ''ON'' position directly into ''ACC'' position, which shuts off the engine.

During the time in which the ignition is in the ''ACC'' mode, the gear position indicator displays the last ''manual'' gear position of the transmission ([l]M through [4]M) prior to the ''ACC'' mode. If the key is not rotated from the ''ACC'' position and the shift lever is moved, the last ''manual'' gear position will be displayed regardless of the shift lever position (the engine will not be running). Turning the ignition to either the ''ON'' or ''OFF'' positions will reset the indicator, at which point the correct position will be displayed.

This issue only occurs when the ignition is switched from ''ON'' into ''ACC'' mode and the engine is off. Further, the vehicle cannot be restarted unless the ignition is switched out of ''ACC'' at which point the shift position indicator would reset and show the correct position. Likewise, if the ignition is turned to the ''OFF'' position to turn the vehicle completely off, the position indicator resets itself and will display the correct shift position the next time the vehicle is started.

Nissan believes the noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. The vehicle cannot be operated in the noncompliant condition. The noncompliant condition only exists when the vehicle ignition is switched from the ''ON'' directly into the ''ACC'' mode and exists only for the time that the ignition remains in ''ACC'' mode. The engine is not running at this time. If the transmission is shifted into park while in ''ACC'' mode, it cannot be removed from park unless the ignition is switched to the ''ON'' position. If the ignition is switched to either the ''ON'' position (to start the vehicle), or the ''OFF'' position (to remove the key and exit the vehicle) the shift indicator resets to the correct position and the vehicle is no longer in the noncompliant condition.

2. The sequence of events that leads to the noncompliant condition is exceptionally rare. This sequence, stated in the description of the noncompliance, is not one that a driver should encounter in the typical operation of the vehicle. If a driver were to happen into this circumstance, the condition is so fleeting that the vehicle would likely be taken out of the noncompliant condition almost immediately. This is evidenced by the fact that some of the affected vehicles have been on the road for four years and Nissan has not received any customer complaints or warranty claims regarding the issue.

3. The likelihood of an affected vehicle being inadvertently left out of park is nearly impossible in this case. When the noncompliant condition occurs, the shift indicator states, incorrectly, that the vehicle is in a ''manual'' forward gear regardless of the actual shifter position. Due to the geometry of the shifter, the park position should be apparent to the driver even without the assistance of the shift indicator.

4. Furthermore, since the owner cannot remove the mechanical key from the ignition while the transmission is in any position except for park due to the transmission shift interlock, it is unlikely that a vehicle would be left unattended in the noncompliant condition. Given this, the driver will either exit the vehicle without the key or the driver will remain in the vehicle.

If the driver attempts to leave the vehicle without the key, an audible warning (as required by FMVSS No. 114) will sound, alerting the driver that the key is in the ignition. This should reduce the possibility of the operator leaving the vehicle.

If the driver remains in the vehicle, he or she will attempt to restart the vehicle. An attempt to restart will take the ignition from the ''ACC'' position to the ON position and the indicator will reset to the correct position.

5. As NHTSA recognized in proposing FMVSS No. 102 (see 49 FR 32409–32411, August 25, 1988,) the purpose of the display requirement for PRNDM information is to ''provide the driver with transmission position information for the vehicle conditions where such information can reduce the likelihood of shifting errors.'' Thus, the primary function of the transmission display is to inform the driver of gear selection and relative position of the gears while the engine is running. Except for the absence of the required transmission shift position during the one circumstance described above, which occurs when the engine is not running, all of the 45,167 affected vehicles otherwise comply with paragraph S3.1.4.1 of FMVSS No. 102.

Nissan also stated its belief that in similar situations, NHTSA has granted the applications of other petitioners.

Nissan has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 102.

In summation, Nissan believes that the described noncompliance of its vehicles 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.

Comments: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

a. By mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

b. By hand delivery to U.S. Department of Transportation, Docket

[2] Nissan's petition, which was filed under 49 CFR Part 556, requests an agency decision to exempt Nissan as a motor vehicle manufacturer from the notification and recall responsibilities of 49 CFR Part 573 for the affected motor vehicles. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant motor vehicles under their control after Nissan notified them that the subject noncompliance existed.

Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal holidays.

c. Electronically: by logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to 1–202–493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

Comment Closing Date: August 5, 2013.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Issued on: June 25, 2013.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2013–16136 Filed 7–3–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 1, 2013.

The Department of the Treasury will submit the following information collection requests as revisions to currently approved collections to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before August 5, 2013 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestion for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.GOV* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov*.

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov*.

Office of International Affairs

(1) *OMB Number:* 1505–0016.

Title: Report of Customers' U.S. Dollar Claims on Foreign Residents.

Form: TIC Form BQ–1.

Estimated Annual Burden Hours: 1,214.

(2) *OMB Number:* 1505–0017.

Title: Report of U.S. Dollar Claims of Financial Institutions on Foreign Residents.

Form: TIC Form BC.

Estimated Annual Burden Hours: 47,847.

(3) *OMB Number:* 1505–0018.

Title: Report of Customers' U.S. Dollar Liabilities to Foreign Residents.

Form: TIC Form BL–2.

Estimated Annual Burden Hours: 8,456.

(4) *OMB Number:* 1505–0019.

Title: Report of U.S. Dollar Liabilities of Financial Institutions to Foreign Residents.

Form: TIC Form BL–1.

Estimated Annual Burden Hours: 34,042.

(5) *OMB Number:* 1505–0020.

Title: Form BQ–2: Part 1—Report of Foreign Currency Liabilities and Claims of Financial Institutions and of Their Domestic Customers' Foreign Currency Claims with Foreign Residents; Part 2—Report of Customers' Foreign Currency Liabilities to Foreign Residents.

Form: TIC Form BQ–2.

Estimated Annual Burden Hours: 5,437.

(6) *OMB Number:* 1505–0189.

Title: Report of Maturities of Selected Liabilities and Claims of Financial Institutions with Foreign Residents.

Form: TIC Form BQ–3.

Estimated Annual Burden Hours: 4,914.

Abstract: Forms BC, BL–1, BL–2, BQ–1, BQ–2, and BQ–3 are part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; E.O. 10033; 31 CFR part 128) and are designed to collect timely information on international portfolio capital movements. These forms are filed by all U.S.-resident banks, other depository institutions, brokers and dealers, and Bank Holding Companies/Financial Holding Companies (BHC/FHC). On the monthly forms, these organizations report their own claims on (BC), their own liabilities to (BL–1), and their U.S. customers' liabilities to (BL–2) foreign residents, denominated in U.S. dollars. On the quarterly forms, these organizations report their U.S.-resident customers' U.S. dollar claims on foreign residents (BQ–1), and their own and their domestic customers' claims and liabilities with foreign residents, where all claims and liabilities are denominated in foreign currencies (BQ–2). On the quarterly BQ–3 form, these organizations report the remaining maturities of all their own U.S. dollar and foreign currency liabilities (excluding securities) to foreign residents. This information is necessary for compiling the U.S. balance of payments accounts and the U.S. international investment position, and for use in formulating U.S. international financial and monetary policies.

Affected public: Private Sector: Businesses or other for-profits.

(7) *OMB Number:* 1505–0024.

Title: Report of Financial Liabilities to, and Financial Claims on, Unaffiliated Foreign-Residents (CQ–1) and Report of Commercial Liabilities to, and Commercial Claims on, Unaffiliated Foreign-Residents (CQ–2).

Form: TIC Forms CQ–1 and CQ–2.

Abstract: Forms CQ–1 and CQ–2 are required by law to collect timely information on international portfolio capital movements, in particular data on financial and commercial liabilities to,

and claims on, unaffiliated foreign residents held by non-financial enterprises in the U.S. This information is necessary in the computation of the U.S. balance of payments accounts and the U.S. international investment position, and in the formulation of U.S. international financial and monetary policies.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Annual Burden Hours: 4,904.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2013–16150 Filed 7–3–13; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circular 570; 2013 Revision]

Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies

Correction

In notice document 2013–15435, appearing in the Issue of Monday, July 1, 2013, on pages 39440–39459, make the following corrections:

1. On page 39440, in the first column, in the first paragraph, ''Financial Management Service'' should read ''Bureau of the Fiscal Service''.

2. On page 39452, in the third column, ''Pennsylvania General Insurance Company (NAIC #21962)6'' should be set in bold-face print as follows: ''**PENNSYLVANIA GENERAL INSURANCE COMPANY (NAIC #21962)6**'' and should be set as a separate entry without indentation.

3. On page 39456, in the second column ''UNIVERSAL UNDERWRITERS INSURANCE COMPANY (NAIC #41181)'' should appear in bold-face print and should read as follows: ''**UNIVERSAL UNDERWRITERS INSURANCE COMPANY (NAIC #41181)7.**''

4. On 39458, in the table, in the first column, the entry reading ''Colorado, Denver 80202 (303)'' should read ''Colorado, Denver 80202'' and in the second column, the entry ''894–7499'' should read ''(303) 894–7499''.

[FR Doc. C1–2013–15435 Filed 7–3–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning TD 8584, capitalization of interest.

DATES: Written comments should be received on or before September 3, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Katherine Dean, (202) 622–3186, or at Internal Revenue Service, Room 6242, 1111 Constitution Avenue NW., Washington DC 20224, or through the Internet, at *Katherine.b.dean@irs.gov*.

Title: Capitalization of Interest.

OMB Number: 1545–1265.

Regulation Project Number: IA–12–120–86 (TD 8584).

Abstract: Internal Revenue Code section 263A(f) requires taxpayers to estimate the length of the production period and total cost of tangible personal property to determine if Interest capitalization is required. This regulation requires taxpayers to maintain contemporaneous written records of production period estimates, to file a ruling request to segregate activities in applying the interest capitalization rules, and to request the consent of the Commissioner to change their methods of accounting for the capitalization of interest.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved approval.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 500,050.

Estimated Time per Respondent: 14 Minutes.

Estimated Total Annual Burden Hours: 116,767 Hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 13, 2013.

R. Joseph Durbala,

IRS Reports Clearance Officer.

[FR Doc. 2013–16110 Filed 7–3–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning TD 8813, residence of trusts and estates—7701.

DATES: Written comments should be received on or before September 3, 2013 to be assured of consideration.

ADDRESSES: Direct all written comments to R. Joseph Durbala, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Katherine Dean at Internal Revenue Service, Room 6242, 1111 Constitution Avenue NW., Washington, DC 20224, or at (202) 622–3186, or through the internet at *katherine.b.dean@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Residence of Trusts and Estates—7701.

OMB Number: 1545–1600. *Regulation Project Number:* TD 8813.

Abstract: This regulation provides the procedures and requirements for making the election to remain a domestic trust in accordance with section 1161 of the Taxpayer Relief Act of 1997. The information submitted by taxpayers will be used by the IRS to determine if a trust is a domestic trust or a foreign trust.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of the currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 222.

Estimated Time per Respondent: 31 minutes.

Estimated Total Annual Burden Hours: 114.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request For Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 13, 2013.

R. Joseph Durbala,

OMB Reports Clearance Officer.

[FR Doc. 2013–16108 Filed 7–3–13; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0300]

Agency Information Collection (Veterans Application for Assistance in Acquiring Special Housing Adaptations) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 5, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0300'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–7485 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0300.''

SUPPLEMENTARY INFORMATION:

Title: Veterans Application for Assistance in Acquiring Special Housing Adaptations, VA Form 26–4555d.

OMB Control Number: 2900–0300.

Type of Review: Revision of a currently approved collection.

Abstract: Title 38, U.S.C. 2101 authorizes assistance to disabled Veterans in acquiring special housing and adaptations to dwellings. Under 38 U.S.C. 2101(b), grants are available to assist Veterans in making adaptations to their current residences or one which they intend to live in as long as the home is owned by the Veteran or a member of the Veteran's family. VA Form 26–4555d enables field personnel to evaluate the request for adaptations. This form is needed because of the difference in disabilities, the amount of alteration, adaptation to the house and title requirements.

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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 13, 2013, at pages 10266–10267.

Affected Public: Individuals or households.

Estimated Annual Burden: 33 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 100.

Dated: July 1, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–16153 Filed 7–3–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0118]

Agency Information Collection (Transfer of Scholastic Credit (Schools)) Activity under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 5, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0118'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 632–7492 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0118.''

SUPPLEMENTARY INFORMATION:

Title: Transfer of Scholastic Credit (Schools), VA Form Letter 22–315.

OMB Control Number: 2900–0118.

Type of Review: Revision of a currently approved collection.

Abstract: Students receiving VA education benefits and are enrolled in two training institutions, must have the primary institution at which he or she is pursuing approved program of education verify that their courses pursued at a secondary school will be accepted as full credit towards their course objective. VA sends VA Form Letter 22–315 to the student requesting that they have the certifying official of his or her primary institution list the course or courses pursued at the secondary school for which the primary institution will give full credit. Educational payment for courses pursued at a secondary school is not payable until VA receives evidence from the primary institution verifying that the student is pursuing his or her approved program while enrolled in these courses. VA Form Letter 22–315 serves as this certification of acceptance.

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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 26, 2013, at page 18424.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden: 1,569 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: Occasion.

Estimated Number of Respondents: 9,415.

Dated: July 1, 2013.

By direction of the Secretary:

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–16134 Filed 7–3–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0162]

Agency Information Collection (Monthly Certification of Flight Training) Activity Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3521), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 5, 2013.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov* or to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0162'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–7485 or email *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–0162.''

SUPPLEMENTARY INFORMATION:

Title: Monthly Certification of Flight Training, VA Form 22–6553c.

OMB Control Number: 2900–0162.

Type of Review: Revision of a currently approved collection.

Abstract: Veterans, individuals on active duty training and reservist training, may receive benefits for enrolling in or pursuing approved vocational flight training. VA Form 22–6553c serves as a report of flight training pursued and termination of such training. Payments are based on the number of hours of flight training the veterans completed during each month.

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. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 26, 2013, at page 13158.

Affected Public: Individuals or households.

Estimated Annual Burden: 7,306 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,435.

Estimated Total Annual Responses: 14,610.

Dated: July 1, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–16138 Filed 7–3–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 78 Friday,
No. 129 July 5, 2013

Part II

Tennessee Valley Authority

Privacy Act of 1974: Republication of Notice of Systems of Records; Notices

TENNESSEE VALLEY AUTHORITY

Privacy Act of 1974: Republication of Notice of Systems of Records

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of republication of systems of records; notice of proposed new system of records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), the Tennessee Valley Authority (TVA) is republishing in full a notice of the existence and character of each TVA system of records.

TVA is correcting minor typographical and stylistic errors in previously existing notices and has updated those notices to reflect current organizational structure. Also, updates are being made to show any changes to system locations; managers and addresses; categories of individuals and records; procedures and practices for storing, retrieving, accessing, retaining, and disposing of records.

DATES: Submit comments on or before August 5, 2013.

ADDRESSES: Address all comments concerning this notice to Christopher A. Marsalis, Senior Privacy Program Manager Enterprise Info Security & Policy, TVA, 400 West Summit Drive (WT 5D), Knoxville, TN 37902–1499.

FOR FURTHER INFORMATION CONTACT: Christopher A. Marsalis at (865) 632–2467 or camarsalis@tva.gov.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 552a(e)(4), TVA is today republishing a notice of the existence and character of each of its systems of records in order to make available in one place in the **Federal Register** the most up-to-date information regarding these systems.

TVA is also correcting minor typographical and stylistic errors in the previous existing systems. In addition, TVA is updating the system locations; managers and addresses; notification; categories of individuals covered; categories of records; storage policies and practices; retention and disposal; record access; and contesting record procedures. These changes are necessary to reflect TVA's current organizational structure, current technology, and procedural changes.

This document gives notice that the following TVA systems of records below are in effect:

Table of Contents

TVA–1 Apprentice Training Records.
TVA–2 Personnel Files.
TVA–5 Discrimination Complaint Files.
TVA–6 Work Injury Illness System.
TVA–7 Employee Accounts Receivable.
TVA–8 Employee Alleged Misconduct Investigatory Files.
TVA–9 Health Records.
TVA–11 Payroll Records.
TVA–12 Travel History Records.
TVA–13 Employment Applicant Files.
TVA–14 Grievance Records.
TVA–18 Employee Supplementary Vacancy Announcement Records.
TVA–19 Consultant and Contractor Records.
TVA–21 Nuclear Quality Assurance Personnel Records.
TVA–22 Questionnaire-Land use Surveys in Vicinity of Proposed or Licensed Nuclear Power Plant.
TVA–23 Radiation Dosimetry Personnel Monitoring Records.
TVA–26 Retirement System Records.
TVA–29 Energy Program Participant Records.
TVA–31 OIG Investigative Records.
TVA–32 Call Detail Records.
TVA–34 Project/Tract Files.
TVA–36 Section 26a Permit Application Records.
TVA–37 U.S. TVA Police Records.
TVA–38 Wholesale, Retail, and Emergency Data Files.
TVA–39 Nuclear Access Authorization and Fitness for Duty Records-TVA

TVA–1

SYSTEM NAME:

Apprentice Training Records—TVA.

SYSTEM LOCATION:

Human Resource Information Systems, TVA, Knoxville, TN 37902–1499; Computer Operations, TVA, Chattanooga, TN 37402–2801; all TVA locations where apprentices are employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TVA apprentices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment, qualifications, and evaluation information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; National Apprenticeship Act of 1937, 50 Stat. 664.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

To the Bureau of Apprenticeship and Training, the Veterans' Administration, Tennessee Valley Trades and Labor Council, and the State and local Government agencies for reporting and evaluation purposes.

To respond to a request from a Member of Congress regarding the status of an apprentice.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA employee: Job description, dates of employment, reason for separation.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information; and to request information from private individuals, if necessary, to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, microfiche, and in file folders.

RETRIEVABILITY:

Records are indexed by name, craft, job code, union code, and social security number.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA record retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Talent Sourcing & Support Services, TVA, Chattanooga, TN 37402–2801.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, craft, and location of employment.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them in this system of records should contact the system manager named above. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. Federal contracts, or access to classified information to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualification for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; General Aptitude Test Battery scores from State employment security office; references from employers, military and educational institutions; and evaluations from joint committee on apprenticeship.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d); (e)(4)(H); and (f)(2), (3), and (4) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or, prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing and examination material would compromise the objectivity of the testing or examination process. This exemption is pursuant to 5 U.S.C. 552a(k)(5) and (6) and TVA regulations at 18 CFR 1301.24.

TVA–2

SYSTEM NAME:

Personnel Files—TVA.

SYSTEM LOCATION:

Human Resources, HR Services, TVA, Knoxville, TN 37902–1499; Human Resource Information Systems, TVA, Knoxville, TN 37902–1499; area human resources offices throughout TVA; Information Technology, TVA, Chattanooga, TN 37402–2801; National Personnel Records Center, St. Louis, MO 63118. Security/suitability investigatory files are located separately from other records in this system. Duplicate or certain specified temporary information may be maintained by human resources officers, supervisors, and administrative officers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TVA employees, some contractors, applicants for employment, and applicants for employment by TVA contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to education; qualifications; work history; interests and skills; test results; performance evaluation; career counseling; personnel actions; job description; salary and benefit information; service dates, including other Federal and military service; replies to congressional inquiries; medical data; and security investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Executive Order 10577; Executive Order 10450; Executive Order 11478; Executive Order 11222; Equal Employment Opportunity Act of 1972, Pub. L. 92–261, 86 Stat. 103; Veterans' Preference Act of 1944, 58 Stat. 387, as amended; various sections of title 5 of the United States Code related to employment by TVA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To disclose test results to State employment services.

To a State employment security office in response to a request relating to a former employee's claim for unemployment compensation.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request from any pertinent source directly or through a TVA contractor engaged at TVA's direction, information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information, as requested, to a prospective employer of a TVA or former TVA employee: job descriptions, dates of employment, and reasons for separation.

To provide an official of Federal agency information needed in the performance of official duties related to reconciling or reconstructing data files, in support of the functions for which

the records were collected and maintained.

To provide information to multi-employer health and welfare and pension funds as reasonably necessary and appropriate for proper administration of the plan of benefits.

To provide information to TVA contractors engaged in making suitability determinations for their prospective employees under TVA contracts.

To contractors and subcontractors engaged at TVA's direction in providing support services to TVA in connection with mailing materials to TVA employees or other related services.

To provide information as requested to the Office of Personnel Management pursuant to Executive Orders 10450 and 10577 and other laws.

To any agency of the Federal Government having oversight or review authority with regard to TVA activities.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To transfer information necessary to support a claim for life insurance benefits under Federal Employees' Group Life Insurance to Office of Federal Employees' Group Life Insurance.

To transfer information regarding claims for health insurance benefits to health insurance carrier.

To union representatives in exercising their responsibilities under TVA collective-bargaining agreements.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To TVA contractors and subcontractors engaged at TVA's direction in studies and evaluation of TVA personnel management and benefits; or the investigation of nuclear safety, reprisal, or other matters involving TVA personnel practices or policies; or the implementation of TVA personnel policies.

To provide pertinent information to local school districts and other Government agencies in order to study TVA project impacts and to aid school districts in qualifying for assistance under Pub. L. 81–874 and other laws.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To commemorate the month and day of employee birthday anniversaries.

To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support, and for enforcement action.

To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

To the Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) The disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored electronically in the Human Resources Information System (HRIS), Personal Records Information System (PRIS), or on microfiche. Duplicate or certain specified temporary information may be maintained by human resource officers, supervisors, and administrative officers in a locked, secure location.

RETRIEVABILITY:

Records are indexed by name and Employee Identification number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Access to systems storing these records must be approved by the Senior Manager of Employee Relations Support Services. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, HR Services, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the Manager, TVA Service Center, TVA, Knoxville, TN 37902–1499. Requests should include the individual's full name, job title, and date of birth. A Social Security number is not required but may expedite TVA's response; however, an Employee Identification Number may be included.

Current employees should address inquiries also to their supervisors or the TVA Service Center.

RECORD ACCESS PROCEDURES:

Individuals seeking to gain access to information about them in this system of records should contact the Manager, TVA Service Center, TVA, Knoxville, TN 37901–1499. In addition, current employees may present requests for access to their supervisors or the personnel officer of the employing division. Requests should include the individual's full name, job title, and date of birth. A Social Security number is not required but may expedite TVA's response; however, an Employee Identification Number may be included. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source

would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Manager, TVA Service Center, TVA, Knoxville, TN 37902–1499.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; educational institutions; former employers; and other reference sources; State employment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security/suitability investigatory files contain information from law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d); (e)(4)(H); and (f)(2), (3), and (4) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to 5 U.S.C. 552a(k)(5) and (6) and TVA regulations at 18 CFR 1301.24.

TVA–5

SYSTEM NAME:

Discrimination Complaint Files—TVA.

SYSTEM LOCATION:

TVA Equal Opportunity Compliance Staff, Knoxville, TN 37902–1499. Duplicate copies may be maintained in the files of the TVA organization where the complaint originated.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, or applicants who have received counseling or filed complaints of discrimination based on race, color, religion, sex, national origin, age, reprisal, disability, or genetic information.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to a decision or determination made by TVA or the Equal Employment Opportunity Commission affecting an individual. The records consist of the complaint, letters or notices to the individual, record of hearings when received from the Equal Employment Opportunity Commission, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions, and recommendations. Also, if the case is appealed to the Federal District Court of Appeals, the records will contain a copy of the complaint on file with the Federal District Court.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Executive Order 11478; 42 U.S.C. 2000e–16; 29 U.S.C. 633a; Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act of 1967; Rehabilitation Act of 1973; Genetic Information Nondiscrimination Act of 2008.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

If a hearing is requested and/or an administrative appeal is filed with the Equal Employment Opportunity Commission, a copy of the complaint file, containing a record of investigations and a correspondence file of each complaint, is forwarded to the Equal Employment Opportunity Commission.

To the counselee's or complainant's representative.

To respond to a request from a Member of Congress regarding the status of a complaint.

To the parties of complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery.

In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To TVA consultants, contractors, and subcontractors who are engaged in studies and evaluation of TVA's administration of its Equal Employment Opportunity program or who are providing support services to the program.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) The disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are kept in file folders.

RETRIEVABILITY:

Records in this system are indexed by name.

SAFEGUARDS:

Access to and use of these records is limited to those personnel whose official duties require such access.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SENIOR MANAGER(S) AND ADDRESS:

Director of TVA Equal Opportunity Compliance, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals who have filed discrimination complaints are aware of that fact. However, inquiries may be addressed to the system manager named above. Individuals should provide their full name, the approximate date of their complaint, and their employing organization, if employed.

RECORD ACCESS PROCEDURES:

Individuals who have filed a discrimination complaint have been provided a copy of the record. However, an individual may gain access to a copy of their official complaint record by writing the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals who have filed a discrimination complaint have had an opportunity during the complaint procedure to timely amend their record. TVA management has the same opportunity during the complaint procedure to timely amend the applicable record. However, requests for amendment or correction of items not involving the complaint procedure may be addressed to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; TVA personnel and other records; and witnesses.

TVA–6

SYSTEM NAME:

Work Injury Illness System—TVA.

SYSTEM LOCATION:

TVA Safety Programs, TVA, Chattanooga, TN 37402–2801. Accident reports may also be maintained in the file of the employing organization.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and Staff Augmented contractors who have sustained a work-related injury or illness.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to the accident, injury, or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Executive Order 12196; Occupational Safety and Health Act of 1970, Pub. L. 93–237, 87 Stat. 1024.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To an injured employee's representative.

To the Department of Labor as required by the Occupational Safety and Health Act.

To the Office of Workers' Compensation Programs in relation to an individual's claim for compensation.

To respond to a request from a Member of Congress regarding the status of an employee.

To provide information to a Federal agency, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, or other pertinent information; and to request information from private individuals, if necessary, to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purpose of this system of records.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) The disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is maintained on automated data storage devices and in file folders.

RETRIEVABILITY:

Records are indexed by name, date of injury, and Employee Identification Number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Safety Process Support, TVA, Chattanooga, TN 37402–2801.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, date of birth, and approximate date of injury.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; TVA medical records; witnesses of accidents and inquires, including appraisers of property damage.

TVA–7

SYSTEM NAME:

Employee Accounts Receivable—TVA.

SYSTEM LOCATION:

Financial Services. TVA, Knoxville, TN 37902–1499; Office of the General Counsel, TVA, Knoxville, TN 37902–1499.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees who: Authorize a payment for specified purposes in their behalf; receive overpayment of earnings; receive duplicate payments; are otherwise indebted to TVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information concerning indebtedness and repayment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; 5 U.S.C. Chapter 55.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on printouts, invoices, microfiche, and posting documents.

RETRIEVABILITY:

Records are indexed by payroll number, social security number, badge number, name, or invoice number.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Files are kept in secured facilities.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Accounting Services, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employing organization. Provisions of the social security number is not required, but may expedite TVA's response and may prevent the erroneous retrieval of records for another individual with the same name.

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in the system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; TVA payroll records; TVA disbursement voucher records.

TVA–8

SYSTEM NAME:

Employee Alleged Misconduct Investigatory Files—TVA.

SYSTEM LOCATION:

Office of the General Counsel, TVA, Knoxville, TN 37902–1499.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees about whom a complaint of misconduct during employment has been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information regarding conduct during employment with TVA which may be in violation of law or regulations compiled prior to 1986. Information compiled after 1986 is maintained under TVA–31, ''OIG Investigative Records.'' TVA–8 will be phased out when the records are destroyed in accordance with established retention schedules.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Executive order 10450; Executive Order 11222; Hatch Political Activity Act, 5 U.S.C. 7324–7327; 28 U.S.C. 535.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other

benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decisions on that matter.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA, grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information and to request information from private individuals if necessary, to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information as requested to the Office of Personnel Management pursuant to Executive Orders 10450 and 10577 and other laws.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by individual name or investigation number.

SAFEGUARDS:

These records are stored in a locked GSA-approved security container. Access to the records is limited to TVA attorneys and their administrative assistants who have a need for them in the course of TVA business and to other TVA employees whose need is approved by Office of the General Counsel management.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a (k)(2) and TVA regulations at 18 CFR 1301.24.

RECORD ACCESS PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24.

CONTESTING RECORD PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24.

RECORD SOURCE CATEGORIES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a (k)(2) and TVA regulations at 18 CFR 1301.24.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempted from subsections (c)(3); (d); (e)(1); (4)(G), (4)(H), (4)(I); and (f) of 5 U.S.C. 552a (Section 3 of the Privacy Act of 1974) pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24.

TVA–9

SYSTEM NAME:

Health Records—TVA.

SYSTEM LOCATION:

TVA HR Health & Safety, Chattanooga, TN 37402–2801; all TVA medical facilities; Computer Operations, TVA, Chattanooga, TN 37402–2801; National Personnel Records Center, St. Louis, MO 63118; District Offices, Office of Workers' Compensation Programs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for TVA employment, employees, former employees, official visitors, contractual assignees to TVA, interns, externs, employees of TVA contractors, and other Federal agencies who are examined under contract.

CATEGORIES OF RECORDS IN THE SYSTEM:

Health information pertinent to an individual's employment, official visit, or contractual work with TVA or other Federal agencies, including the basic Clinical Medical Record, Worker's Compensation and Rehabilitation claims and case files, Psychological and Fitness for Duty files including alcohol and drug testing information, clinical information received from outside sources, and information relative to an employee's claim for medical disability retirement. Health information includes paper documents, x-rays, microfiche, microfilm, and/or any automatic data processing media, regardless of the form or process by which it is maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; 5 U.S.C. 7902; Federal Employees' Compensation Act, 5 U.S.C. chapter 81, 5 U.S.C. chapter 87 (Medical information relating to life insurance program); 5 U.S.C. 3301; Occupational Safety and Health Act of 1970, Pub. L. 93–237, 87 Stat. 1024, Pub. L. 91–616, Federal Civilian Employee Alcoholism Program and Pub. L. 92–255, Drug Abuse among Federal Civilian Employees, which are amended in regard to confidentiality of records by Pub. L. 93–282; Public health laws (State and Federal) related to the reporting of health hazards, communicable diseases or other epidemiological information; Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233; 49 CFR Part 382 Subpart D.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Compensation claim records are used for adjudicating claims and providing therapy. Appropriate information is exchanged with physicians, hospitals, and rehabilitation agencies approved by the Office of Workers' Compensation Programs for service to injured employees.

Alcohol, drug testing and psychological fitness for duty records

may be exchanged with a physician or treatment center working with an employee, or in accordance with the provisions of Pub. L. 93–282.

Information in the Health Records System provided to officials of other Federal agencies responsible for other Federal benefit programs administered by Office of Workers' Compensation Programs. Retired Military Pay Centers, Veterans' Administration, Social Security Administration, and private contractors engaged in providing benefits under Federal contracts.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, the issuance of a security clearance, the reporting of an investigation of an employee, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To respond to a request from a Member of Congress regarding an employee.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority or a court of competent jurisdiction.

To transfer information regarding claims for health insurance or disability benefits to the health insurance carrier or plan participant.

To request information from a Government agency or private individual, if necessary, to obtain information relevant to a TVA decision within the purposes of this system of records.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To TVA consultants, contractors, and subcontractors who are engaged in studies and evaluation of TVA's administration of its medical and employee benefits program or who are providing support sources to the program.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To provide information to private physicians and other health care professionals or facilities designated by an employee.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Health information includes paper documents, x-rays, microfiche, microfilm, and/or any automatic data processing media, regardless of the form or process by which it is maintained.

RETRIEVABILITY:

Records are indexed by name, social security number, date of birth, and/or case number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. All filing systems are locked when unattended.

Remote access facilities are secured through physical and system-based safeguards. Special instructions governing the medical staff employees assure the confidentiality of health records.

RETENTION AND DISPOSAL:

Records are maintained in accordance with TVA rules and regulations approved by the Archivist of the United States. Retention schedules specify the length of time various records are kept. Active clinical medical records are kept indefinitely. Specific retention schedules for various components of the records systems are contained in the Comprehensive Records Schedule (CRS) which has been approved by the National Archives and Records Administration (NARA) for use by Health Services. These dispositions are mandatory unless TVA requests a revision from NARA. Items in this CRS should be cited as the disposition authority for transferring or destroying any records.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Occupational Health & Nursing Services, Chattanooga, TN 37402–2801. Inquiries and requests for psychological fitness for duty and alcohol & drug testing records should be sent to Manager, Non-Nuclear Fitness for Duty, TVA, Chattanooga, TN 37402–2801.

NOTIFICATION PROCEDURE:

Individuals should address inquiries to the system manager named above. Individuals should provide their full name, Employee Identification Number (EIN) or social security number, date of birth, employing organization, and date of last employment, and employee compensation case number, if any.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact or address their inquiries to the system manager named above. Inquiries should be specific as to which component of the health records system is to be accessed. If inquiries are not specific to a particular component of the health records, it will be assumed the access is directed toward the individual's clinical medical record.

CONTESTING RECORDS PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; TVA medical staff; private physicians and medical institutions; Office of Workers' Compensation Programs; TVA personnel records; other health agencies and departments.

TVA–11

SYSTEM NAME:

Payroll Records—TVA.

SYSTEM LOCATION:

Financial Services, TVA, Knoxville, TN 37902–1499; garnishment files are located at the Office of the General Counsel, TVA, Knoxville, TN 37902–1499; duplicate copies of some records may also be maintained in the files of the employing organization; National Personnel Records Center, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees and personal service contractors selected for certain training programs and applicants for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information, pay, leave, and debt claim information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Internal Revenue Code; Fair Labor Standards Act, 29 U.S.C. Chapter 8; 5 U.S.C. Chapter 63.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report earnings and other required information to Federal, State, and local taxing authorities as required by law.

To report earnings to the Civil Service Retirement System for members of that system.

To transmit payroll deduction information to financial institutions and employee organizations.

To report earnings to courts when garnishments are served or in bankruptcy or wage earner proceedings.

To report earnings to the Department of Housing and Urban Development, State welfare agencies, and State employment security offices where an individual has made a claim for benefit with such agency.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To disclose to any agency of the Federal Government having oversight or review authority with regard to TVA activities.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To transfer information necessary to support a claim for life insurance benefits under Federal Employee's Group Life Insurance to Office of Federal Employee's Group Life Insurance.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information; and to request information from private individuals, if necessary, to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transfer information regarding claims for health insurance benefits to health insurance carriers.

To TVA contractors and subcontractors engaged in studies and evaluations of TVA payroll and personnel management.

To union representatives exercising their responsibilities under TVA collective bargaining agreements.

To report earnings to the Department of Housing and Urban Development, and State welfare agencies where an individual makes a claim for benefits, and to report earnings to State employment security offices in both manual and automated form for use by these offices in determining unemployment benefits.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator System (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support, and for enforcement action.

To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

To the Office of Child Support Enforcement for release to the Department of the Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, hard-copy printouts, and in an optical scanned electronic file.

RETRIEVABILITY:

Records are primarily indexed by name. They may also be retrieved by reference to employing organization, date of end of pay period, social security or badge number, year of birth, or job title.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Accounting Services, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, employing organization, and date of last employment. The social security number is also required to expedite TVA's response and prevent the erroneous retrieval of records for another individual with the same name.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information on them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend information on them in this system of records should contact the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA personnel records; employee's supervisor for report of hours worked.

TVA–12

SYSTEM NAME:

Travel History Records—TVA.

SYSTEM LOCATION:

Financial Services, TVA, Knoxville, TN 37902–1499. Duplicate copies of certain records may also be maintained in the files of the employing organization.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former TVA employees who traveled on official business and filed travel expense vouchers, applied for a travel advance, or transferred between official stations; recently-hired employees who filed for reimbursement of relocation expenses; candidates for TVA positions who filed for reimbursement of travel expenses; and contractors with which there is an employer/employee relationship (i.e., personal services contractors).

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel advance requests, travel expense vouchers and supporting documentation, travel charge card program records and reports, and travel orders. Records supporting relocation expense claims also include real estate sales agreements and settlements, Federal Truth-In Lending disclosure statements, lease agreements, receipts for loss of rental deposit, and relocation income tax allowance documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; 5 U.S.C. 5701–5709, and related Federal travel regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation or charged with enforcing or implementing the statute, rule regulation, or order issued pursuant thereto.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To respond to a request from a Member of Congress regarding the status of an employee, former employee, or applicant.

To TVA contractors and subcontractors engaged at TVA's direction that are providing support services to TVA's travel charge card program.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a (b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Debt Collection Act of 1982 (31 U.S.C. 3711(d)(4)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic media, hard-copy printouts, microfiche, and in file folders.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Security will be provided by physical, administrative, and computer system safeguards. Files are kept in secured facilities not accessible to unauthorized individuals.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Accounting Services, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and social security number.

RECORD ACCESS PROCEDURES:

Individuals who seek access to information about them in this system of records should contact the system manager named above. Requests should

include the individual's full name and social security number.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above. Requests should include the individual's full name and social security number.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA disbursement voucher records; TVA application for travel advance; travel charge card program records and reports.

TVA–13

SYSTEM NAME:

Employment Applicant Files—TVA.

SYSTEM LOCATION:

Human Resources, Shared Services & Employee Relations, TVA, Knoxville, TN 37902–1499; area and project employment offices; Computer Operations, TVA, Chattanooga, TN 37402–2801.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment including former employees seeking reemployment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; 5 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an individual's application.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request from any pertinent source, directly or through a TVA contractor engaged at TVA's direction, information relevant to a TVA decision concerning the hiring of an employee, the issuance of a security clearance, or other decision within the purposes of this system or records.

To disclose test results to State employment services.

To provide information as requested to the Office of Personnel Management pursuant to Executive Orders 10450 and 10577 and other laws.

To provide information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored electronically in the Human Resources Information System (HRIS), Personnel Records Information System (PRIS), or on microfiche. Duplicate or certain specified temporary information may be maintained by human resource officers, supervisors, and administrative officers in a locked, secure location.

RETRIEVABILITY:

Records are indexed by name and Employee Identification number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Access to systems storing these records must be approved by the Senior Manager of Employee Relations Support Services. All filing systems are locked when unattended. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Human Resource Services TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the Senior Manager, Employee Relations Support Services, TVA, Knoxville, TN 37902–1499. Requests should include the individual's full name, social security number, date of birth, and approximate date of application.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information on them in this system of records should contact the Senior Manager, Employee Relations Support Services, TVA, Knoxville, TN 37902–1499. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment. Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence.

Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service the disclosure of which

would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to Manager, TVA Service Center, TVA, Knoxville, TN 37902–1499.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; educational institutions, employers, and other references; State employment services.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d); (e)(4)(H); and (f)(2), (3), and (4) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to 5 U.S.C. 552a (k) (5) and (6) and TVA regulations at 18 CFR 1301.24.

TVA–14

SYSTEM NAME:

Grievance Records—TVA.

SYSTEM LOCATION:

Labor Relations Staff, TVA, Knoxville, TN 37902–1499. Original correspondence on the initial grievance steps below the Labor Relations level is maintained in the organization in which the grievance originated. Original correspondences on grievance appeals to the corporate level are maintained in the files of the Labor Relations office.

Duplicate copies of such correspondence are also maintained in the files of the organization concerned with the grievance.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA employees and former employees who have formally appealed to TVA for adjustment of their grievances.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evidence and arguments relevant to the matter giving rise to the grievance and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding the status of an employee's grievance.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To request information from a Federal, State, or local agency, or private individual, if necessary, to obtain information relevant to a TVA decision within the purposes of this system of records.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices in some organizations and in file folders.

RETRIEVABILITY:

Records are indexed by name or by craft.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA record retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Labor Relations, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals who have filed grievances are aware of that fact. Inquiries may, however, be addressed to the system manager named above. Requests should include the individual's full name, craft, and location of employment.

RECORD ACCESS PROCEDURES:

Individuals who have filed a grievance may gain access to the official copy of the grievance record by contacting the system manager named above. Requests should include the grievant's full name, craft, and location of employment.

CONTESTING RECORD PROCEDURES:

The contest, amendment, or correction of a grievance record is permitted during the prosecution of that grievance. However, an individual may address requests for amendment or correction of items not involved in prosecution of the grievance to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; TVA personnel records; statements and testimony of witnesses and related correspondence.

TVA–18

SYSTEM NAME:

Employee Supplementary Vacancy Announcement Records—TVA.

SYSTEM LOCATION:

Human Resources, Knoxville and Chattanooga, Tennessee, and Muscle

Shoals, Alabama; may also be maintained in other offices that issue or receive responses to supplementary vacancy announcements.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees applying for placement in positions covered by the supplementary vacancy announcement procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications and supporting material submitted by employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Executive Order 11478; Equal Employment Opportunity Act of 1972, Pub. L. 92–261, 86 Stat. 103; 5 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES AND USERS AND THE PURPOSES OF SUCH USES:

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored electronically in the Human Resources Information System (HRIS), Personal Records Information System (PRIS), or on microfiche. Duplicate or certain specified temporary information may be maintained by human resources officers, supervisors, and administrative offices in a locked, secured location.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Access to systems storing these records must be approved by the Senior Manager of Employee Relations Support Services

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Human Resources Services Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals upon whom records are maintained in this system are aware of that fact through filing an application. However, inquiries may be addressed to the name and address to which application was submitted. Requests should include the individual's full name, position applied for, and location of job.

RECORD ACCESS PROCEDURES:

Individuals upon whom records are maintained in this system have supplied all information in this system. However, requests for access may be addressed to the name and address to which application was submitted.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the name and address to which application was submitted.

RECORD SOURCE CATEGORIES:

The individual upon whom the record is maintained.

TVA–19

SYSTEM NAME:

Consultant and Contractor Records—TVA.

SYSTEM LOCATION:

Human Resource Information System (HRIS) contains personal, employment, job, security restriction and training information. HRIS is located in Employee Relations Support Services, TVA, Knoxville, TN 37902–1499. The Contractor Workforce Management Software (IQ Navigator) for contractor time and expense reporting records are located at TVA Supply Chain, Chattanooga, TN 37402. Knoxville, TN 37902–1499.

For contractors requiring unescorted access, records are located at TVA Nuclear Access Service, Chattanooga, TN 37402.

TVA business organizations for records on individuals who provide services under a TVA contract with an organization are kept in the files of that organization.

Payment records are located at the TVA Controller office: Knoxville, TN 37902–1499.

Records related to personal service contractors employed under the Comprehensive Employment and Training Act of 1973, Pub. L. 93–203, are located at the National Personnel Records Center, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who perform work for and/or provide services to TVA and who are not TVA employees or volunteers. These individuals generally are the employees of a TVA supplier of services and are obtained through a contract with the supplier, but in some cases may be retained directly through a contract between TVA and the individual.

CATEGORIES OF RECORDS IN THE SYSTEM:

Each organization maintains its contracts, records of the qualifications, performance, and evaluation of the contractor, and related correspondence. For public service employment program participants, Human Resources maintains information related to job placement such as test scores, interest inventories, and supervisor's evaluations. Payment information is maintained by the Controller.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Comprehensive Employment and Training Act, Pub. L. 93–203, 87 Stat. 839; Executive Order 11222; Executive Order 10450; Executive Order 10577; provisions of 5 U.S.C. applicable to employment with TVA; Internal Revenue Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To transmit reports as requested to the Office of Personnel Management, pursuant to 5 U.S.C. 3323, Executive Orders 10577 and 10450, and other laws.

To report earnings information to the Internal Revenue Service and the Social Security Administration.

To respond to a request from a Member of Congress regarding the status of a contractor or consultant.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulations, or order issued pursuant thereto.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information; and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To transmit to the appropriate State contracting agency reports of hours worked by participants in the public service employment program, and to request reimbursement.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

To provide the following information to a prospective employer of a TVA or former TVA consultant or personal service contractor: Job descriptions, dates of employment, and reason for separation.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure is made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated data storage devices.

RETRIEVABILITY:

Records are indexed by name, social security number, or contract number.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA record retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Knowledge and Analytics, Supply Chain, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals wishing to know if records on them are maintained in the system should address inquiries to the system manager named above. Requests shall include the individual's full name, employing or contracting organization, and whether the individual was a participant in the public service employment program. Social security numbers are not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals wishing to gain access to information on them in this system of records should contact the system manager named above. Access will not be granted to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal Service, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains; educational institutions, former employers, and other reference sources; State employment services; supervisors and other TVA personnel or personnel records; medical officers; other Federal agencies.

In addition to the above sources, security/suitability investigatory files contain information from law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d); (e)(4)(H); (f)(2), (3), and (4) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would

compromise the objectivity of fairness of the testing or examination process. This exemption is pursuant to 5 U.S.C. 552a(k)(5) and (6) and TVA regulations at 18 CFR 1301.24.

TVA–21

SYSTEM NAME:

Nuclear Quality Assurance Personnel Records—TVA.

SYSTEM LOCATION:

Nuclear Quality Assurance, TVA, Chattanooga, TN 37402–2801. Copies of records for Quality Assurance Auditors/Assessors are maintained electronically by the Manager, Nuclear Assurance Corporate/designee and are submitted and maintained in the NPG Electronic Data Management System (EDMS)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees involved in quality assurance work.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to the qualifications of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233 as implemented at Nuclear Regulatory Commission Regulatory Guides 1.58.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Nuclear Regulatory Commission or its authorized representatives for inspection or evaluation of TVA Quality Assurance procedures.

To respond to a request from a Member of Congress regarding the status of an employee.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information; and to request information from private individuals if necessary to obtain information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in electronic files.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Manager, Nuclear Quality Assurance, TVA, Chattanooga, TN 37402–2801.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Inquiries should include the individual's full name and employing organization.

RECORD ACCESS PROCEDURE:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; TVA personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from subsection (d); (e)(4)(H); (f)(2), (3), and (4) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. The exemption is pursuant to 5 U.S.C. 552a(k)(5) and TVA regulations at 18 CFR 1301.24.

TVA–22

SYSTEM NAME:

Questionnaire-Land Use Surveys in Vicinity of Proposed or Licensed Nuclear Power Plant—TVA.

SYSTEM LOCATION:

Environmental Radiological Monitoring and Instrumentation, WARL Facility, TVA, Muscle Shoals, AL 35662–1010.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals having vegetable gardens, irrigated land, dairy cows, and milk goats within a five-mile radius of a proposed or licensed nuclear plant site.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information and information related to agriculture, milk consumption, water resources, and farm product value. This information is not used for making determinations about the rights, benefits, or privileges of any individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; National Environmental Policy Act, Pub. L. 91–190, 83 Stat. 852; Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this system of records is used in developing environmental evaluations and impact statements. Certain relevant but nonsensitive information may be disclosed in these statements.

Information may also be used:

In administrative and licensing proceedings including the presentation of evidence and disclosure to opposing counsel in the course of discovery.

To disclose to any agency of the Federal Government having oversight or review authority with regards to TVA activities.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, microfilm, microfiche, and in file folders.

RETRIEVABILITY:

Records are indexed by assigned number and aerial photo number and/or name of survey participant, plant site and year of survey.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Security is provided by physical, administrative and computer system safeguards. Files are kept in secured facilities not accessible to unauthorized individuals or are locked when unattended.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Environmental Radiological Monitoring and Instrumentation, TVA, Muscle Shoals, AL 35662–1010.

NOTIFICATION PROCEDURE:

Individuals on whom information is maintained in this system are aware of that fact through response to the questionnaire. However, inquiries may be addressed to the system manager named above. Requests should include the individual's full name, address, and approximate date of survey.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above. Requests should include the individual's full name, address, and approximate date of survey.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains: The nearest resident, to a distance of 5 miles, in each of the 16 compass sectors around each TVA nuclear site; farms with dairy cows or milk goats within a five mile radius of each site and additional dairy farms used as control locations for environmental monitoring; and individuals within a five mile radius of each site with home gardens meeting the survey criteria.

TVA–23

SYSTEM NAME:

Radiation Dosimetry Personnel Monitoring Records—TVA.

SYSTEM LOCATION:

Nuclear Operations, TVA, Chattanooga, TN 37402–2801.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, former employees, and visitors who might be exposed or are exposed to radiation while in TVA installations.

CATEGORIES OF RECORDS COVERED BY THE SYSTEM:

Information on the magnitude of exposure at TVA installations, exposure prior to employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1233; 10 CFR parts 19, 20.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Nuclear Regulatory Commission for its use in evaluating TVA radiological control measures.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

Radiation dosimetry records may be used for employee population health monitoring which includes routine

clinical and epidemiological investigations. Such studies may require the transfer of selected items of radiation dosimetry data to health-related agencies, organizations, or professionals for the purpose of compiling vital health statistics, or conducting biomedical investigations.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, microfilm, microfiche, and in file folders.

RETRIEVABILITY:

Records are indexed by individual name and social security number.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Security is provided by physical, administrative and computer system safeguards. Files are kept in secured facilities not accessible to unauthorized individuals or are locked when unattended.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Radiation Protection Oversight, TVA, Chattanooga, TN 37402–2801.

NOTIFICATION PROCEDURE:

Individuals should address inquiries to the system manager named above, or if a current employee, to the Radiological Control office at the TVA facility where employed. Requests should include the individual's full name, social security number and date of birth.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above, or if a current employee, to the Radiological Control office at the TVA facility where employed. Requests should include the individual's full name, social security number and date of birth.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from the subject individual; previous licensees where the individual was monitored for radiation exposure; and TVA personnel conducting radiation monitoring programs.

TVA–26

SYSTEM NAME:

Retirement System Records—TVA.

SYSTEM LOCATION:

Retirement Management, TVA, 400 W. Summit Hill Drive, Knoxville, TN 37902–1499.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active, retired, and former members of the TVA Retirement System; TVA employees and former employees who are members of the Civil Service Retirement System and the Federal Employees Retirement System; designated beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal identifying information; retirement, benefit, and investment information; related correspondence; and legal documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Internal Revenue Code.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report earnings to the Internal Revenue Service.

To disclose information to actuarial firms for valuation and projecting benefits.

To disclose information to the Medical Board of the TVA Retirement System for determinations related to disability retirement.

To certify insurance status to the Office of Personnel Management and the Office of Federal Employees' Group Life Insurance.

To respond to a request from a Member of Congress regarding the status of a system member.

To disclose information to auditing firms for use in auditing benefit calculations and financial statements.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information; and to request information from private individuals, if necessary, to obtain information relevant to a TVA decision within the purpose of this system of records.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

To provide information to a Federal agency, in response to its request, in connection with the issuance of any benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To provide the following information on retirees to the TVA Retirees Association: Names, unique identification numbers assigned by the TVA Retirement System to each retiree, addresses, dates of birth, dates of termination of employment with TVA, retirement class (member, beneficiary, Civil Service, deferred), last official station, and dates of death (if applicable).

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To Contractors and subcontractors of TVA or the Retirement System who are provided records maintenance or other similar support service to the Retirement System.

Retirement records may be used for employee population health monitoring which includes routine clinical and epidemiological investigations. Such studies may require the transfer of selected items to health-related agencies, organizations, or professionals for the purpose of compiling vital health statistics, or conducting biomedical investigations.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in an electronic document management system.

RETRIEVABILITY:

Records are indexed by name and social security number.

SAFEGUARDS:

Access to the electronic document management system requires a password and is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Retirement Management, TVA, 400 W. Summit Hill Drive, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Inquiries should include the individual's full name, date of birth, and social security number.

RECORD ACCESS PROCEDURES:

Individuals who desire access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained on them in this system should address inquiries to the system manager named above.

RECORD SOURCE CATEGORIES:

The individual on whom the record is maintained; TVA personnel and payroll records.

TVA–29

SYSTEM NAME:

Energy Program Participant Records—TVA.

SYSTEM LOCATION:

Policy and Oversight, Energy Efficiency and Demand Response, P.O. Box 292409, Nashville, TN 37229–2409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals participating in the energy right program and residential saturation surveys.

CATEGORIES OF RECORDS IN THE SYSTEM:

Customer name, address, account number, meter number, telephone number, characteristics of their dwelling, including type of heating and cooling systems and number and kind of appliances; and other characteristics of study participants relevant to patterns of residential electrical use.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To power distributors participating in the program.

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in automated data storage devices and in file folders and locked file cabinets.

RETRIEVABILITY:

Records are indexed and retrieved by contractor name and invoice date.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. All filing systems are locked when unattended.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Manager, Energy Efficiency Program Design, Policy and Oversight, Energy Efficiency and Demand Response TVA, P.O. Box 292409, Nashville, TN 37229–2409.

NOTIFICATION PROCEDURE:

Individuals about whom information is maintained in this system of records are aware of that fact through participation in the program. However, inquiries may be addressed to the system manager named above. Request should include the individual's full name and address.

RECORD ACCESS PROCEDURES:

Requests for access may be directed to the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORDS SOURCE CATEGORIES:

The information in this system is solicited from the individual to whom the record pertains.

TVA–31

SYSTEM NAME:

OIG Investigative Records—TVA.

SYSTEM LOCATION:

Office of the Inspector General, TVA, Knoxville, TN 37902–1499. Duplicate copies of certain documents may also be located in the files of other offices and divisions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and entities who are or have been the subjects of investigations by the Office of the Inspector General (OIG), or who provide information in connection with such investigations, including but not limited to: Employees; former employees; current or former contractors and subcontractors and their employees; consultants; and other individuals and entities which have or are seeking to obtain business or other relations with TVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to investigations, including information provided by known or anonymous complainants; information provided by the subjects of investigations; information provided by individuals or entities with whom the subjects are associated (e.g., coworkers, business associates, relatives); information provided by Federal, State, or local investigatory, law enforcement, or other Government or non-Government agencies; information provided by witnesses and confidential sources; information from public source materials; information from commercial data bases or information resources; investigative notes; summaries of telephone calls; correspondence; investigative reports or prosecutive referrals; and information about referrals for criminal prosecutions, civil proceedings, and administrative actions taken with respect to the subjects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Executive Order 10450; Executive Order 11222; Hatch Act, 5 U.S.C. 7324–7327; 28 U.S.C. 535; Proposed Plan for the Creation, Structure, Authority, and Function of the Office of Inspector General, Tennessee Valley Authority, approved by the TVA Board of Directors on October 18, 1985; TVA Code XIII INSPECTOR GENERAL, approved by the TVA Board of Directors on February 19, 1987; Inspector General Act Amendments of 1988, Public Law 100–504, 102 Stat. 2515, and 2000 amendments to the Inspector General Act, Public Law 106–422, 114 Stat. 1872.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To refer, where there is an indication of a violation of statute, regulation, order, or similar requirement, whether criminal, civil, or regulatory in nature, to the appropriate entity, including Federal, State, or local agencies or other entities charged with enforcement, investigative, or oversight responsibility.

To provide information to a Federal, State, or local entity (1) in connection with the hiring or retention of an individual, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting entity to the extent that the information is relevant to a decision on such matters, or (2) in connection with any other matter properly within the jurisdiction of such other entity and related to its prosecutive, investigatory, regulatory, administrative, or other responsibilities.

To the appropriate entity, whether Federal, State, or local, in connection with its oversight or review responsibilities or authorized law enforcement activities.

To respond to a request from a Member of Congress regarding an individual, or to report to a Member on the results of investigations, audits, or other activities of OIG.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To the subjects of an investigation and their representatives in the course of a TVA investigation of misconduct; to any other person or entity that has or may have information relevant to the investigation to the extent necessary to assist in the conduct of the investigation, such as to request information.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To a consultant, private firm, or individual who contracts or subcontracts with TVA, to the extent necessary to the performance of the contract.

To request information from a Federal, State, or local agency maintaining civil, criminal, or other relevant or potentially relevant information; and to request information from private individuals or entities, if necessary, to acquire information pertinent to the hiring, retention, or promotion of an employee; the issuance of a security clearance; the conduct of a background or other investigation; or other matter within the purposes of this system of records.

To the public when: (1) The matter under investigation has become public knowledge, or (2) when the Inspector General determines that such disclosure is necessary (a) to preserve confidence in the integrity of the OIG investigative process, or (b) to demonstrate the accountability of TVA officers, or employees, or other individuals covered by this system; unless the Inspector General determines that disclosure of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

To the news media and public when there exists a legitimate public interest (e.g., to provide information on events in the criminal process, such as indictments), or when necessary for protection from imminent threat to life or property.

To members of the Council of the Inspectors General on Integrity and Efficiency, for the preparation of reports to the President and Congress on the activities of the Inspectors General.

To members of the Council of the Inspectors General on Integrity and Efficiency, the Department of Justice, the Federal Bureau of Investigation, or the U.S. Marshals Service, as necessary, for the purpose of conducting qualitative assessment reviews of the investigative operations of TVA OIG to ensure that adequate internal safeguards and management procedures are maintained.

To appropriate agencies, entities, and persons when (a) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (c) The disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise

and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, hard-copy printouts, and in file folders.

RETRIEVABILITY:

Records are indexed and retrieved by individual name or case file number.

SAFEGUARDS:

Access to and use of records is limited to authorized staff in OIG and to other authorized officials and employees of TVA on a need-to-know basis as determined by OIG management. Security will be provided by physical, administrative, and computer system safeguards. Files will be kept in secured facilities not accessible to unauthorized individuals.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, TVA, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24.

RECORD ACCESS PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24.

CONTESTING RECORD PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24. This system is exempt from subsections (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), and (g) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) pursuant to 5 U.S.C. 552a(j)(2) and TVA regulations at 18 CFR 1301.24.

TVA–32

SYSTEM NAME:

Call Detail Records—TVA.

SYSTEM LOCATION:

Data Center, TVA, Chattanooga, TN 37402–2801.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA employees, contractor personnel, and other individuals who make telephone calls from or charge telephone calls to TVA telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to use of TVA telephones; records relating to long distance telephone calls charged to TVA; records relating to cellular telephone calls charged to TVA; records indicating assignment of telephone numbers and authorization numbers; records relating to locations of TVA telephones.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding an individual.

To provide to the appropriate entity, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To refer, where there is an indication of a violation of statute, regulation, order, or similar requirement, whether criminal, civil, or regulatory in nature, to the appropriate entity, including Federal, State, or local agencies, or other entities charged with enforcement, investigative, or oversight responsibility.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant to the requesting agency's decision on that matter.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To a telecommunications company as well as to other TVA contractors providing telecommunications support to permit servicing the account.

To TVA contractors engaged at TVA's direction in investigations of abuse of TVA telephone service or other related issues.

To TVA contractors and contractor personnel to determine individual responsibility for telephone calls.

To TVA contractors in connection with amounts due TVA for telecommunications services provided to them.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and on automated data storage devices.

RETRIEVABILITY:

Records are retrieved by name, authorization number, or telephone number.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Files are kept in secured facilities. Automated data is secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, IT Vendor Management, TVA, Chattanooga, TN 37402–2801.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name, employing division, job title, and official TVA telephone number and authorization number.

RECORD ACCESS PROCEDURES:

Individuals seeking to gain access to information about them in this system of records should contact the system manager named above. Requests should include the individual's full name, employing division, job title, and official TVA telephone number and authorization number.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

TVA Telecommunication Control System; telecommunications companies with which TVA contracts for telephone service; telephone and authorization number assignment records; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance calls.

TVA–34

SYSTEM NAME:

Project/Tract Files—TVA.

SYSTEM LOCATION:

Realty GIS, and Land Records, TVA, Chattanooga, TN 37402–2801, and secured off-site storage facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals or business entities from/to whom TVA is in the process of or has (1) acquired, transferred, or sold land or landrights, (2) made payment for construction, maintenance, or other damage to real property, or (3) made payment for relocation assistance. A project/tract file may name more than one individual and/or business entity involved in a transaction. (The system records that pertain to individuals and reflect personal information are subject to the Privacy Act. Noncovered records include public information and records on corporations and other business entities.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Maps, property descriptions, appraisal reports, and title documents on real property; reports on contracts and transaction progress; contracts and options; records of investigations, claims, and/or payments related to land transactions, damage restitution, and relocation assistance; related correspondence and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; Pub. L. 87–852, 76 Stat. 1129; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a Member of Congress regarding an individual.

To lienholders as necessary to secure subordinations or releases of liens or to protect lienholders rights.

To county clerk and register of deeds offices to document and put on record the title acquired by TVA.

To landowners, prospective landowners, claimants, or trespassers to establish or cure titles, to resolve encroachments, to resolve boundary disputes, or to resolve questions about easement rights or the application of Section 26a of the TVA Act 16 U.S.C. 831y–1.

To contractors to secure appraisals and title abstracts.

To request information from a Federal, State, or local agency or from private individuals, as necessary, to obtain information relevant to a TVA decision to acquire or dispose of property or to pay claims or make payments related to land transactions, damage restitution, and relocation assistance.

To refer, where there is an indication of a violation of statute, regulation, order, or similar requirement, whether criminal, civil, or regulatory in nature, to the appropriate entity, including Federal, State, or local agencies, or other entities charged with enforcement, investigative, or oversight responsibility.

To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant to the requesting agency's decision on that matter.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To provide to the appropriate entity, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To report any required information to Federal, State, and local taxing authorities as required by law.

To genealogical researchers, relevant portions of maps, descriptions, appraisals, and title documents on real property, after 20 years, to establish historical records.

To archaeological researchers, relevant portions of maps, descriptions, appraisals, and title documents on real property, after 20 years, to reconstruct historical settings.

To respond to a request from a Member of Congress regarding the status of a matter relating to a specific project or tract.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on registers, aperture cards, microfilm, in file folders, and/or on automated data storage devices.

RETRIEVABILITY:

Records are primarily indexed by tract number and project symbol. Records may also be retrieved by cross-index reference to individual and business entity names.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Files are kept in secured facilities. Remote access facilities are secured through physical and system-based safeguards.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Senior Manager, Realty GIS, and Land Records TVA, 1101 Market Street, BR–4B–C Chattanooga, TN 37402–2801.

NOTIFICATION PROCEDURE:

Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and, to the extent known, any project/tract identifying information such as the project name, tract number, address, or related data.

RECORD ACCESS PROCEDURES:

Individuals seeking to gain access to information about them in this system of records should contact the system manager named above. Requests should include the individual's full name, and to the extent known, any project/tract identifying information such as project name, tract number, address, or related data. Access will be granted only to individually segregable personal information about the requester and to segregable nonpersonal information in accordance with TVA regulations on release of records relating to negotiations in progress involving contracts or agreements for the acquisition or disposal of real or personal property by TVA prior to the conclusion of such negotiations.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their requests to the system manager named above.

RECORD SOURCE CATEGORIES:

Public records and directories, landowners, tenants, and other individuals and business entities (including financial institutions) having an interest in or knowledge related to land ownership, appraisal, or title history; TVA personnel and contractors including independent appraisers and commercial title companies.

TVA–36

SYSTEM NAME:

Section 26a Permit Application Records—TVA.

SYSTEM LOCATION:

For applications involving private facilities located on TVA reservoirs, such as boathouses, piers, docks, launching ramps, marine railways, beaches, utilities, and ground improvements, the records are maintained in the following locations:

Gray Regional Office, TVA, (Boone, Bristol Project Fort Patrick Henry, South Holston, Watauga, and Wilbur Reservoirs)) 106 Tri-Cities Business Park Drive, Gray, Tennessee 376615

Morristown Regional Office, TVA, (Cherokee, Douglas, Nolichucky, French Broad, and Holston Reservoirs) 3726 E. Morris Boulevard, Morristown, Tennessee 37813–1270

Lenoir City Regional Office, TVA, (Great Falls, Fort London, Melton Hill, Norris, Tellico, Fontana, and Watts Bar Reservoirs), 260 Interchange Park Drive, LCB 1A–LCT, Lenoir City, Tennessee 37772–5664

Chattanooga Regional Office, TVA, (Chickamauga and Nickajack Reservoirs), 1101 Market Street, PSC 1E–C Chattanooga, Tennessee 37402–2801

Murphy Regional Office, TVA (Apalachia, Blue Ridge, Chatuge, Hiwassee, Nottely, and the Ocoee Reservoirs), 4800 U.S. Highway 64 West, Suite 102, Murphy, North Carolina 28906

Guntersville Regional Office, TVA, (Guntersville, Normandy and Tims Ford Reservoirs), 3696 Alabama Highway 69, CAB 1A–GVA, Guntersville, Alabama 35976–7196

Muscle Shoals Regional Office, TVA (Bear Creek, Cedar Creek, Duck River, Elk River, Little Bear Creek, Pickwick, Upper Bear Creek, Wheeler, and Wilson Reservoirs), Post Office Box 1010, MPB 1H, Muscle Shoals, Alabama 35662–1010

Paris Regional, Office, TVA (Beech River Project, Kentucky, and Lower Duck Reservoirs), 2835–A East Wood Street, Paris, Tennessee 38242–5948

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system includes individuals who have filed a Section 26a application for approval of construction of such structures as boat ramps, docks, bridges, and dams located along, across, or in the Tennessee River and its tributaries. Also included in this system may be individuals whose structures do not have Section 26a permits, or whose approved structures have deteriorated so as to pose a threat to navigation, flood control, public lands or reservations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Section 26a permit applications made by individuals, businesses and industries, utilities, and Federal, State, county and city Government agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee.

PURPOSE(S):

Section 26a of the Tennessee Valley Authority Act of 1933, as amended, requires that TVA review and approve plans for the construction, operation, and maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries. The information collected is used to assess the impact of the proposed project on the statutory TVA programs and the environment and determine if the project can be approved. Rules on the application for review and approval of such plans are published in 18 CFR part 1304, Approval of Construction in the Tennessee River System and Regulation of Structures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To State or other Federal agencies for use in program evaluation, providing assistance to program participants, or engaged at TVA's direction in providing support services to the program, to the extent necessary to the performance of those services.

To TVA consultants, contractors, subcontractors or individuals who contract or subcontract with TVA, who are engaged in studies and evaluation of TVA's administration or other matters involving its Section 26a program or who are providing support services to the program, to the extent necessary to the performance of the contract.

To provide information to a Federal, State, or local entity in response to its request, in connection with the letting of a contract, or issuance of a license, grant, or other benefit by the requesting entity to the extent that the information is relevant and necessary to the requesting agency's decision on such matters.

To respond to a request from a Member of Congress regarding the status of a specific application.

In litigation to which TVA is a party or in which TVA provides legal

representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To refer, where there is an indication of a violation of statute, regulation, order, or similar requirement, whether criminal, civil, or regulatory in nature, to the appropriate entity, including Federal, State, or local agencies or other entities charged with enforcement, investigative, or oversight responsibility.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices, in electronic format, on microfilm, and in hard copy files.

RETRIEVABILITY:

Records may be retrieved by personal identifier (name of applicant), land tract number, or Section 26a application number, stream location, reservoir, county, or subdivision. Records in field offices are interfiled with land tract records and are retrieved by land tract number.

SAFEGUARDS:

Access to and use of these records is limited through physical, administrative, and computer system safeguards to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Vice President, Property and Natural Resources, TVA 1101 Market Street, Chattanooga, TN 37402

NOTIFICATION PROCEDURE:

Individuals seeking to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name. A land tract number, Section 26a permit application number, stream location or legal property description is not required but may expedite TVA's response.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

Information in this system is solicited from the individual to whom the record pertains. Information may also be obtained from other Federal, State, county or city Government agencies; public records and directories; landowners, tenants, and other individuals and business entities, including financial institutions, having an interest in or knowledge related to land ownership, appraisal, or title history; and TVA personnel and contractors including independent appraisers and commercial title companies.

TVA–37

SYSTEM NAME:

U.S. TVA Security Records—TVA.

SYSTEM LOCATION:

U.S. TVA Security and Emergency Management, TVA, 400 West Summit Hill Drive, WT–2D, Knoxville, Tennessee 37902–1499.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals who relate in any manner to official U.S. TVA Security investigations into incidents or events occurring within the jurisdiction of TVA, including but not limited to suspects, victims, witnesses, close relatives, medical personnel, and associates who have relevant information to an investigation.

B. Individuals who are the subject of unsolicited information or who offer unsolicited information, and law enforcement personnel who request assistance and/or make inquiries concerning records.

C. Individuals including, but not limited to, current or former employees; current or former contractor and subcontractor personnel; visitors and other individuals that have or are seeking to obtain business or other relations with TVA; individuals who have requested and/or have been granted access to TVA buildings or property, or secured areas within a building or property.

D. Individuals who are the subject of research studies including, but not limited to, crime profiles, scholarly journals, and news media references.

E. Individuals who respond to emergency situations at TVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to case investigation reports on all forms of incidents or events, visitor and employee registers, TVA forms authorizing access for individuals into TVA buildings or secured areas within a building, and historical information on an individual's building access or denial of access; U.S. TVA Security on incidents or events; visitor and employee registers, TVA forms, or permits authorizing access for individuals into TVA buildings, property, or secured areas within buildings or property, and historical information on an individual's access or denial of access within buildings or property; emergency personnel information data bases; permit applications under the Archaeological Resources Protection Act (ARPA); risk, security, and emergency preparedness, assessments conducted by the U.S. TVA Security on facilities, property, or officials; research studies, scholarly journal articles, textbooks, training materials, and news media references of interest to U.S. TVA personnel; an index of all detected trends, patterns, profiles and methods of operation of known and unknown criminals whose records are maintained in the system; an index of the names, address, and contact telephone numbers of professional individuals and organizations who are in a position to furnish assistance to the U.S. TVA Security; an index of public record sources for historical, statistical, geographic, and demographic data; and an alphabetical name index of all individuals whose records are maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; 5 U.S.C. 552a; and 28 U.S.C. 534.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the appropriate official agency, whether Federal, State, or local, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

In litigation where TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, information may be disclosed to respond to process issued under color of authority of a court of competent jurisdiction.

To provide information to a Federal, State, or local entity in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter, or in connection with any other matter properly within the jurisdiction of such other agency and related to its responsibilities to prosecute, investigate, regulate, and administrate, or other responsibilities.

To any Federal, State, local or foreign Government agency directly engaged in the criminal justice process where access is directly related to a law enforcement function of the recipient agency in connection with the tracking, identification, and apprehension of persons believed to be engaged in criminal activity.

To an organization or individual in both the public and private sector pursuant to an appropriate legal proceeding or if deemed necessary, to elicit information or cooperation from the recipient for use by TVA in the performance of an authorized activity.

To an organization or individual in the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy and to the extent the information is relevant to the protection of life or property.

To the news media and general public where there exists a legitimate public interest such as obtaining public or media assistance in the tracking, identifying, and apprehending of persons believed to be engaged in repeated acts of criminal behavior; notifying the public and/or media of arrests; protecting the public from imminent threat to life or property where necessary; and disseminating information to the public and/or media to obtain cooperation with research, evaluation, and statistical programs.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in proceedings under the TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures.

To appropriately respond to congressional inquiries on behalf of constituents.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interest, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually as hard copies in a secured area and/or in computerized data storage devices at the U.S. TVA offices in Knoxville, TN. Information maintained in computerized form may be stored in memory, on disk storage, on computer tape, or on computer printed listings.

RETRIEVABILITY:

On-line computer access to U.S. TVA Security files is achieved by using the following search descriptors:

A. The names of individuals, their birth dates, physical descriptions, Social Security numbers, and other identification numbers, such as incident and case reports.

B. As previously described, summary variables contained on incident and call are submitted to the U.S. TVA Security.

C. Key word citations to research studies, scholarly journals, textbooks, training materials, and news media references.

SAFEGUARDS:

Records are maintained in restricted areas and are accessed only by U.S. TVA Security employees. Security is provided by a comprehensive program of physical, administrative, personnel, and computer system safeguards. Access to and use of records is limited to authorized U.S. TVA Security personnel and to other authorized officials and employees of TVA on a need-to-know basis. Sensitive or classified information in electronic form is encrypted prior to transmission to ensure confidentiality, security, and to prevent interception and interpretation.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules. As deemed necessary, certain records may be subject to restricted examinations by 44 U.S.C. 2104.

SYSTEM MANAGER(S) AND ADDRESS:

VP, TVA Security and Emergency Management, TVA, 400 West Summit Hill Drive, WT–2D, Knoxville, TN 37902–1499.

NOTIFICATION PROCEDURE:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

RECORD ACCESS PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

CONTESTING RECORD PROCEDURES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

RECORD SOURCE CATEGORIES:

This system of records is exempt from this requirement pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) and TVA regulations at 18 CFR 1301.24.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a (section 3 of the Privacy Act of 1974) pursuant to 5 U.S.C. 552a(k)(2) and TVA regulations at 18 CFR 1301.24. This system of records is exempt from subsections (c)(3); (d); (e)(1); (e)(2); (e)(3); (e)(4)(G), (H), and (I); (e)(5); (e)(8); and (g) pursuant to 5 U.S.C. 552(j)(2) and TVA regulations at 18 CFR 1301.24.)

TVA–38

SYSTEM NAME:

Wholesale, Retail, and Emergency Data System—TVA.

SYSTEM LOCATION:

Customer Relations, Nashville, TN 37229–2409, and Customer Service Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

TVA wholesale and retail customers' key personnel and governing bodies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, emergency numbers, interests, key dates, associates, immediate family members, and credentials of TVA's wholesale and retail customers and their officers and other personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the appropriate agency, whether Federal, State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To respond to a referral from a Member of Congress.

To contact customer personnel during system emergencies.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on automated data storage devices. Hard copies of power distributor managers' key information are given to TVA staff working with distributor managers.

RETRIEVABILITY:

Records are organized by wholesale and retail customer name and indexed by individual's name.

SAFEGUARDS:

Access to and use of these records is limited to persons whose official duties require such access. Files are kept in a secured database. Access requires a login ID and password.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEM MANAGER(S) AND ADDRESS:

General Manager, Customer Service Support, TVA, P.O. Box 292409, Nashville, TN 37229–2409.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if information on them is maintained in this system of records should address inquiries to the system manager named above. Requests should include the individual's full name and employer.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about them in this system of records should contact the system manager named above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the system manager named above.

RECORD SOURCE CATEGORIES:

The information for this system is obtained from TVA's wholesale and retail customers and their personnel.

TVA–39

SYSTEM NAME:

Nuclear Access Authorization and Fitness for Duty Records–TVA.

SYSTEM LOCATIONS:

Nuclear Access Services, TVA, Chattanooga, Tennessee 37402–2801; various contractor locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEMS:

Current and former TVA employees, contractors, applicants for employment, applicants for employment by contractors who have been employed or sought to be employed in TVA Nuclear.

CATEGORIES OF RECORDS IN THE SYSTEM:

Education; qualification; work history; residence history citizenship; employment and military history; financial history; spouse/cohabitation and relatives; personal references; information received from various law enforcement agencies, federal, state and local; fingerprints; background investigation reports; psychological assessment files, drug and alcohol testing schedules and results; personnel identifying information; and additional security investigation data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Tennessee Valley Authority Act of 1933, 16 U.S.C. 831–831ee; EO 9397; EO 12038; EO 13467; Atomic Energy Act of 1954 as amended; Title II of the Energy Reorganization Act of 1974; 10 CFR Part 26; 10 CFR 72.56, 73.57.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To respond to a request from a member of Congress regarding the status of an employee, former employee or applicant made at the request of that individual.

To refer, where there is an indication of a violation or potential violation of law, whether criminal, civil, or regulatory in nature, to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating and prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

To request from any pertinent source directly or through a TVA contractor engaged at TVA's direction, information relevant to a TVA decision concerning the hiring, retention, or promotion of an employee, the issuance of a security clearance, or other decision within the purposes of this system of records.

To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

To another licensee, contractor or vendor or their authorized

representatives legitimately seeking the information as required by this section for unescorted access decisions and who have obtained a signed release from the individual.

To representatives of the NRC to determine compliance with the applicable regulations and law.

To the appropriate agency, whether Federal State, or local, in connection with its oversight review responsibilities or authorized law enforcement activities.

To the parties or complainants, their representatives, and impartial referees, examiners, administrative judges, or other decision makers in the proceedings under TVA grievance adjustment procedures, Equal Employment Opportunity procedures, Merit Systems Protection Board, or similar procedures, but only to the extent such records document processes or procedures used in making access determinations.

To those licensee representatives who have a need to have access to the information in performing assigned duties including audits of licensee's, contractor's, and vendors programs, determining clearance or access authorization eligibility, and reviewing access authorization determinations on appeal.

In litigation to which TVA is a party or in which TVA provides legal representation for a party by TVA attorneys or otherwise, for any use for any purpose including the presentation of evidence and disclosure in the course of discovery. In all other litigation, to respond to process issued under color of authority of a court of competent jurisdiction.

To persons deciding matters on review or appeal.

To appropriate agencies, entities, and persons when (1) TVA suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) TVA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by TVA or another agency or entity) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities and persons is reasonably necessary to assist in connection with TVA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

This section does not authorize the licensee, contractor or vendor to withhold evidence of criminal conduct from law enforcement officials.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Information is stored in hard copy files or electronically in the EDMS system.

RETRIEVABILITY:

Records are indexed by name and employee social security number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access and with the appropriate background investigation in accordance with 10 CFR 73.22. All filing systems are located in a secured area.

RETENTION AND DISPOSAL:

Records are maintained in accordance with established TVA records retention schedules.

SYSTEMS MANAGER(S) AND ADDRESS:

Manager, Nuclear Access and Fitness for Duty, TVA, Chattanooga, Tennessee, 37402–2801.

NOTIFICATION PROCEDURE:

Individuals wishing to learn if information on them is maintained in this system of records should address inquires to the Manager, Nuclear Access and Fitness for Duty, TVA, Chattanooga, Tennessee, 37402–2801. Requests should include the individual's full name, and date of birth. A Social Security Number is not required but may expedite TVA's response; additionally, an Employee Identification Number may be included.

RECORD ACCESS PROCEDURE:

Individuals seeking to gain access to information about them in this system of records should contact the Manager, Nuclear Access and Fitness for Duty, TVA, Chattanooga, Tennessee 37402–2801. Requests should include the individual's full name and date of birth. A Social Security Number is not required but may expedite TVA's response; additionally an Employee Identification Number may be included. Access will not be granted to investigatory material compiled solely for the purpose of determining access authorization to the extent that the disclosure of such material would reveal the identity of a source who furnished the information to the Government under an express promise that the identity of the source would be held in confidence, or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. Access will not be granted to testing or examination material to the extent such disclosure would compromise the objectivity or fairness of the testing or examination process or would compromise business sensitive or Trade Secrets Act material.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information about them maintained in this system should direct their request to the Manager, Nuclear Access and Fitness for Duty, TVA, Chattanooga, Tennessee 37402–2801.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, educational institutions, former employees, and other reference sources, Federal, state, and local law enforcement agencies, physicians and psychologists, military and credit agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from subsections (d); (e)(4)(H); and (f)(2), (3) and (4) of 5 U.S.C. 522a (section 3 of the Privacy Act of 1974) to the extent that disclosure of material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, and to the extent that disclosure of testing or examination material would compromise the objectivity or fairness of the testing or examination process. This exemption is pursuant to 5 U.S.C. 552a(k)(5) and (6).

Michael Tallent,

Director, Enterprise InfoSecurity & Policy.

[FR Doc. 2013–16137 Filed 7–3–13; 8:45 am]

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Part III

Federal Communications Commission

47 CFR Part 64
Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 10–51 and 03–123; FCC 13–82]

Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts further measures to improve the structure, efficiency, and quality of the video relay service (VRS) program, reducing the inefficiencies in the program, as well as reducing the risk of waste, fraud, and abuse, and ensuring that the program makes full use of advances in commercially-available technology. These measures involve a fundamental restructuring of the program to support innovation and competition, drive down ratepayer and provider costs, eliminate incentives for waste that have burdened the Telecommunications Relay Services (TRS) Fund in the past, and further protect consumers. The Commission adopts several measures in order to: ensure that VRS users can easily select their provider of choice by promoting the development of interoperability and portability standards; enable consumers to use off-the-shelf devices and deploying a VRS application to work with these devices; create a centralized TRS User Registration Database to ensure VRS user eligibility; encourage competition and innovation in VRS call handling services; spur research and development on VRS services by entering into a Memorandum of Understanding with the National Science Foundation; and pilot a National Outreach Program to educate the general public about relay services. In this document, the Commission also adopts new VRS compensation rates that move these rates toward actual costs over the next four years which will better approximate the actual, reasonable costs of providing VRS, and will reduce the costs of operating the program. The Commission takes these steps to ensure the integrity of the TRS Fund while providing stability and certainty to providers.

DATES: Effective August 5, 2013, except amendments to 47 CFR 64.604(c)(13); 64.606(a)(4), (g)(3), and (g)(4); 64.611(a)(3) and (4); 64.615(a); 64.631(a) through (d), (f); 64.634(b); 64.5105(c)(4) and (c)(5); 64.5107; 64.5108; 64.5109; 64.5110; 64.5111, of the Commission's rules which contain new information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Commission will publish a separate document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Eliot Greenwald, Consumer and Governmental Affairs Bureau, Disability Rights Office, at (202) 418–2235 or email *Eliot.Greenwald@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities,* Report and Order (*Order*), document FCC 13–82, adopted on June 7, 2013 and released on June 10, 2013, in CG Docket Nos. 10–51 and 03–123. In document FCC 13–82, the Commission also seeks comment in an accompanying Further Notice of Proposed Rulemaking (FNPRM), which is summarized in a separate **Federal Register** Publication. The full text of document FCC 13–82 will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. It also may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone: (800) 378–3160, fax: (202) 488–5563, or Internet: *www.bcpiweb.com.* Document FCC 13–82 can also be downloaded in Word or Portable Document Format (PDF) at *http://www.fcc.gov/encyclopedia/telecommunications-relay-services-trs.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Final Paperwork Reduction Act of 1995 Analysis

Document FCC 13–82 contains new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public to comment on the information collection requirements contained in document FCC 13–82 as required by the PRA of 1995, Public Law 104–13 in a separate notice that will be published in the **Federal Register**.

Synopsis

1. In the Report and Order, which is part of document FCC 13–82, the Commission adopts measures to improve the structure, efficiency, and quality of the VRS program, reduce the noted inefficiencies in the program, as well as reduce the risk of waste, fraud, and abuse, and ensure that the program makes full use of advances in commercially-available technology.

2. Under Title IV of the ADA, the Commission must ensure that telecommunications relay services (TRS) are available, to the extent possible and in the most efficient manner to persons in the United States with hearing or speech disabilities. In addition, the Commission's regulations must encourage the use of existing technology and must not discourage the development of new technology. Finally, the Commission must ensure that TRS users pay rates no greater than the rates paid for functionally equivalent voice communication services. To this end, the costs of providing TRS on a call are supported by shared funding mechanisms at the state and federal levels.

3. In March 2000, the Commission recognized VRS as a reimbursable relay service. *See, e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket No. 98–67, Report and Order and Further Notice of Proposed Rulemaking; published at 65 FR 38432, June 21, 2000, and at 65 FR 38490, June 21, 2000 (*2000 TRS Order*). VRS allows persons with hearing or speech disabilities to use American Sign Language (ASL) to communicate in near real time through a Communication Assistant (CA), via video over a broadband Internet connection. VRS communications require the interaction of three separate yet interlinked components: VRS access technologies, video communication service, and relay service provided by ASL-fluent CAs. To initiate a VRS call, a consumer uses a VRS access technology to connect to an ASL-fluent CA over the Internet via a broadband video communication service. The CA, in turn, places an outbound telephone call to the called. Party. During the call, the CA relays the communications between the two parties, signing what the hearing person says to the ASL user and conveying the ASL user's responses in voice to the hearing person. In this manner, a conversation between an ALS user and a hearing person can flow in near real-time. The Commission remains

committed to fulfilling the intent of Congress to ensure the provision of VRS that is functionally equivalent to conventional voice telephone services.

4. On December 15, 2011, the Commission released the *2011 VRS Reform FNPRM,* seeking comment on wide-ranging proposals to improve the structure and efficiency of the VRS program, to ensure that the program is as immune as possible from the waste, fraud, and abuse that threaten its long-term viability, and to revisit the rate methodology used for compensating VRS providers. *See Structure and Practices of the Video Relay Service Program,* CG Docket No. 10–51, Further Notice of Proposed Rulemaking; published at 77 FR 4948, February 1, 2012 (*2011 VRS Reform FNPRM*). The Commission's implementation of section 225 of the Act relied heavily on competition in order to allow VRS users to choose among providers. However, there are shortcomings to this approach. First, multiple providers offer substantially similar services with no opportunity for price competition, as end users receive the service at no cost. The result is that the rates paid for VRS will be efficient solely insofar as the Commission can itself determine and mandate appropriate rates. Further, the Commission's existing rate-setting process inefficiently supports providers that have failed to achieve economies of scale. In addition, rates are based on cost information supplied by providers, and the FCC has not had a meaningful opportunity to measure the claims against facts or cost information from neutral or independent sources. Second, providers' self-interest in maximizing their compensation from the Fund may make them less effective at carrying out the Commission's TRS policies. The vulnerability of the program to waste, fraud, and abuse by providers has been well established. *See, e.g., Structure and Practices of the Video Relay Service Program,* CG Docket No. 10–51, Declaratory Ruling, Order and Notice of Proposed Rulemaking; published at 75 FR 25255, May 7, 2010 (*VRS Call Practices NPRM*). Also, despite encouragement for VRS providers to work together to develop systems and standards that will facilitate compliance with the Commission's rules, the VRS industry has not fully achieved the standardization needed for full interoperability and portability.

5. The *2011 VRS Reform FNPRM* and the subsequent *VRS Structure and Rates PN* sought comment on a range of possible solutions to these problems. See Structure and Practices of the Video Relay Service Program; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CG Docket Nos. 03–123 and 10–51, Public Notice; published at 77 FR 65526, October 29, 2012.

6. In the Report and Order, the Commission:

- Directs the Managing Director, in consultation with the Chief Technology Officer (CTO), the Chief of the Office of Engineering and Technology (OET), and the Chief of the Consumer and Governmental Affairs Bureau (CGB), to determine how best to structure, fund, and enter into an arrangement with the National Science Foundation (NSF) (or cause the TRS Fund administrator to enter into such an arrangement) to enable research designed to ensure that TRS is functionally equivalent to voice telephone services and improve the efficiency and availability of TRS;
- Directs the Managing Director, in consultation with the Chief of CGB, to establish a two-to-three year pilot iTRS National Outreach Program (iTRS–NOP) and to select one or more independent iTRS Outreach Coordinators to conduct and coordinate IP Relay and VRS outreach nationwide under the Commission's (or the TRS Fund administrator's) supervision;
- Promotes the development and adoption of voluntary, consensus interoperability and portability standards, and to facilitate compliance with those standards by directing the Managing Director to contract for the development and deployment of a VRS access technology reference platform;
- Directs the Managing Director to contract for a central TRS user registration database (TRS–URD) to ensure accurate registration and verification of users, to achieve more effective fraud and abuse prevention, and to allow the Commission to know, for the first time, the number of individuals that actually use VRS; and
- Directs the Managing Director to contract for a neutral party to build, operate, and maintain a neutral video communication service platform, which will allow eligible relay interpretation service providers to compete without having to build their own video communication service platforms.

7. In addition, the Commission accompanies these actions with more targeted, incremental measures to improve the efficiency of the program, help protect against waste, fraud and abuse, improve the Commission's administration of the program, and generally ensure that VRS users' experiences reflect the policies and goals of section 225 of the Act. Specifically, the Commission:

- Clarifies responsibility for disability access policy and TRS program administration within the Commission;
- Adopts a general prohibition on practices resulting in waste, fraud and abuse;
- Requires providers to adopt regulatory compliance plans subject to Commission review;
- More closely harmonizes the VRS speed of answers rules with those applicable to other forms of TRS by reducing the permissible wait time for a VRS call to be answered to 30 seconds, 85 percent of the time, and by requiring measurement of compliance on a daily basis;
- Adopts rules to protect relay consumers against unauthorized default provider changes, also known as ''slamming,'' by VRS and Internet Protocol Relay Service (IP Relay) providers;
- Adopts rules to protect the privacy of customer information relating to all relay services authorized under section 225 of the Act and to point-to-point video services offered by VRS providers;
- Adopts permanently the interim rules adopted in the *2011 iTRS Certification Order* requiring that providers certify, under penalty of perjury, that their certification applications and annual compliance filings required under § 64.606 of the Commission's rules are truthful, accurate, and complete; *Structure and Practices of the Video Relay Service Program,* Second Report and Order and Order, CG Docket No. 10–51; published at 76 FR 47469, August 5, 2011, and at 76 FR 47476, August 5, 2011 (*2011 iTRS Certification Order*); and
- Initiates a step-by-step transition from existing, tiered TRS Fund compensation rates for VRS providers toward a unitary, market-based compensation rate.

Legal Authority

8. Section 225 of the Act defines TRS as a service that allows persons with hearing or speech disabilities to communicate in a manner that is functionally equivalent to voice telephone service. 47 U.S.C. 225(a)(3) of the Act. Section 225 of the Act requires the Commission to ensure that TRS is available, to the extent possible and in the most efficient manner to persons with hearing or speech disabilities in the United States. 47 U.S.C. 225(b)(1). The statute requires that the Commission's regulations encourage the use of existing technology and not discourage the development of new technology. 47 U.S.C. 225(d)(2). Section 225 of the Act further requires that the Commission prescribe regulations that,

among other things, establish functional requirements, guidelines, and operations procedures for TRS and establish minimum standards that shall be met in carrying out the provision of TRS. 47 U.S.C. 225(d)(1)(A).

9. *Functional Equivalence.* TRS is required by statute to provide telecommunication services which are functionally equivalent to voice services to the extent possible. Functional equivalence is, by nature, a continuing goal that requires periodic reassessment. The ever-increasing availability of new services and the development of new technologies continually challenge the Commission to determine what specific services and performance standards are necessary to ensure that TRS is functionally equivalent to voice telephone service. *See 2000 TRS Order* at paragraph 4; *see also Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket Nos. 98–67 and 03–123; published at 68 FR 50093, August 25, 2003, and at 68 FR 50973, August 25, 2003 (*2003 TRS Order*). The establishment of well-defined interoperability and portability standards and the deployment of the VRS access technology reference platform will ensure that VRS users actually experience the functional equivalency upon which the Commission' interoperability rules were predicated. Harmonizing the VRS speed of answers rules with those applicable to other forms of TRS and adopting anti-slamming and CPNI rules all will make the VRS user's experience more functionally equivalent to voice telephone service.

10. ''*Availability'' and ''Efficiency.''* Research will be conducted more efficiently under an arrangement with the NSF than it would be if conducted by individual providers with disparate incentives. The Commission's changes to the outreach program will improve the efficiency of the Commission's outreach efforts while simultaneously improving the availability of TRS through education of TRS users and the hearing population alike. The establishment of well-defined interoperability and portability standards and the deployment of the VRS access technology reference platform are consistent with the Commission's obligation to establish minimum standards for provider performance, and will promote efficiency in VRS provider operations. Establishment of a neutral video communication service provider will promote the availability of VRS by allowing the entrance of new, eligible, standalone VRS CA service providers, and will promote efficiency through a reduction in duplicative expenditures on video communication service platforms and through provider compliance with the Commission's interoperability mandates. The TRS–URD and the eligibility certification and identity verification requirements the Commission adopt will help to reduce the potential for waste, fraud, and abuse, improving the efficiency of the program and the availability of TRS.

11. *Fund Expenditures.* Congress determined that the Commission should ensure that compensation is provided for the costs caused by interstate TRS. 47 U.S.C. 225(d)(3)(B). The Commission adopted a cost recovery framework that entails collecting contributions from providers of interstate telecommunications services to create a fund from which eligible TRS providers are compensated for the costs of eligible TRS services. Contributions to the Interstate TRS Fund (Fund) are based on the carrier's interstate and end-user revenues. All contributions are placed in the Fund, which is administered by the TRS Fund administrator. The Commission must often balance the interests of contributors to the Fund, who are ratepayers with the interests of *users* of TRS. The Commission's obligation to ensure that the goals of the statute are met in the most efficient manner necessitates adopting reasonable compensation rates that do not overcompensate entities that provide TRS. The Commission has had four years of data demonstrating that VRS providers were significantly overcompensated, evidenced by a comparison of the best available data concerning their actual costs per minute to the per minute compensation they have been receiving based on their projected costs per minute. Because the rates the Commission adopt herein are demonstrably sufficient to cover the costs caused by VRS as reflected in the VRS providers' reported average actual and projected costs, the Commission concludes that these are consistent with the requirements in section 225 of the Act, and are consistent with the Commission's commitment to further the goals of functional equivalency through strengthening and sustaining VRS.

Structural Reforms

12. The Commission sets forth reforms which, for certain discrete areas, rely on the efforts of one or more non-provider third parties to carry out the Commission's policies. These reforms are designed to improve the Commission's administration of VRS and the TRS program as a whole, to ensure compliance with the Commission's interoperability and portability requirements, and to further minimize the potential for waste, fraud, and abuse.

Research and Development

13. In the past, the Commission has disallowed expenses associated with research and development (R&D) except to the extent that such expense is necessary to meet the Commission's mandatory minimum standards. The Commission sought comment in the *2010 VRS NOI* on how and whether to revise its rules regarding compensation for R&D, including how to ensure that the results of any R&D supported by the Fund are fairly shared so that all providers and ultimately all users are able to enjoy the results. Structure and Practices of the Video Relay Service Program, CG Docket No. 10–51, Notice of Inquiry; published at 75 FR 41863, July 19, 2010 (*2010 VRS NOI*). The Commission asked in the *2011 VRS Reform FNPRM* what other steps the Commission could take to promote R&D in VRS and other forms of TRS. In order to ensure that R&D on TRS not directly related to provider compliance with the Commission's mandatory minimum standards is conducted in an efficient manner, and that the results of that research benefit the public, the Commission directs the Managing Director, in consultation with the CTO, the Chief of OET, and the Chief of CGB, to determine how best to structure and fund research designed to further the Commission's goals of ensuring that TRS is functionally equivalent to voice telephone services and improving the efficiency and availability of TRS. The Commission directs the Managing Director to enter into an arrangement (or contract with the TRS Fund administrator to enter into an arrangement, if appropriate) with the NSF to conduct the research. After the arrangement is in place, the CTO (or, in the absence of a CTO, the Chief of OET, or the OET Chief's designee), shall serve as the Commission's primary point of contact with the NSF.

TRS Broadband Pilot Program

14. In the *2011 VRS Reform FNPRM* the Commission sought comment on a proposal to implement a TRS Broadband Pilot Program (TRSBPP) that would offer discounted broadband to potential VRS users who could not other afford the costs of Internet access service to the extent that the record shows that there is unaddressed

demand for VRS. There is insufficient data to produce an accurate estimate of the number of Americans with hearing or speech disabilities who are fluent enough in ASL to use VRS, or the subset of those individuals who do not subscribe to VRS due to the expense of a broadband connection. Without better data on whether or to what extent broadband affordability constrains the availability of VRS, and without relevant demographic data on the number of Americans fluent in ASL, it is difficult to determine the demand or need for a TRSBPP. The Commission therefore declines to implement a TRSBPP at this time.

15. The Commission will continue to work to ensure the availability and affordability of broadband to individuals who are deaf, hard of hearing, deaf-blind, and speech disabled not only to enable access to VRS, but generally to facilitate integration into and participation in various aspects of society. In order to promote awareness of the Commission's existing, wider-reaching broadband adoption initiatives, the Commission directs CGB to include within its national outreach plan efforts to build such awareness. In addition, the decision to implement a TRS user registration database in this Order will allow the Commission to identify the actual number of current VRS users, thereby helping the Commission to properly assess the need for a standalone TRSBPP in the future.

National Outreach

16. In 1991 the Commission adopted rules requiring all common carriers to provide the public with information to ensure that callers in their service areas are aware of the availability and use of all forms of TRS. *See Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act,* CC Docket No. 90–571, Report and Order and Request for Comments; published at 56 FR 36729, August 1, 1991 (*TRS I*). The Commission and various stakeholders repeatedly have raised concerns about the effectiveness of outreach efforts on the national level, and the extent to which providers have characterized as ''outreach'' actions that would better be described as ''branded marketing,'' both for TRS in general and for VRS in particular. The failure to effectively educate the general public about the nature of TRS calls has had a negative effect on consumers' ability to use these services, as TRS calls are often rejected, frequently because of mistaken assumptions about their purpose.

17. In light of the Commission's continued concerns regarding the effectiveness of IP Relay and VRS providers' outreach efforts, the Commission concludes that an Internet-based TRS National Outreach (iTRS–NOP) that does not rely on the efforts of individual IP Relay and VRS providers is necessary and appropriate to achieve the purposes of section 225 of the Act; that is, to fulfill Congress's intent to make TRS available to the extent possible and in the most efficient manner. The Commission believes that section 225 of the Act's directive for the Commission to prescribe regulations that ensure relay services are available * * * in the most efficient manner both make it appropriate to take new steps to better educate the public about the purpose and functions of TRS, and provides the Commission with sufficient authority to direct that the iTRS–NOP be funded for this purpose from TRS contributions as a necessary cost caused by TRS. The iTRS–NOP will achieve the Commission's objectives by educating merchants and other business in a neutral fashion about the importance of accepting legitimate relay calls and by eliminating duplicative outreach efforts by multiple providers.

18. The Commission believes that its first efforts to coordinate IP Relay and VRS outreach on a nationwide basis will be best carried out through a pilot program of limited duration and that the outreach directives under the National Deaf Blind Equipment Distribution Program (NDBEDP) provide a useful model for such efforts. Accordingly, for each of the next two Fund years, with an option to extend the program for one additional year, the Commission directs the TRS Fund administrator to set aside a portion of the TRS Fund to be available for VRS outreach. The Commission directs the Managing Director, in consultation with the Chief of CGB, to (i) select one or more iTRS Outreach Coordinators to conduct and coordinate IP Relay and VRS outreach nationwide and be compensated through the Fund or (ii) contract with the TRS Fund administrator to enter into such arrangements under objectives and factors determined by the Managing Director in consultation with the Chief of CGB. The iTRS Outreach Coordinators shall not be affiliated with any iTRS provider and shall disseminate non-branded information to potential new-to-category users and to the general public about IP Relay and VRS, their purposes and benefits, and how to access and use these services. The Commission directs CGB to oversee outreach activities, which may include, but are not limited to:

- Consulting with consumer groups, IP Relay and VRS providers, the TRS Fund administrator, other TRS stakeholders, and other iTRS Outreach Coordinators, if any;
- Establishing clear and concise messaging about the purposes, functions, and benefits of IP Relay and VRS;
- Educating the deaf, hard of hearing, and speech disability consumers about the broadband adoption programs available to low-income families without access to broadband and VRS;
- Determining media outlets and other appropriate avenues for providing the general public and potential new-to-category subscribers with information about IP Relay and VRS;
- Preparing for and arranging for publication, press releases, announcements, digital postcards, newsletters, and media spots about IP Relay and VRS that are directed to retailers and other businesses, including trade associations;
- Creating electronic and media tool kits that include samples of the materials listed in the previous bullet, and which may also include templates, all of which will be for the purpose of facilitating the preparation and distribution of such materials by consumer and industry associations, governmental entities, and other TRS stakeholders;
- Providing materials to local, state, and national governmental agencies on the purposes, functions, and benefits of IP Relay and VRS; and
- Exploring opportunities to partner and collaborate with other entities to disseminate information about IP Relay and VRS.

19. The iTRS Outreach Coordinator(s) will be expected to submit periodic reports to the Managing Director and the Chief of CGB on the measures taken pursuant to the directive above. In addition, the iTRS Outreach Coordinator(s) will be expected to work with and assist the Chief of CGB and Managing Director, as appropriate, to measure and report on the effectiveness of the outreach efforts taken under the iTRS–NOP. The iTRS Outreach Coordinator(s) selected to conduct such outreach must have experience in conducting nationwide promotional and informational programs and experience with and expertise in working with the deaf, hard of hearing and speech disability communities. The Commission directs the Chief of CGB, in consultation with the Managing Director, to further define the selection criteria and the nature and scope of the

IP Relay and VRS outreach program. In addition, the Commission directs the Chief of CGB, in consultation with the Managing Director, to assess the reasonableness and appropriateness of individual outreach expenses proposed by the selected iTRS Outreach Coordinator(s).

20. In the first year, a maximum expenditure of $2 million is reasonable and sufficient funding for the iTRS–NOP. Because of the novel nature of these national outreach efforts, the Commission establishes a two-year pilot program that may extend for up to an additional one year, for a total of three years. The Commission is hopeful that the experience gained during this pilot program will help inform future Commission action to establish a permanent national outreach program for IP Relay and VRS, and potentially other forms of iTRS. The Commission expects that this 24- to 36-month period will give the Commission sufficient time to conduct and analyze the effectiveness of the pilot program, and determine the next steps to make such program permanent, or take such other actions that are necessary to ensure effective education on IP Relay and VRS to the American public.

21. The selection of iTRS Outreach Coordinators does not prohibit IP Relay or VRS providers from otherwise providing the public with information about their individual relay service features, but also that the cost of such efforts may no longer be included in their cost submissions used to determine per minute compensation for IP Relay and VRS as ''outreach'' costs. In addition, the Commission will consider using its Accessibility Clearinghouse, created pursuant to the CVAA, as a central repository for providers who wish to provide information about any such features designed to address specific communication needs.

Interoperability and Portability Requirements

22. The Commission acts to improve the effectiveness of its interoperability and portability rules. These rules, first adopted in 2006, are intended to (i) allow VRS users to make and receive calls through any VRS provider, and to choose a different default provider, without changing the VRS access technology they use to place calls, and (ii) ensure that VRS users can make point-to-point calls to all other VRS users, irrespective of the default provider of the calling and called party. Providers also must ensure that videophone equipment that they distribute retains certain, but not all, features when a user ports her number to a new default provider. Despite encouragement for VRS providers to work together to develop systems and standards that will facilitate compliance with the Commission's rules, the VRS industry has not fully achieved the standardization needed for full interoperability and portability. Further, ineffective interoperability rules appeared to be hindering competition between VRS providers and frustrating VRS users' access to off-the-shelf VRS access technology. The Commission therefore sought comment in the *2011 VRS Reform FNPRM* on the effectiveness of the current interoperability and portability requirements, and the role that existing VRS access technology standards or the lack thereof may play in frustrating the effectiveness of those requirements.

23. As an initial step, the Commission codifies the existing interoperability and portability requirements in new § 64.621 of the Commission's rules. The Commission also (i) adopts the proposal from the *2011 VRS Reform FNPRM* to clarify the scope of providers' interoperability and portability obligations by eliminating use of the term ''CPE'' in the iTRS context in favor of ''iTRS access technology;'' (ii) takes steps to support the development of voluntary, consensus standards to facilitate interoperability and portability; and (iii) directs that a ''VRS access technology reference platform'' be developed to provide a benchmark for interoperability.

24. The Commission adopted interoperability and portability requirements to ensure that TRS is provided in a functionally equivalent manner, and its actions to improve the effectiveness of those requirements are likewise grounded in section 225 of the Act. The Commission's actions also will improve the availability of VRS by ensuring that consumers have ready access to all VRS providers without the need to switch equipment. Further, the development of interoperability and portability standards and the availability of a VRS access technology reference platform will improve the efficiency of the program by making it far easier for providers to design VRS access technologies to the appropriate standard, and to test their compliance with those standards prior to deployment.

Defining iTRS Access Technologies

25. The Commission adopts the proposal from the *2011 VRS Reform FNPRM* to clarify the scope of providers' interoperability and portability obligations by eliminating use of the term ''CPE'' in the iTRS context in favor of ''iTRS access technology.'' The Commission in the *Internet-based TRS Numbering Order* used the defined term ''CPE'' to describe ''TRS customer premises equipment,'' or the technology used to access Internet-based TRS. *See, e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers,* CC Docket No. 08–151, Report and Order and Further Notice of Proposed Rulemaking; published at 73 FR 41286, July 18, 2008 and at 73 FR 41307, July 18, 2008 *(First Internet-Based TRS Numbering Order*). The Commission proposed in the *2011 VRS Reform FNPRM* to amend §§ 64.605 and 64.611 of the Commission rules by replacing the term ''CPE'' where it appears with the term ''iTRS access technology.'' The Commission further proposed to define ''iTRS access technology'' as ''any equipment, software, or other technology issued, leased, or provided by an Internet-based TRS provider that can be used to make or receive an Internet-based TRS call.'' Under this definition, any software, hardware, or other technology issued, leased, or otherwise provided to VRS or IP Relay users by Internet-based TRS providers, including ''provider distributed equipment'' and ''provider based software,'' whether used alone or in conjunction with ''off-the-shelf software and hardware,'' would qualify as ''iTRS access technology.'' The Commission adopts the original proposal, with one modification. ''iTRS access technology'' will be defined as ''any equipment, software, or other technology issued, leased, or otherwise provided by an Internet-based TRS provider that can be used to make and receive an Internet-based TRS call'' to make clear that iTRS access technologies must provide both inbound and outbound functionality. This modification is consistent with existing Commission policies which require that Internet-based TRS users have the ability to make and receive calls. Given the differential treatment of VRS and IP Relay, the Commission further adopts the proposal to refer separately to iTRS access technology as ''VRS access technology'' and ''IP Relay access technology'' where appropriate, but decline to further disaggregate iTRS access technology into further sub-categories of iTRS access technology at this time.

Promoting Standards To Improve Interoperability and Portability

26. There is universal support in the record for the development of voluntary,

consensus standards to facilitate interoperability and portability. Progress is being made under the auspices of the SIP Forum, and the public interest is best served by allowing that process to continue. The Commission directs the CTO and the Chief of OET, in consultation with the Chief of CGB, to coordinate Commission support of and participation in that process in order to ensure the timely development of voluntary, consensus standards to facilitate interoperability and portability. The Commission also delegates to the Chief of CGB, after consultation with the CTO and the Chief of OET, the authority to conduct rulemaking proceedings to incorporate into the Commission's rules by reference any interoperability and portability standards developed under the auspices of the SIP Forum, now or in future, or such other voluntary, consensus standard organization as may be formed to address these issues. Recognizing that the scope of the SIP Forum VRS Task Group charter extends beyond the Commission's current mandatory minimum standards, the Commission also delegates to Chief of CGB, after consultation with the CTO and the Chief of OET, the authority to conduct rulemaking proceedings to incorporate into the Commission's rules by reference as new or updated mandatory minimum standards any standards or recommended standards developed by the SIP Forum (or such other voluntary, consensus standard organization as may be formed to address these issues) that the Chief of CGB finds will advance the statutory functional equivalency mandate or improve the availability of TRS, in the most efficient manner. In conducting such rulemakings, the Chief of CGB shall provide guidance on implementation, including the need for a transition period for existing VRS access technologies, complaint resolution, or other actions necessary to ensure full interoperability and portability.

27. The Commission finds that VRS interoperability and portability standards should include the portability of address book and speed dial list features. The portability of such features is critical to effective competition and the provision of consumer choice in VRS. If the standards developed and incorporated into the Commission's rules do not require that VRS access technology and VRS providers support a standard data interchange format for exporting and importing user personal contacts lists and user speed dial lists between VRS access technologies and VRS providers, the Commission directs the Chief of CGB, after consultation with the CTO and Chief of OET, to conduct an accelerated rulemaking to adopt such standards.

28. Pending action to incorporate interoperability and portability standards into the Commission's rules by reference by the Chief of CGB, the Commission will accept a demonstration that a provider is fully compliant with completed SIP Forum standards or recommended standards as prima facie evidence of compliance with the Commission's interoperability and portability requirements. Compliance with any standards incorporated into the Commission's rules by reference or otherwise shall be a prerequisite for compensation from the Fund. No VRS provider shall be compensated for minutes of use generated by non-standards compliant VRS access technologies or otherwise generated in a manner inconsistent with the Commission's rules. If a provider cannot reliably separate minutes of use generated through standards compliant VRS access technologies from those generated through non-standards compliant VRS access technologies, the provider will not receive compensation for any of the minutes.

29. The Commission has previously urged the industry to develop interoperability and portability standards, but such efforts have proven ineffective. The Commission strongly encourages the SIP Forum's VRS Task Group to adhere to its proposed schedule, and to take any further steps identified as necessary by the Task Group with alacrity. Given the critical importance of this issue, the Commission will take such steps as are necessary to ensure the development and promulgation of interoperability and portability standards—including the adoption of standards developed outside the context of the SIP Forum—if it becomes apparent that the current effort has bogged down or is unlikely to produce the desired results.

VRS Access Technology Reference Platform

30. The Commission directs the Managing Director to contract for the development and deployment of a VRS access technology reference platform. The lack of clearly defined interoperability and portability standards has made it difficult for providers to determine whether VRS access technologies—theirs or a competitor's—are, in fact, compliant with the Commission's requirements, and what steps must be taken to resolve interoperability and portability issues. A reference platform compliant with the interoperability and portability standards will provide a concrete example of a standards specific VRS access technology implementation and will allow providers to ensure that any VRS access technology they develop or deploy is fully compliant with our interoperability and portability requirements by testing their own devices and apps to ensure that they meet the VRS interoperability standards.

31. Further, the Commission directs the FCC's Managing Director, in consultation with the CTO and the Chief of OET, to select, consistent with the Commission's neutrality criteria, a neutral party (or have the TRS Fund administrator select a neutral party) to develop a VRS access technology reference platform under contract to the Commission (or the TRS Fund administrator) and compensated through the Fund.

32. The VRS access technology reference platform shall be a software product that is compliant with the interoperability and portability standards, and useable on commonly available off the shelf equipment and operating systems. Because it will take time to develop these standards, the Commission directs the Managing Director to allow the neutral party chosen to develop the VRS access technology reference platform to release ''beta'' versions of this platform at appropriate points in the development process, so long as procedures are in place to update the application as standards are established. The neutral party chosen to develop the VRS access technology reference platform also shall be required to provide appropriate levels of technical support during the term of the contract to entities, including developers, that license the VRS access technology reference platform and to end users, including troubleshooting technical issues that may arise in the placing or processing of VRS or point-to-point calls.

33. The VRS access technology reference platform will be fully functioning VRS access technology; that is, it will function as current provider-specific products function to provide the ability to place VRS and point-to-point calls, including dial-around functionality, the ability to update the users registered location, and such other capabilities as are required by the Commission's rules. In order to maximize the benefit of this investment from the TRS Fund, the VRS access technology reference platform shall be available for use by the public and by developers. Therefore, the Managing Director shall ensure that the VRS

access technology reference platform, in addition to being compliant with standards developed consistent with the development of voluntary, consensus standards to facilitate interoperability and portability, performs consistently with the Commission's rules, including allowing users to select any VRS provider as their default provider and providing dial around capability and such other rules as may be adopted in future.

34. The Commission defers to the Managing Director to determine the terms under which the VRS access technology reference platform will be licensed, but direct that he or she consider ''open source'' licensing to ensure the widest possible distribution of and use of the VRS access technology reference platform and, to the extent possible, underlying developed code. The Commission also directs that the Managing Director consider licensing the VRS access technology reference platform consistent with the tiered approach, which would allow VRS providers and other developers to tailor the appearance and interface of the VRS access technology reference platform while ensuring that its core functionality remains fully standards compliant.

35. The Commission declines at this time to designate an entity responsible for certifying interoperability among VRS providers' VRS access technologies. The availability of the VRS access technology reference platform should enable providers to test their own products prior to introducing them into the market or issuing upgrades. However, interoperability with the VRS access technology reference platform will be a minimum condition for a provider's VRS access technology to be in compliance with the Commission's rules and thus will be a minimum condition for receiving compensation from the Fund for calls using such technology. In other words, once the VRS access technology reference platform is available for use, and after completion of a reasonable testing period that will be announced in advance, no VRS provider shall be compensated for minutes of use generated by the provider's VRS access technologies that are found to be non-interoperable with the reference platform. To the extent the Commission receives complaints regarding a VRS provider or application developer's failure to comply with standards developed consistent with the development of voluntary, consensus standards to facilitate interoperability and portability, the Commission will rely on existing processes to determine whether compliance with our rules is being achieved, whether it is appropriate to withhold payments, initiate an enforcement proceeding, or take other appropriate actions.

36. The Commission, in its role as custodian of the Fund and the enforcer of the Commission's interoperability rules, must ensure that the platform is developed and released in an expeditious manner, can be updated and/or modified at the Commission's direction as standards and regulations evolve, is licensed in an appropriate manner, and otherwise is developed and maintained in a manner consistent with the Commission's statutory obligations and the public interest. In the interest of avoiding the same conflicts and delays that have hindered the development of consensus industry standards to date, the best possible platform will be procured through the Commission's contracting process.

37. The VRS access technology reference platform should set a baseline for interoperability and should in no way impede future innovation. The VRS access technology reference platform will help to ensure interoperability and portability as required by the Commission's mandatory minimum standards, but should be considered only a floor, not a ceiling on functionality. To the extent providers wish to provide additional features and functions beyond those required by the industry standards or by the Commission's rules, the VRS access technology reference platform should not serve as barrier.

38. If a VRS provider's network and the VRS access technology reference platform do not interoperate properly, the problem may be with the provider's network architecture—if only at the edge where the provider's network and the reference platform interface. While the Commission does not dictate how providers are to comply with the Commission's interoperability and portability requirements, they are nevertheless obligated to meet them—and to achieve this, they may have to alter the operation of their networks to ensure compatibility with the VRS access technology reference platform and the standards-based features of other VRS access technologies.

TRS User Registration Database (TRS–URD) and Eligibility Verification

39. The Commission acts to improve the mechanism used to register and verify the eligibility of VRS users through creation of a TRS–URD and implementation of centralized eligibility verification requirements. Ensuring that the VRS program is as immune as possible from the waste, fraud, and abuse that threatens the long-term viability of the program as it currently operates has been a core goal of this proceeding. When a VRS provider engages in fraudulent practices, the VRS system is made inefficient and the availability of VRS for legitimate users is limited, contrary to section 225 of the Act. 47 U.S.C. 225(b)(1). VRS provider practices that result in waste, fraud, and abuse threaten the sustainability of the TRS Fund and are directly linked to the efficiency and effectiveness of the TRS Fund support mechanisms upon which VRS providers rely for compensation. Moreover, such practices unlawfully shift improper costs to consumers of other telecommunications services, including local and long distance voice subscribers, interconnected VoIP, and others.

40. To help combat such fraud, the Commission (i) directs the development and implementation of a TRS user registration database and (ii) adopts a centralized eligibility verification requirement to ensure that registration for VRS is limited to those who have a hearing or speech disability. A user registration database will provide the Commission, for the first time, a definitive count of the number of unique, active VRS users, and a tool that will allow for more effective auditing and compliance procedures. A centralized eligibility verification system will also help to prevent the registration of fraudulent users and therefore ensure the compensability of VRS calls handled and increase the efficiency of the VRS program.

41. Development and deployment of the TRS–URD, including the ability to conduct eligibility verification, will impose costs that are covered by the TRS Fund. The price for startup and implementation of the TRS numbering directory database and a one year base operating period was $1,541,000. The cost of the TRS–URD is likely to be comparable, if not significantly less. The resultant improvement in functional equivalence and VRS availability for consumers, ease of compliance by providers, and overall efficiency in the operation of the TRS program justifies imposition of these costs.

42. The Commission directs the FCC's Managing Director, in consultation with the CTO, the Chief of OET, and Chief of CGB, to select (or have the TRS Fund administrator select under objectives and factors determined by the Managing Director in consultation with the CTO, the Chief of OET, and Chief of CGB), consistent with the Commission's neutrality criteria, a neutral party to build, operate, and maintain a user

registration database under contract to the Commission (or the TRS Fund administrator) and compensated through the Fund. Each VRS provider shall be required to register each of its users, populate the database with the necessary information for each of its users, and query the database to ensure a user's eligibility for each call.

43. The TRS–URD must have certain capabilities to allow the TRS Fund administrator and the Commission to: (a) receive and process subscriber information provided by VRS providers sufficient to identify unique VRS users and ensure each has a single default provider; (b) assign each VRS user a unique identifier; (c) allow VRS providers and other authorized entities to query the database to determine if a prospective user already has a default provider; (d) allow VRS providers to indicate that a VRS user has used the service; and (e) maintain the confidentiality of proprietary data housed in the database by protecting it from theft, loss, or disclosure to unauthorized persons. The TRS–URD cannot serve its intended purpose unless VRS providers populate the database with the necessary information and query the database to ensure a user's eligibility for each call. The Commission therefore adopts a rule requiring each VRS provider to submit to the TRS–URD administrator the following information for each of the users for which it serves as the default provider:

- Full name, full residential address, ten-digit telephone number assigned in the TRS numbering directory, last four digits of the Social Security number, and date of birth;
- The user's registered location information for emergency calling purposes;
- VRS provider name and dates of service initiation and termination;
- A digital copy of the user's self-certification of eligibility for VRS and the date obtained by the provider;
- The date on which the user's identification was verified; and
- The date on which the user last placed a point-to-point or relay call.

44. Furthermore, prior to providing subscriber information to the database, the VRS provider must obtain consent from the subscriber. In doing so, the VRS provider must describe to the subscriber in writing using clear and easily understandable language the specific information being provided, that the information is being provided to the TRS–URD to ensure the proper administration of the TRS program, and that failure to provide consent will result in the registered user being denied service. VRS providers must obtain and keep a record of affirmative acknowledgment by every registered user of such consent.

45. All personally identifying information will only be accessible for access and modification via network connections using commercially reasonable encryption. VRS providers must submit this information for existing registered users to the TRS–URD within 60 days of notice from the Commission that the TRS–URD is ready to accept such information. Calls from existing registered users that have not had their information populated in the TRS–URD within 60 days of notice from the Commission that the TRS–URD is ready to accept such information shall not be compensable. VRS providers must submit this information (except for the date on which the user last placed a point-to-point or relay call, which is not required for newly registered users) for users registered after the TRS–URD is operational upon initiation of service. We require that the TRS–URD be capable of receiving and processing data provided by VRS providers both in real-time and via periodic batches. The Commission directs the Managing Director to ensure that the TRS–URD administrator specifies how VRS providers must submit data to the database subject to both real-time and batch processes.

46. *Per Call Validation.* In order to ensure the compensability of each call, VRS providers shall validate the eligibility of a user by querying the TRS–URD on a per-call basis. Such validation shall occur during the call setup process, prior to the placement of the call. If a caller's eligibility cannot be validated using the TRS–URD, the call shall not be placed, and the VRS provider shall either terminate the call or, if appropriate, offer to register the user if they are able to demonstrate eligibility. Calls that are not completed because the user's eligibility cannot be validated shall not be included in speed of answer calculations. In order to ensure that emergency calls are processed as expeditiously as possible, the Commission excepts emergency calls from this requirement.

47. *Unique User Identifiers.* The TRS–URD shall assign a unique identifier to each user in the TRS–URD. The Commission directs the TRS–URD administrator to determine the form that this unique identifier should take, and the standards and practices associated with assigning and managing the unique identifier, in connection with the contracting process.

48. *Ensuring Data Integrity.* In order to ensure the integrity of the data in the TRS–URD, it is important to periodically remove information for users who are no longer using VRS (*e.g.,* due to death of the user). The Managing Director will ensure that the TRS–URD administrator removes users from the TRS–URD if they have neither placed nor received a VRS or point to point call in a one year period. Users that are removed from the TRS–URD may, of course, reregister at a later time. If a VRS provider is notified by one of its registered users that the user no longer wants use of a ten-digit number or the provider obtains information that the user is not eligible to use the service, the VRS provider must request that the TRS–URD administrator remove the user's information from the database and may not seek compensation for providing service to the ineligible user. The TRS–URD administrator shall honor such requests.

49. *Security.* The data housed in the TRS–URD may include sensitive personal information. The TRS–URD must have sufficient safeguards to maintain the proprietary or personal nature of the information in the database by protecting it from theft or loss. An important component of maintaining the appropriate level of privacy and data security will be limiting access to the database to authorized entities and then only for authorized purposes. The TRS–URD is not to be used for purposes that do not further the efficient operation and administration of the VRS program, and the Commission authorizes use by providers only for the reasons specified herein, and to determine whether information with respect to its registered users already in the database is correct and complete. Moreover, the Commission specifically prohibits providers from conducting lookups in the TRS–URD to identify other VRS providers' customers for marketing purposes, including win-back efforts. The Managing Director shall ensure that the minimum number of entities has access to the TRS–URD, that such access is utilized only for authorized purposes, and that the data available to a provider in a given circumstance is limited to the minimum necessary.

50. The exact form of the data elements in the database, the structure of the database, and other detailed implementation issues shall be specified during the contracting process. It may become necessary, over time, to modify the data that is to be stored in the database or otherwise make changes to the way the database is administered, structured, or interacted with so as to ensure the efficient administration of the program. To facilitate the ability to

respond to such necessary changes efficiently, the Commission delegates to the Managing Director (or the TRS Fund administrator, if appropriate with the approval of the Managing Director) the authority to modify the TRS–URD contract as necessary to implement changes that are necessary to ensure the efficient administration of the program.

Certification of Eligibility and Verification of Identity

51. The Commission requires every VRS provider to obtain from each registered user a self-certification of eligibility and to implement a centralized identity verification requirement to ensure that registration for VRS is limited to those who have a hearing or speech disability. The Commission declines to relieve VRS providers of their obligation to register users for whom they are the default provider by centralizing that process. VRS providers identify and sign up users through their marketing efforts, and have staff that are trained in ASL and customer registration, and are therefore well equipped to gather from users and potential users the information necessary to register, certify, and verify the eligibility of registrants. It would be difficult, if not impossible, to find a third party with the incentive and ability to conduct those tasks effectively.

Certification of Eligibility

52. In order to be eligible for compensation from the TRS Fund for providing service to their registered VRS users, each provider is required to obtain from each registered user and submit to the TRS–URD a written self-certification that the user has a hearing or speech disability that makes them eligible to use VRS to communicate in a manner that is functionally equivalent to communication by conventional voice telephone users.

53. VRS providers shall require their CAs to terminate any call that does not involve an individual that uses ASL or that otherwise, pursuant to the provider's policies, procedures, and practices as described in its annual compliance plan, does not appear to be a legitimate VRS call, and VRS providers may not submit such calls for compensation from the Fund.

54. VRS providers shall submit to the TRS–URD a properly executed certification of eligibility for each of their existing registered users within 60 days of a public notice from the Managing Director providing notice that the TRS–URD is ready to accept information. VRS providers shall submit a properly executed certification for ''new to category'' users at the time of registration. When registering a user that is transferring service from another VRS provider, VRS providers shall obtain and submit a properly executed certification if a query of the TRS–URD shows a properly executed certification has not been filed. The Commission also requires each VRS provider to maintain the confidentiality of such registration and certification information obtained by the provider, and to not disclose such registration and certification information, as well as the content of such information, except upon request of the FCC, the TRS Fund administrator, or the TRS–URD administrator or as otherwise required by law.

55. The user self-certification mandated by these rules must adhere to several requirements. In particular, a VRS provider must obtain from each user self-certification that: (1) the user has a hearing or speech disability that makes the user eligible to use VRS; and (2) the user understands that the cost of the VRS calls is paid for by contributions from other telecommunications users to the TRS Fund. In addition, this self-certification must be made on a form separate from any other user agreement, and requires a separate signature specific to the self-certification.

Verification of Identity

56. A centralized process by which the identity of users is verified would help to prevent the registration of fraudulent users and therefore ensure the compensability of VRS calls handled and increase the efficiency of the VRS program. VRS providers are in the best position to gather information necessary to verify user identity but conducting all verifications through a single, centralized process will ensure that all users meet the verification standards mandated by the Commission. Further, it is highly likely that requiring all VRS providers to conduct identity verification through a central process will result in cost savings. The Fund will almost certainly be able to negotiate a contract for verification services for all providers that is less expensive than the sum of the individual contracts that would need to be negotiated by each VRS provider.

57. The Commission directs the Managing Director to ensure that the TRS–URD has the capability of performing an identification verification check when a VRS provider or other party submits a query to the database about an existing or potential user. The criteria for identification verification shall be established by the Managing Director in consultation with the CTO and the Chief of OET. VRS providers shall not register individuals that do not pass the identification verification check conducted through the TRS–URD, and shall not seek compensation for calls placed by such individuals.

Neutral Video Communication Service Provider

58. VRS communications require the interaction of three separate yet interlinked components: VRS access technologies, video communication service, and relay service provided by ASL-fluent CAs. In the *VRS Structure and Rates PN,* the Commission sought comment on specific proposals to disaggregate these components, including a proposal by CSDVRS to require an industry structure in which all providers of VRS CA services would utilize an enhanced version of the TRS numbering directory to provide features such as user registration and validation, call routing, and usage accounting. *Additional Comment Sought on Structure and Practices of the Video Relay Service (VRS) Program and on Proposed VRS Compensation Rates,* CC Docket Nos. 03–123 and 10–51, Public Notice and Further Notice of Proposed Rulemaking; published at 77 FR 65526, October 29, 2012 (*VRS Structure and Rates PN*). In effect, the CSDVRS proposal would separate the video communication service component of VRS from the VRS CA service component by providing the functions of the former from an enhanced database (''enhanced iTRS database''). The Commission chooses not to require that all providers utilize a single video communication service provider at this time. In lieu of requiring all VRS providers to use a single video communication service platform, the Commission establishes, by contract, a neutral video communication service provider that will allow consumers to connect to the ''standalone'' VRS CA service provider of their choice. The neutral video communication service provider will provide user registration and validation, authentication, authorization, ACD platform functions, routing (including emergency call routing), call setup, mapping, call features (such as call forwarding and video mail), and such other features and functions not directly related to the provision of VRS CA services.

59. The creation of a neutral video communication service provider will have multiple beneficial effects, the most obvious being in the promotion of more efficient and effective VRS CA service competition. The availability of a neutral platform will eliminate a significant barrier to entry: the cost of

building and maintaining a video communication service platform. Standalone VRS CA service providers are likely to focus their efforts on distinguishing themselves through innovation in the provision of high-quality ASL interpretation and the hiring of interpreters who can meet a wide variety of VRS user communication needs. A neutral video communication service provider also will provide the Commission direct insight into the operation of the video communication service component of VRS. The Commission will be better able to assess the costs of operating a platform and to develop platform related performance metrics, potentially including metrics that go beyond simple ''speed of answer'' requirements. Further, a neutral video communication service provider will serve, at least in part, the same functions as the VRS access technology reference platform with respect to ensuring interoperability between providers. The neutral video communication service provider contract will mandate full compliance with industry established interoperability standards, thereby providing a neutral platform against which interoperability issues can be tested. The availability of this neutral video communication service provider also will allow the Commission to be better able to assess claims that independent products or services are not compliant with the Commission's interoperability rules. As with the VRS access technology reference platform, all providers' VRS access technologies and (in the case of vertically integrated providers) video communication service platforms must be interoperable with the neutral video communication service provider's service platform, including for point-to-point calls. After completion of a reasonable testing period that will be announced in advance, the neutral video communication service provider will begin providing service to standalone VRS CA service providers, and from that point on, no VRS provider shall be compensated for minutes of use involving VRS access technologies or video communication service platforms that are not interoperable with the neutral video communication service provider's platform.

60. Aside from this interoperability obligation, existing, vertically integrated providers of VRS are in no way obligated to utilize the neutral video communication service provider, and may continue to deliver VRS over their existing platforms consistent with the Commission's rules. Given the complexity that would result from allowing vertically integrated providers to process calls both over their own video communication service platforms and the neutral video communication service platform the Commission adopts, only providers choosing to operate as standalone VRS CA service providers will be permitted to utilize the neutral video communication service platform to process VRS calls. Existing, vertically integrated VRS providers that wish to transition to operation as a standalone VRS CA service provider may do so upon 60 days notice to the Commission.

Neutral Video Communication Service Provider Performance Requirements

61. The Commission directs the FCC's Managing Director, in consultation with the CTO, the Chief of OET, and the Chief of CGB, to select, consistent with the Commission's neutrality criteria, a neutral party to build, operate, and maintain a neutral video communication service platform under contract to the Commission and compensated through the Fund. The Commission further directs the Managing Director to take the following guidance into account when contracting for the neutral video communication service provider.

62. *Quality of service.* The Managing Director, in consultation with the Chief of CGB, shall specify appropriate benchmarks for service quality, including benchmarks for availability, dropped calls, and call signaling delay, consistent with existing Commission requirements.

63. *Standards compliance.* The neutral video communication service platform must conform to all standards incorporated into the Commission's rules by reference. By extension, the neutral video communication service platform must be interoperable with the VRS access technology platform and other standards compliant VRS access technologies. To the extent the neutral video communication service provider develops and releases iTRS access technology, that iTRS access technology must comply with the Commission's rules.

64. *Backwards compatibility.* The neutral video communication service platform should provide a reasonable level of backwards compatibility with the installed base of existing VRS access technologies.

65. *Functionality.* The Managing Director shall ensure that the neutral video communication service provider provides all of the operational, technical, and functional capabilities specified in the Commission's rules that are not otherwise fulfilled by VRS access technology or a standalone VRS CA service provider. Such requirements include, but are not limited to, routing and delivery of VRS calls to and from the PSTN with interpretation from the user's registered provider, routing of point-to-point calls, and delivery of calling party identifying information. The neutral video communication service platform shall be available 24 hours a day. The neutral video communication service platform shall ensure appropriate processing of emergency calls, using the user's registered standalone VRS CA service provider for interpretation services. Specifically, the technical requirements shall specify that the neutral video communication service provider provides each standalone VRS CA service provider with the functionality necessary to comply with § 64.605(b) of the Commission's rules.

66. The neutral video communication service provider also shall provide such functionality as is required to allow standalone VRS CA service providers to fulfill their registration obligations under § 64.611 of the Commission's rules. Specifically, the neutral video communication service provider will act on behalf of standalone VRS CA service providers to obtain and assign ten digit telephone numbers to consumers during the user registration process, route and deliver inbound and outbound calls, interface with the TRS Numbering Directory, interface with the TRS–URD, and facilitate any necessary actions as pertain to toll-free numbers.

67. Additionally, the neutral video communication service provider shall provide standard interfaces and protocols through which standalone VRS CA service providers will provide interpretation services and send and receive such information as is necessary to ensure compliance with the Commission's rules. The neutral video communication service provider shall deliver to standalone VRS CA service providers such information as is necessary for the standalone VRS CA service provider to process the call and maintain such records as are necessary to allow them to seek compensation from the TRS Fund. The neutral video communication service platform also shall provide advanced capabilities as specified by CGB including video mail and address book capabilities.

68. *Scalability.* The neutral video communication service platform will necessarily carry few minutes of use at the initiation of its operations, but is likely to attract additional minutes of use over time. The neutral video communication service platform

provider therefore must ensure that the platform, in addition to having the capacity to process initial levels of call volume, be scalable (*i.e.,* be able to handle increasing amounts of traffic over time as demand warrants) on a reasonable timeline.

69. *Customer service.* The neutral video communication service provider shall provide appropriate levels of customer service both to standalone VRS CA service providers and to end users, including troubleshooting technical issues that may arise in the placing or processing of VRS or point-to-point calls.

Stakeholder Concerns

70. Given that no VRS provider will be required to utilize the neutral video communication service provider, the Commission need not address general concerns expressed by commenters regarding a ''command and control'' approach to VRS that would disrupt existing business models and putatively damage competition, innovation, and customer satisfaction. Nevertheless, to the extent that some of these concerns could be applicable to the approach the Commission adopts, the Commission addresses each in turn.

71. *Privacy and Security.* While it is not clear how the neutral video communication service provider would pose any greater (or lesser) risk to consumer data than does an integrated provider, the neutral video communication service provider may possess or have access to sensitive personal information. The neutral video communication service provider must, therefore, have sufficient safeguards to maintain the proprietary or personal nature of the information in its possession by protecting it from theft or loss.

72. *Fraud.* The availability of a centralized communication service platform may increase the risk that ''fly-by-night'' VRS CA service providers will seek to defraud the TRS Fund. However, standalone VRS CA service providers must go through a certification process like other VRS providers before they are eligible to seek compensation from the TRS Fund. This certification process, taken in combination with the Commission's improved ability to audit data on VRS calls processed by the neutral video communication service provider, will be sufficient to protect the Fund against this kind of waste, fraud, and abuse.

73. *Service quality.* A centralized provider may not be incented to provide quality services, but the services of the neutral video communication service provider are essentially ''mechanical'' in nature and can be quantified using well-understood industry-standard metrics such as call signaling delay and availability. Appropriately developed service quality benchmarks specified by contract are sufficient to ensure that the neutral video communication service provider will provide an appropriate level of performance. Any neutral video communication service provider that hopes to win a renewal of its contract will be strongly incented to perform.

74. *Compensation.* Changes to the structure of the VRS program will require changes to the existing compensation system. The Commission will modify the way that vertically integrated providers are compensated and set in place a reasonable glide path to market based rates—a process the Commission began years ago. The Commission proposes to transition to a ratemaking approach that makes use of competitively established pricing, i.e., contract prices set through a competitive bidding process, where feasible.

75. *Customer confusion.* The provision of VRS through disaggregated service providers may result in customer confusion and poor customer service if consumers do not know who to contact to resolve technical difficulties and other problems.This Order ensures that consumers may choose to obtain service from an integrated provider or from a standalone VRS CA service provider utilizing the neutral video communication service platform. To the extent consumers are dissatisfied with their existing registered provider, they may choose a different one.

Standalone VRS CA Service Provider Standards

76. The availability of a neutral video communication service platform will lower the barriers to entry in the provision of VRS CA service. This will promote more effective and efficient competition on the basis of service quality, including interpreter quality and the capabilities to handle the varied needs of VRS users. This can be accomplished consistently with maintaining strong certification criteria and service standards and without affording additional opportunities for fraud, abuse, or waste.

77. *General obligations.* Standalone VRS CA service providers shall be providers of VRS and shall be obligated to comply fully with the Commission's TRS regulations, with one general exception: a standalone VRS CA service provider must utilize the neutral video communication service platform to fulfill those obligations not directly related to the provision of VRS CA service. The Commission therefore revises § 64.604(c)(5)(iii)(N)(1)(iii) of the Commission's rules to allow standalone VRS CA service providers to utilize the neutral video communication service platform for the provision of platform functions. Standalone VRS CA service providers shall be responsible for providing VRS CA service and ensuring that the neutral video communication service provider has the information it needs to fulfill these obligations on its behalf. The Commission will not, however, hold a standalone VRS CA service provider responsible for any action, or failure to act, by the neutral video communication service provider involving the non-CA service functions for which the neutral video communication service provider is responsible.

78. *Certification.* The Commission has adopted rigorous rules governing iTRS provider practices and eligibility, certification, and oversight. Like any other iTRS provider, standalone VRS CA service providers must comply with these rules. In complying with the certification requirements set forth in § 64.606 of the Commission's rules, standalone VRS CA service providers shall, in their description of the technology and equipment used to support their call center functions, describe (a) how they provide connectivity to the neutral video communication service provider, and (b) how they internally route calls to CAs and then back to the neutral video communication service provider. Standalone VRS CA service providers need not describe ACD functionality if it is not used for these purposes, as standalone VRS CA service providers will not operate their own video communication service platforms.

79. *Registration.* A standalone VRS CA service provider shall fulfill its obligations under § 64.611(a), (c), (d), and (e) of the Commission's rules through the Commission-contracted neutral video communication service provider. The standalone VRS CA service provider shall be responsible for providing interpretation service and gathering and delivering such information from its users to the neutral video communication service provider as is necessary to ensure the obligations set forth in § 64.611 are fulfilled. For the sake of clarity, standalone VRS CA service providers also must comply with § 64.611(f) and (g) of the Commission's rules.

80. *Speed of Answer.* Standalone VRS CA service providers shall be responsible for meeting the Commission's speed of answer

requirements as measured from the time a VRS call reaches the signaling servers or user agents operated by the standalone VRS CA service provider.

81. *TRS Facilities.* Standalone VRS CA service providers shall fulfill their obligations regarding TRS facilities, except that they are not required to provide a copy of a lease or licensing agreement for an ACD unless it is used in the provision of CA service.

Delineating Responsibility Between the Neutral Video Communication Service Provider and Standalone VRS CA Service Providers

82. Absence evidence to the contrary, the Commission will generally delineate responsibility based on ownership or control of the network elements responsible for a failure. For example, a standalone VRS CA service provider will not be responsible for a service interruption pursuant to § 64.606(h) of the Commission's rules if that interruption results from an outage of the neutral video communication service provider's network. Violations attributable to the neutral video communication service provider will be addressed through contract enforcement provisions. Violations attributable to the provision of CA service will be addressed through existing Commission procedures. A VRS CA service provider is also responsible for ensuring that the neutral video communication service provider has the information it needs to fulfill non-VRS CA service functions.

Implementation of Structural Reforms

Neutrality Requirements

83. Building, maintaining, and/or operating the TRS–URD, the VRS access technology reference platform, and the neutral video communication service platform will best be done by one or more neutral third parties under contract to the Commission and compensated through the Fund. The neutral administrator of the TRS–URD, the neutral video communication service provider, and the neutral administrator of the VRS access technology reference platform each: (1) Must be a non-governmental entity that is impartial and is not an affiliate of any Internet-based TRS provider; (2) may not themselves, or any affiliate, issue a majority of its debt to, nor derive a majority of its revenues from, any Internet-based TRS provider; and (3) notwithstanding the neutrality criteria set forth in (1) and (2) above, may be determined by the Commission to be or not to be subject to undue influence by parties with a vested interest in the outcome of TRS-related activities. *See* § 52.12(a)(1)(iii) of the Commission's rules. Any subcontractor that performs functions of the neutral administrator of the TRS–URD, the neutral video communication service provider, and/or the neutral administrator of the VRS access technology reference platform each must also meet these neutrality criteria.

Cost Recovery

84. Section 225 of the Act creates a cost recovery regime whereby TRS providers are compensated for their reasonable costs of providing service in compliance with the TRS regulations. *See* 47 U.S.C. 225(d)(3); 47 CFR 64.604(c)(5) of the Commission's rules. The Commission does not routinely grant extraordinary cost recovery for new regulations, and does not believe that the providers' additional costs necessary to implement the requirements adopted herein will be substantial. Thus, the Commission does not find it appropriate to grant additional extraordinary cost recovery in connection with this Order, particularly given that providers currently are compensated well above their actual costs.

Additional Reforms

Improving the Commission's Operations

85. The Commission has delegated authority for disability access policy to CGB, stating that CGB ''advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to persons with disabilities. 47 CFR 0.141(f) of the Commission's rules. However, in document FCC 13–82, the Commission delegates financial oversight of the TRS Fund to the Managing Director. Nonetheless, such financial oversight must be consistent with the TRS Orders, rules, and policies, and OMD should consult with CGB on issues that potentially could impact the availability, provision, and continuity of services to consumers. Enforcement regarding TRS will continue to be carried out under the existing authority delegated to CGB, OMD, and the Enforcement Bureau, as appropriate.

86. CGB will retain authority over TRS policy matters. OMD will be responsible for management of all TRS related contracts and contractors, including the TRS Fund administration contract/TRS Fund administrator, and the TRS–URD contract adopted pursuant to this Order. In addition, OMD will be responsible for overseeing TRS Fund audits performed by the TRS Fund administrator, responding (jointly with CGB, if appropriate) to the FCC's Office of Inspector General audits of the TRS Fund, advising the TRS Fund administrator on payment withholding and other financial decisions, and reviewing TRS Fund contribution factor calculations.

87. To meet this clarified responsibility, the Commission notes that the Managing Director has recently designated an FCC employee to serve as a TRS Fund Program Coordinator, which the Commission believes will help OMD to carry out its responsibilities with regard to the TRS Fund. The Commission directs that the Contracting Officer's Representatives (CORs) for all TRS related contracts shall provide support to the TRS Fund Program Coordinator. In addition, the TRS Fund Program Coordinator will coordinate with CGB, the Managing Director, and all other relevant Bureaus and Offices as needed to appropriately oversee the TRS Fund, and will establish and oversee appropriate processes for coordination of Commission staff with the CORs who oversee TRS contracted entities in accordance with their prescribed contractual duties. Issues that could expand the scope of the contract work, extend the length of the contract, or raise the price of performance must be coordinated with the Contracting Officer.

General Prohibitions on Practices Causing Unreasonable Discrimination and Waste, Fraud, and Abuse

88. The *2011 VRS Reform FNPRM,* proposed to adopt regulations that generally prohibit VRS provider practices that discriminate against particular users or classes of users or that otherwise result in waste, fraud, or abuse of the TRS Fund. The Commission concludes that the most appropriate course is to adopt a regulation that mirrors the prohibitions in Section 202(a) of the Act. Section 202(a) of the Act generally prohibits common carriers from engaging in unjust or unreasonable discrimination in charges, practices, classifications, *etc.,* or giving undue or unreasonable advantages or disadvantages to any customer or class of customers, in connection with communications service 42 U.S.C. 202(a). Such a requirement that furthers the ''functional equivalence'' purpose of section 225 of the Act by providing safeguards against discrimination in the provision of relay services equivalent to those generally applicable to carriers in their provision of voice communication services. Accordingly, the Commission

amends § 64.604 of the Commission's rule to provide that:

''(c)(12) A VRS provider shall not (1) directly or indirectly, by any means or device, engage in any unjust or unreasonable discrimination related to practices, facilities, or services for or in connection with like relay service, (2) engage in or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or (3) subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.''

89. The Commission intends that this rule be interpreted and applied in the same manner that section 202(a) of the Act is applied to common carriers, *i.e.,* that this rule will prohibit VRS providers from discriminating in connection with ''like'' relay service to the same extent that section 202(a) of the Act prohibits common carriers from discriminating in connection with ''like'' communication service.

90. The Commission also adopts a general prohibition on VRS providers engaging in fraudulent, abusive, and wasteful practices, *i.e.,* practices that threaten to drain the TRS Fund by causing or encouraging (1) False TRS Fund compensation claims, (2) unauthorized use of VRS, (3) the making of VRS calls that would not otherwise be made, or (4) the use of VRS by consumers who do not need the service in order to communicate in a functionally equivalent manner.

91. To prevent practices that cause or encourage unauthorized or unnecessary use of relay services, the Commission amends § 64.604 of the Commission's rules to provide that:

''(c)(13) A VRS provider shall not engage in any practice that causes or encourages, or that the provider knows or has reason to know will cause or encourage (1) false or unverified claims for TRS Fund compensation, (2) unauthorized use of VRS, (3) the making of VRS calls that would not otherwise be made, or (4) the use of VRS by persons who do not need the service in order to communicate in a functionally equivalent manner. A VRS provider shall not seek payment from the TRS Fund for any minutes of service it knows or has reason to know are resulting from such practices. Any VRS provider that becomes aware of such practices being or having been committed by any person shall as soon as practicable report such practices to the Commission or the TRS Fund administrator.''

92. The Commission intends that this rule encompass, but not be limited by, the Commission's numerous prior declaratory rulings describing wasteful, fraudulent, and abusive practices that violate section 225 of the Act. For purposes of the amended rule, a practice is prohibited where, for example, it artificially stimulates TRS usage, enables or encourages participation by unauthorized users, or uses financial incentives to attract new TRS users or to increase usage. This list is provided by way of example only and is not intended to be exhaustive. Providers are in the best position to identify anomalies and tends based on analysis of their call traffic and abuses detected by CAs. The Commission expects each provider to be diligent in ensuring its practices do not result in waste, fraud, or abuse. All monies paid from the Fund to providers who are in violation of this rule shall be recoverable by the TRS Fund administrator.

Provider Compliance Plans

93. Although the Commission's rules currently require VRS providers who have received Commission certification to submit annual reports providing evidence of ongoing compliance with our minimum standards, its rules do not specifically require the development of or submission to the Commission of an annual compliance plan addressing waste, fraud, and abuse, comparable to what is required of Lifeline-only carriers. To provide an improved mechanism for ensuring that providers have taken adequate steps and adopted sufficient measures to prevent waste, fraud, and abuse, the Commission amends § 64.606(g) of the Commission's rules to add the following requirements:

(g)(3) Each VRS provider shall include within its annual report a compliance plan describing the provider's policies, procedures, and practices for complying with the requirements of § 64.604(c)(13) of the Commission's rules. Such compliance plan shall include, at a minimum: (i) identification of any officer(s) or managerial employee(s) responsible for ensuring compliance with § 64.604(c)(13) of the Commission's rules, (ii) a description of any compliance training provided to the provider's officers, employees, and contractors, (iii) identification of any telephone numbers, Web site addresses, or other mechanisms available to employees for reporting abuses, (iv) a description of any internal audit processes used to ensure the accuracy and completeness of minutes submitted to the TRS Fund administrator, and (v) a description of all policies and practices that the provider is following to prevent waste, fraud, and abuse of the TRS Fund. A provider that fails to file a compliance plan as directed shall not be entitled to compensation for the provision of VRS during the period of noncompliance.

(4) If, at any time, the Commission determines that a VRS provider's compliance plan currently on file is inadequate to prevent waste, fraud, and abuse of the TRS Fund, the Commission shall so notify the provider, shall explain the reasons the plan is inadequate, and shall direct the provider to correct the identified defects and submit an amended compliance plan reflecting such correction within a specified time period not to exceed 60 days. A provider that fails to comply with such directive shall not be entitled to compensation for the provision of VRS during the period of noncompliance. A submitted compliance plan shall not be *prima facie* evidence of the plan's adequacy; nor shall it be evidence that the provider has fulfilled its obligations under § 64.604(c)(13) of the Commission's rules.

Speed of Answer

94. The Commission sought comment in the *2011 VRS Reform FNPRM* on whether to update its VRS ''speed of answer'' rules, which require VRS providers to answer 80 percent of all VRS calls within 120 seconds, measured on a monthly basis. The record demonstrates that it is appropriate to take steps to more closely align the VRS speed of answer rules with those applicable to other forms of TRS by reducing the permissible wait time for a VRS call to be answered to 30 seconds, 85 percent of the time, and to measure compliance on a daily basis.

95. *Wait time.* VRS providers already achieve a speed of answer of 30 seconds for the majority of VRS calls. The Commission therefore finds it reasonable to reduce the permissible wait time for VRS calls to 30 seconds. This 30 second requirement deviates from the 10 second speed of answer standard required for other forms of TRS, but given that VRS providers already are largely achieving this standard at current CA staffing levels, this action will set a new standard for VRS provider performance without additional cost to providers or the TRS Fund.

96. *Compliance threshold.* Consistent with the Commission's rules for other forms of TRS, the Commission increases from 80 to 85 percent the number of calls that a provider must answer within the allowable wait time. The Commission previously has found that an 85 percent speed of answer compliance threshold allows providers sufficient leeway to compensate for

abandoned calls and fluctuations in call traffic.

97. *Measurement window.* Consistent with the Commission's rules for other forms of TRS, the Commission requires a daily (rather than monthly) measurement of compliance with the Commission's VRS speed of answer standard. Given that providers now have more than a decade of experience managing CA staffing levels and already are largely meeting the 30 second wait time requirement the Commission adopts, deviating from the measurement window the Commission applies to other forms of TRS is no longer necessary.

98. *Calculating speed of answer.* In the *2005 VRS Speed of Answer Order,* the Commission concluded that ''the speed of answer measurement begins when the VRS provider's equipment accepts the call from the Internet.'' *See e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* CC Docket Nos. 98–67 and 03–123; Report and Order; published at 70 FR 51649, August 1, 2005 (*2005 VRS Speed of Answer Order*). Because VRS users can now dial the number they wish to call, and the connection of the call to the called party no longer requires the VRS provider to obtain telephone numbers and other information from VRS users, the Commission now clarifies that the speed of answer will be measured based on the elapsed time between the time at which the call (whether initiated by a hearing or ASL user) is first delivered to the provider's system (handoff time) until the call is either abandoned (call termination time) or answered by any method which results in the caller's call immediately being placed, not put in a queue or on hold (session start time). This clarification mirrors § 64.604(b)(2)(ii) of the Commission's rules governing speed of answer for other forms of TRS, which requires that 85 percent of all calls ''be answered within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold.'' 47 CFR 64.604(b)(2)(ii) of the Commission's rules. Calls that are not completed because the user's eligibility cannot be validated shall not be included in speed of answer calculations.

99. *Phase In.* To allow providers to adjust their operations, as necessary, to meet the new speed of answer requirement, the Commission establishes a phase-in period. Specifically, as measured on a daily basis: (1) by January 1, 2014, VRS providers must answer 85 percent of all VRS calls within 60 seconds; and (2) by July 1, 2014, VRS providers must answer 85 percent of all VRS calls within 30 seconds. The Commission will monitor VRS providers' compliance with these new standards, and re-visit this issue in the future if necessary.

Preventing Slamming

100. In order to protect VRS and IP Relay users from unwanted changes in their default provider, the Commission adopts rules governing how these changes may take place. These rules, which are incorporated into part 64, subpart F of the Commission's rules (TRS regulations) and are modeled after part 64, subpart K of the Commission's rules, prescribe: the type(s) of user authorization that providers must obtain prior to switching a subscriber's default provider; how verification of any such authorization must be obtained and maintained by the receiving provider; whether and how providers may use information obtained when receiving notification of a user's service change to another provider, whether for marketing, win-back, or other purposes; and complaint procedures and remedies for violation of these rules. 47 CFR 64.1100 of the Commission's rules *et. seq.* The rules the Commission adopts are not identical to the slamming rules adopted for telecommunications carriers. Modifications have been made to reflect the differences between Internet-based TRS providers and telecommunications carriers, eliminate redundant provisions, and otherwise make the rules more explicit so as to improve enforcement and administration of the requirements that apply to Internet-based TRS providers.

101. The rules the Commission adopts specifically require a provider to obtain individual user consent before a default provider change may occur. Such consent must be obtained in compliance with prescribed verification procedures, which require that a provider, prior to effecting a default provider change, either: (1) obtain the user's written or electronically signed authorization to change his or her default provider; or (2) utilize an independent third party to verify the subscriber's request. This will help prevent unauthorized default provider changes, thereby reducing the number of consumer complaints. Moreover, the rules the Commission adopts require that third-party verification be conducted in the same language as the underlying transaction. The third-party verifier must elicit: the date of the verification; identification of the user; confirmation that the person on the call is authorized to make the default provider change; confirmation that the person on the call wants to make the default provider change and understands what the change in default provider means, including that the customer may need to return any leased video equipment belonging to the default provider; confirmation that the person on the call understands that a default provider change, not an upgrade to existing service, or any other misleading description of the transaction is being authorized; the name of the new default provider; the telephone number of record to be transferred to the new default provider; and the type of relay service used with the telephone number being transferred. The rules also require that the third-party verification process be recorded, which in the case of a third-party verification conducted in ASL, means video-recorded.

102. In the *First Internet-Based TRS Numbering Order,* the Commission found that iTRS providers and their numbering partners are subject to the same porting obligations as interconnected VoIP providers, with the sole exception of contributing to meet shared numbering administration costs and local number portability (LNP) costs. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers,* CG Docket No. 03–123, WC Docket No. 05–196, Report and Order and Further Notice of Proposed Rulemaking; published at 73 FR 41286, July 18, 2008 and at 73 FR 41307, July 18, 2008.

103. Because the Commission already addressed the number portability obligations of iTRS providers the Commission will not, except as discussed herein, revisit the number portability obligations of iTRS providers at this time, and the Commission does not include in the iTRS slamming rules the provisions found in subpart K of part 64 that already apply to the numbering partners of the iTRS providers. However, in response to reports alleging that there have been instances where VRS providers have, upon receiving a number porting request for one of their registered users, failed to process that user's calls pending completion of the port or have disabled or reduced the functionality of that user's VRS access technology during the pendency of the porting process, the Commission reminds iTRS providers and their numbering partners on both ends of the number porting process that they are responsible for coordinating the timing of the number porting to ensure that there is no interruption of service to the user. To

prevent improper degradation or interruption of service, the Commission adopts a rule prohibiting default providers from reducing the level or quality of service provided to their users, or the functionality of their users' iTRS access technology, during the porting process.

104. The Commission adopts recordkeeping requirements applicable to iTRS providers that are five years in duration, as opposed to two years in the case of telecommunications carriers. This is consistent with other recordkeeping requirements applicable to iTRS providers and will ensure that the underlying records supporting verification of a default provider change are maintained and are available to the Commission for review. .

105. In the telecommunications carrier context, subpart K of part 64 of the Commission's rules requires that preferred carrier change orders be submitted within 60 days of obtaining a letter of agency. In the iTRS provider slamming rules adopted, the Commission likewise requires that all default provider change orders be implemented within 60 days, whether verified by a letter of authorization or by a third party verification. The Commission finds that placing a limit on the amount of time between when the default provider change order is received and verified and when the change is implemented avoids situations where, for example, an iTRS provider may implement a stale default provider change order that the iTRS user may no longer desire.

106. The Commission permits a provider to acquire by sale or transfer either part or all of another provider's user base, provided that the acquiring provider complies with the user notification procedures set forth in the new rule. Any such sale or transfer must be to a provider that is certified by the Commission pursuant to § 64.606(a)(2) of the Commission's rules to receive compensation from the Fund to provide the specific relay service for which the sale or transfer is occurring

107. Under the telecommunications slamming rules, a ''preferred carrier freeze'' prevents a change in a subscriber's preferred carrier selection by placing a ''freeze'' on that subscriber's selection, unless the subscriber gives the carrier from whom the freeze was requested his or her express consent to change carriers. The Commission will prohibit default provider freezes. Allowing such freezes, especially in a market where anti-slamming procedures have not previously applied, could be detrimental for an industry where competition continues to evolve, and where consumers should be able to change their default providers with ease.

108. The Commission extends to VRS and IP Relay the common carrier prohibition against using carrier proprietary information gained from a number porting request to initiate retention marketing while a number port is in progress. A VRS or IP Relay provider may not use the proprietary information obtained from a provider submitting a number porting request to try to retain its customer during the porting process. Once the port is complete, the carrier change information is no longer proprietary information protected from use by the former default provider, and therefore the former default provider may use such information to market to its former customer, consistent with TRS requirements.

109. *Enforcement.* The telecommunications carrier slamming rules provide that any submitting provider that fails to comply with the slamming rules for a particular subscriber shall pay 150% of the payments from that subscriber to the authorized carrier, who in turn pays a refund to the subscriber of 50% of all such payments. The appropriate remedy is for the submitting provider to pay to the Fund 100% of the amount that was paid by the Fund to the submitting provider. In other words, since the minutes submitted to the Fund for reimbursement by the submitting provider were not authorized, the provider will have to return its compensation for such minutes to the Fund. The Commission will not require the submitting provider to pay to the Fund an additional 50% because such additional payment would amount to a collection of funds in excess of the costs caused by TRS. However, the Commission reminds VRS and IP Relay providers that, in addition to the repayment remedy, violations could result in enforcement or other remedies available by law to address noncompliance, including but not limited to the Commission's forfeiture procedures.

110. The Commission adopts complaint procedures for unauthorized changes of a default provider that are similar to the complaint procedures used for unauthorized changes of telecommunications carriers. The rules the Commission adopts provide for consumers to file informal complaints with the Commission in writing, including via the Commission's web-based complaint filing system via the option ''Disability Access to Communications Services and Equipment.''

111. *Legal Authority.* The Commission's statutory authority to apply anti-slamming safeguards to VRS and IP Relay derives from section 225 of the Act, which directs the Commission to prescribe regulations to ensure that telecommunications relay services are available in the most efficient manner to enable communication in a manner functionally equivalent to voice telephone services. *See* 47 U.S.C. 225(a)(3), (b)(1). Because voice telephone users enjoy the protections of the Commission's anti-slamming regulations, the Commission finds that applying these same protections to VRS and IP Relay users advances the Act's mandate of functional equivalency. Such protections will improve the efficiency of VRS and IP Relay by reducing wasteful ''churning'' of the customer base for those services. The Commission establishes slamming prohibitions for VRS and IP Relay pursuant to the specific mandate of section 225(d)(1)(A) of the Act to establish ''functional requirements, guidelines, and operations procedures'' for TRS. 47 U.S.C. 225(d)(1)(A).

Consumer Privacy

112. In this section, the Commission adopts rules to protect the privacy of customer information relating to all relay services authorized under section 225 of the Act and to point-to-point video services offered by VRS providers. The Commission sought comment on the adoption of such privacy rules for TRS in general in 2008 in the *TRS Numbering FNPRM,* and more recently for VRS with respect to certain issues in the *2011 VRS Reform FNPRM.*

113. Commenters generally agree that the Commission should apply Customer Proprietary Network Information (CPNI) protections to all forms of TRS, as well as to point-to-point video services provided over the VRS network, with minor modifications to account for the unique nature of TRS. The Commission now adopts rules that are modeled after part 64, subpart U of the Commission's rules, for the purpose of applying the protections of the CPNI rules to TRS and point-to-point video calls handled over the VRS network. For TRS to be functionally equivalent to voice telephone services, consumers with disabilities who use TRS are entitled to have the same assurances of privacy as do consumers without disabilities for voice telephone services. Further, because upwards of 80–90 percent of all calls made by ASL users on the VRS network are point-to-point, the Commission finds that it is just as

important, if not more important, to apply the CPNI protections to point-to-point video calls handled over the VRS network as it is to apply these safeguards to calls that are relayed.

114. The rules the Commission adopts are not identical to the CPNI rules for telecommunications carriers in subpart U of part 64 of the Commission's rules. Modifications have been made to reflect the differences between TRS providers and telecommunications carriers. For example, the use of sign language is contemplated by the rules. Other modifications have been made to make the rules more explicit so as to improve enforcement and administration of the rules. Although the Commission does not address herein every variance between the subpart U rules that apply to telecommunications carriers and the subpart EE rules that apply to TRS, the Commission describes the main differences below.

115. As with telecommunications services, a TRS provider may access CPNI for the purpose of marketing services to its registered users within the same category of service (meaning same type of TRS) that its registered users already receive from that provider. However, just as a wireless carrier may not access CPNI for the purpose of marketing to a roaming service user (because the roaming service user is not a subscriber of the serving carrier), a TRS provider may not use CPNI for the purpose of marketing to a dial-around user. Similarly, just as a telecommunications carrier may not use CPNI to market services to a party on the other end of its subscriber's voice call because such party may not be a subscriber of that carrier, the Commission does not permit a TRS provider to use CPNI for the purpose of marketing services to a party on the other end of its registered user's point-to-point call.

116. The Commission agrees with the Consumer Groups that due to certain inherent differences between voice telephone services and TRS, certain additional protections should apply to TRS. As the Commission has repeatedly emphasized, because the TRS Fund, and not the consumers, pay for TRS calls, TRS providers may not, with or without using CPNI, engage in marketing communications that offer improper financial incentives to existing or potential customers or that suggest, urge, or tell a TRS user to make more or longer TRS calls. To make clear that, in adopting CPNI rules to cover TRS providers, the Commission is not relieving TRS providers of their obligations under the Commission's prior rulings regarding prohibited marketing communications, the rules adopted explicitly provide that when CPNI is used for marketing purposes, it may only be used for lawful marketing activities. To the extent that the Consumer Groups advocate restrictions on political speech by TRS providers, the Commission believes that a more developed record is necessary to evaluate the potential merits of adopting new requirements in that regard, and consequently the Commission seeks comment on those issues in the document FCC 13–82 FNPRM.

117. Because the administrator of the TRS Fund requires call data information and other CPNI to administer the Fund and to investigate and prevent waste, fraud, and abuse of TRS, the Commission is adding provisions to the rules requiring TRS providers to use, disclose, or permit access to CPNI upon request by the administrator of the Fund. The Commission further notes that, because consumers generally are not billed for TRS, the concerns about access to customer financial information that underlie the subpart U provisions requiring password protection of CPNI to obtain access to call data information over the telephone are less applicable here, and this provision has been replaced with a simpler customer authentication provision in subpart EE.

118. The rules adopted for TRS CPNI require records to be maintained for three years, compared with one year in subpart U, to ensure that the underlying records supporting a TRS provider's annual compliance certification are maintained and available to the Commission for review. For example, § 64.5109 (e) of the Commission's rules requires an officer of a TRS provider to file with the Commission an annual CPNI compliance certification. A TRS provider must provide a statement explaining, among other things, how its operating procedures ensure compliance with the CPNI rules and include an explanation of any actions taken against data brokers, a summary of all consumer complaints over the reporting period that assert a breach of the consumer's CPNI rights, and report all instances of non-compliance. The three-year record retention will assist the Commission in any investigation it may undertake based on the annual compliance filing or in response to consumer complaints by ensuring that relevant documents are not destroyed in the ordinary course before the Commission has an opportunity to secure their retention through issuance of a letter of inquiry or subpoena.

119. *Legal Authority.* The Commission's statutory authority to apply customer privacy requirements to TRS derives from section 225 of the Act, which directs the Commission to prescribe regulations to ensure that telecommunications relay services are available to enable communication in a manner that is functionally equivalent to voice telephone services. *See* 47 U.S.C. 225(a)(3), 225(b)(1). Because voice telephone users enjoy the privacy protections of the Commission's CPNI regulations, the Commission finds that applying these same protections to TRS users advances the Act's mandate of functional equivalency. The Commission establishes customer privacy requirements for TRS pursuant to the specific mandate of section 225(d)(1)(A) of the Act to establish ''functional requirements, guidelines, and operations procedures'' for TRS. 47 U.S.C. 225(d)(1)(A). In addition, extending the Commission's CPNI regulations to TRS users also is ancillary to the Commission's responsibilities under section 222 of the Act to telecommunications service subscribers that place calls to or receive calls from TRS users, because TRS call records include call detail information concerning all calling and called parties.

120. The Commission also has ancillary authority to apply the CPNI requirements to point-to-point video services provided by VRS providers over the VRS network. First, the provision of point-to-point video services is ''communication by wire or radio'' within the general jurisdictional grant of section 2 of the Act. 47 U.S.C. 152. Second, the application of CPNI protection to point-to-point video services is ancillary to the Commission's responsibilities under sections 222 and 225 of the Act. As discussed above, the Commission has direct authority under section 225 to adopt privacy requirements for VRS service. Point-to-point services are provided by VRS providers to their VRS customers by virtue of the Commission's requirement that VRS providers facilitate such functionality. Consequently, VRS providers have access to CPNI regarding point-to-point services by virtue of their section 225 of the Act-regulated role as the VRS provider for the caller and/or recipient of a point-to-point call. In addition, the Commission concludes that there is a risk that consumers will not readily recognize or anticipate regulatory distinctions between VRS services and the point-to-point services at issue here, which rely on the same access technology and are routed and transmitted over the same network as the VRS services provided by that same provider. Consequently, to the extent that users' privacy is not adequately

protected with respect to point-to-point calls, this risks undermining their expectation of privacy as to VRS services, as well. Thus, the Commission finds that adopting privacy protections for point-to-point services is reasonably ancillary to the Commission's oversight of the VRS provider-user relationship in general, and the privacy protections adopted in that context in particular, regulated under the Commission's section 225 of the Act authority. Further, for a VRS user whose primary means of communication is ASL, a point-to-point video call is akin to a telephone call. Specifically, for such an individual, a point-to-point video call transmitted over the Internet is the primary means by which that person can communicate with another person whose primary means of communication is also ASL. In essence, then, from a privacy perspective, point-to-point video calls between ASL users are ''virtually indistinguishable'' from VoIP calls between hearing persons, and thus users must have the same expectation of privacy. Thus, analogous to the Commission's exercise of ancillary authority to extend CPNI requirements to interconnected VoIP, the Commission concludes it is reasonably ancillary to the Commission's section 222 of the Act authority to extend privacy requirements to point-to-point services.

Certification Under Penalty of Perjury for Certification Application and Annual Reports

121. In the *2011 iTRS Certification Order,* the Commission found the interim certification to be ''a necessary and critical component of the Commission's efforts to curtail fraud and abuse.'' The Commission affirms this finding and concludes that this attestation is essential to the Commission's efforts to ensure that only qualified providers become and remain eligible for compensation from the Fund. Having received no comment opposing the interim certification, and because of its continued necessity, the Commission permanently adopts the following requirements:

The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of an applicant for Internet-based TRS certification under this section with first hand knowledge of the accuracy and completeness of the information provided, when submitting an application for certification under paragraph (a)(2) of this section, must certify as follows: I swear under penalty of perjury that I am __ (name and title), __ an officer of the above-named applicant, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of an Internet-based TRS provider under this section with first hand knowledge of the accuracy and completeness of the information provided, when submitting an annual report under paragraph (g) of this section, must, with each such submission, certify as follows: I swear under penalty of perjury that I am __ (name and title), __ an officer of the above-named reporting entity, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.

122. The Commission believes that this attestation requirement will provide an added deterrent against fraud and abuse of the Fund by making senior officers of providers more accountable for the information provided.

Other Issues

CA Qualifications

123. The Commission's rules direct that VRS CAs must be qualified interpreters, i.e., capable of interpreting ''effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.'' 47 CFR 64.601(a)(17) of the Commission's rules. The Commission sought comment in the *2011 VRS Reform FNPRM* on whether specific training requirements or qualifications for VRS CAs were needed beyond the general requirements set forth in § 64.604(a)(1) of the Commission's rules, as well as the effect that imposing such requirements would have on the current pool of CAs and on the ability of VRS providers to comply with the speed of answer requirement.

124. There is no record in this proceeding to indicate a lack of high VRS CA quality, and Commission records indicate that few consumers have complaints regarding VRS CA quality in the last 12 months. Further, VRS providers compete for users primarily on the basis of quality of service, including the quality of their VRS CAs; a user dissatisfied with the quality of a given provider's VRS CAs can switch to another provider on a per call or permanent basis. VRS providers thus have developed their own internal methods designed to ensure compliance with the Commission's ''qualified interpreter'' requirement. For these reasons, the Commission sees no need to modify that requirement at this time.

125. There is no doubt that high quality VRS CAs are critical to the provision of effective VRS, and the Commission will revisit this issue if it becomes apparent that the Commission's current rules are insufficient to ensure the availability of qualified VRS CAs. The Commission will continue to carefully monitor consumer complaints related to the quality of VRS CAs and will look for patterns of complaints regarding individual CAs or providers. The Commission encourages callers who encounter a VRS CA that they believe is unable to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary, to make note of the CA's identification number, notify the VRS provider handling the call, and file a complaint with the Commission. Finally, the Commission reminds VRS providers that their annual complaint log summaries (submitted to the Commission) must include, among other things, a listing of complaints alleging a violation of any of the TRS mandatory minimum standards, including violations of the requirement for CAs to be qualified, as well as the manner in which such complaints were resolved.

Skill-Based Routing

126. Commenters have asked that VRS providers be allowed, or required, to offer ''skill-based routing,'' which would allow a VRS caller to select preferred VRS CAs according to the CAs' skill sets—in particular their interpreting, transliteration, and signing styles, and/or areas of knowledge (*e.g.,* medicine, law, or technology). The Commission is concerned that allowing skill-based routing would increase the incentive of VRS users to substitute VRS for in-person sign language interpreting services, including video remote interpreting (VRI)—a practice that is not permitted. Even if that critical issue were resolvable, skill-based routing poses a number of implementation issues. The Commission therefore declines to require or allow skill-based CA routing—or any type of routing to a particular interpreter or interpreter pool—at this time.

VRS Compensation Rate Structure and Rates

Per-User Compensation Mechanism

127. The *2011 VRS Reform FNPRM* sought comment on a proposal to transition VRS from the existing per-minute compensation mechanism to a per-user compensation mechanism in order to better align the compensation methodology with the providers' cost structure, increase efficiency and transparency in the rate setting process, and reduce incentives to conduct common and difficult-to-detect forms of fraud. The record reflects broad opposition to a per-user compensation mechanism.

128. It is difficult to assess, on the basis of the existing record, the validity of commenters' objections to a per-user compensation mechanism or the ultimate impact a per-user mechanism would have on VRS providers and consumers; the reforms that are a predicate to implementation of a per-user mechanism would both alter the nature of the VRS program and provide data that will help determine the need for additional reforms. The Commission therefore declines to adopt a per-user compensation mechanism at this time.

Short-Term Rate Methodology Pending Implementation of Structural Reforms

129. As discussed in the Further Notice, the Commission proposes that, once structural reforms are implemented, the Commission will set VRS compensation rates based largely if not entirely on competitively established pricing, *i.e.,* prices set through a competitive bidding process. During the transition to structural reforms, however, in order to satisfy the Commission's ''obligation to protect the integrity of the Fund and to deter and detect waste,'' the Commission concludes to continue to move rates closer to actual cost using currently available ratemaking tools. While the interim rates set in 2010 began to close the gap between rates and costs, those rates have remained in effect for almost three years, during which average provider costs have declined significantly. Therefore, the Commission will reduce rates further to bring them closer to average provider costs, as calculated by the Fund administrator, beginning with the 2013–14 Fund year.

130. The use of providers' actual, historical costs continues to provide a valuable point of reference for setting VRS compensation rates, pending implementation of the Commission's structural reforms. Historical costs are an especially useful reference point where, as here, prior submissions of projected costs have proven to be higher than actual costs subsequently determined for the Fund year.

131. The Commission agrees that a multi-year plan, with built-in rate level adjustments, is an appropriate means to provide stability and predictability for the transition period pending implementation of structural reforms. However, the Commission declines to use the interim rates currently in effect as the starting point for a new multi-year rate plan. When the current interim rates were adopted, the Commission specifically determined that those rates were substantially in excess of actual costs. Balancing the need for cost-based rates with concerns about carrier stability in the short term, the Commission decided to allow providers to continue to collect VRS compensation from the TRS Fund at above-cost rates for a limited period, in order to spare providers from a precipitous rate drop and to allow them to continue providing high quality service pending the Commission's consideration of an appropriate rate methodology and other reforms. As a consequence, providers have benefitted for several additional years, at the expense of the TRS Fund and the general body of ratepayers who contribute to the Fund, from VRS compensation rates substantially in excess of costs. Moreover, given that, as noted above, provider costs are declining, the disparity between the existing interim rates and actual provider costs is even greater than it was when the rates were initially set. In effect, in the interests of preserving industry stability pending the adoption of structural reforms, VRS providers have already had the opportunity to provide VRS under a multi-year rate plan, lasting from July 2010 to the present, with above-cost interim rates as both the starting point and the end point. The Commission can no longer justify maintaining VRS rates at these interim levels.

132. While the Commission recognizes that efficiency disincentives can be generated when rates are annually recalculated based on historical costs, in this instance the Commission utilizes RLSA's historical cost analysis for a different purpose, namely, as the reference point for establishing a multi-year rate plan. The Commission agrees with those commenters who urge that multi-year rate plans can offer salutary, efficiency-promoting and rate-predictability benefits and the Commission adopts such a plan below. Multi-year rate plans, however, must have a defensible cost-based reference point from which to proceed. The Commission finds that RLSA's cost analysis, which actually uses a combination of providers' projected costs and actual historical costs, provides an appropriate reference point in this instance for establishing a multi-year rate plan that enables the VRS industry to transition towards cost-based rates, which the Commission proposes to determine in the future using competitively established pricing. Thus, the Commission finds that the cost basis calculated by RLSA, based on a combination of historical and projected costs, is an appropriate reference point for the rates the Commission adopts, which are described in section IV.D below. In the remainder of this section, the Commission addresses several questions raised in the *2011 VRS Reform FNPRM* regarding allowable categories of costs and the handling of rate tiers both during and after the transition to structural reforms.

Outreach

133. The Commission has decided to establish a coordinated nationwide outreach program for VRS and IP Relay, handled by an independent entity. This change removes the need for VRS and IP Relay providers to incur expenses to conduct their own outreach activities. Therefore, in the future the Commission will preclude such providers from including outreach expenses in their annual cost submissions to the TRS Fund administrator. The elimination of this obligation for IP Relay providers will be taken into account in determining future IP Relay per minute rates. The Commission therefore directs the Fund Administrator to submit a revised rate recommendation that treats outreach as a non-compensable cost for IP Relay providers and direct the Chief, Consumer and Governmental Affairs Bureau, to adopt or revise IP Relay rates for Fund year 2013–2014 as appropriate after consideration of that recommendation. To be clear, however, providers remain free to conduct outreach; the Commission decides here only that the Commission will not consider the expense of such activities in setting rates for these services.

User Equipment

134. The Commission has consistently held that costs attributable to the user's relay hardware and software, including installation, maintenance, and testing, are not compensable from the Fund. The Commission has explained that expenses for which providers are compensated ''must be the providers' expenses in making the service available

and not the customer's costs of receiving the equipment. Compensable expenses, therefore, do not include expenses for customer premises equipment—whether for the equipment itself, equipment distribution, or installation of the equipment or necessary software.''

135. The Commission declines to alter the Commission's policy against the use of monies from the TRS Fund to support VRS providers' distribution of user equipment or access technology, whether as part of generally applicable rates or through direct payments to VRS providers. A better approach is to fund the development of open source VRS access technology, and to contract for the development and deployment of a VRS access technology reference platform. After implementation of a VRS access technology reference platform and the other reforms adopted herein, there will be another opportunity to assess the extent to which additional measures are necessary and appropriate to promote the availability of iTRS access technology.

Capital Costs and Income Taxes

136. In the *2010 VRS NOI* and the *VRS Structure and Rates PN,* the Commission sought comment on the current process for allowing providers a rate-of-return on capital investment. With respect to the types of capital costs that are recoverable, the Commission finds it would be irresponsible and contrary to the Commission's mandate to ensure the efficient provision of TRS and to preserve the integrity of the TRS Fund, to simply reimburse VRS providers for all capital costs they have chosen to incur—such as high levels of debt—where there is no reason to believe that those costs are necessary to the provision of reimbursable services. The Commission's application of the 11.25% rate of return to TRS compensation rates is a longstanding practice that was affirmed by a federal court of appeals and the Commission declines to alter the Commission's current approach to Fund support for VRS providers' recovery of capital costs, except that the Commission accepts RLSA's recommended adjustment to account for corporate income taxes.

Rate Tiers

137. No party has presented a valid reason why the TRS Fund should support indefinitely VRS operations that are substantially less efficient. Therefore, to encourage the provision of VRS in the most efficient manner, the gap between the highest and lowest tiered rates will be reduced over time, in accordance with the schedule set forth in Table 2 below.

138. The Commission also believes that the Commission's structural reforms, once implemented, will eliminate any residual need for tiered rates. Prior to implementation of restructuring, however, there are good reasons to retain rate tiers and no compelling reasons to eliminate them. With only six providers currently providing VRS, eliminating the rate tiers immediately could force out some of the smallest remaining providers, unnecessarily constricting the service choices available to VRS consumers during the period prior to implementation of structural reforms. The Commission concludes that it is worth tolerating some degree of additional inefficiency in the short term, in order to maximize the opportunity for successful participation of multiple efficient providers in the future, in the more competition-friendly environment that the Commission expects to result from the Commission's structural reforms. Therefore, the Commission will allow tiered rates to remain in effect during the transition to structural reforms, but with a gradually reduced gap between highest and lowest tiers, in order to allow smaller providers an opportunity to increase the efficiency of their operations so as to maximize their chances of success after structural reforms are implemented.

139. The Commission also concludes that the tier boundaries should be adjusted during the transition, so as to ensure that smaller providers have a full opportunity to achieve efficient operations. As noted above, VRS rates are currently structured in three tiers: Tier I rates apply to a provider's first 50,000 VRS minutes each month; Tier II rates apply to a provider's monthly minutes between 50,001 and 500,000; and Tier III rates apply to a provider's monthly minutes in excess of 500,000. As adjusted in this order, Tier I rates will apply to a provider's first 500,000 monthly VRS minutes; Tier II rates will apply to a provider's monthly minutes between 500,001 and 1 million; and Tier III rates will apply to a provider's monthly minutes in excess of 1 million.

140. Regarding the configuration of tiers, the critical question concerns whether and how to adjust the boundary between Tier II, for which the rate is currently $6.23 per minute, and Tier III, for which the rate is currently $5.07 per minute. The Commission finds that, regardless of whether the existing cost differences between the largest provider and its smaller competitors—including providers currently handling call volume levels greater than 500,000 minutes per month —are due to economies of scale or to other efficiency differences among the existing providers, their actual existence is undisputed and is supported by historical data.

141. Further, given the Commission's decision to reduce the gap between the highest and lowest tiered rates and its expectation that tier classifications ultimately will be eliminated upon the implementation of structural reforms, the main question is not whether the Commission can pinpoint the exact level where the greatest economies of scale are achieved, but rather how it can best balance, during the transition to structural reforms, the competing concerns of (1) maintaining sufficient incentives for smaller providers to improve the efficiency of their operations, and (2) ensuring that smaller providers have a reasonable opportunity to compete effectively during the transition and to achieve or maintain the necessary scale to compete effectively after structural reforms are implemented. In this regard, the Commission finds that significant potential harm to competition could result if the Commission sets rate tier boundaries at levels that are too low to allow smaller competitors to remain in the market pending implementation of structural reforms. The Commission concludes that the harm to the public interest will be greater if the Commission set the rate tier boundary for the transition period lower than the optimum level, than if the Commission set it higher than the optimum level. Therefore, in setting the boundary between the highest and next-highest tiers, the Commission concludes that the Commission should err on the side of setting the boundary too high.

142. In order to ensure that VRS competition is preserved pending the implementation of structural reforms, therefore, the Commission will redraw the Tier II/III boundary at 1 million monthly minutes. Setting the Tier II/III boundary at the 1 million minute level will serve to offset the potential competitive impact of lowering per minute reimbursement rates and thus will allow relatively well established but currently less efficient providers to operate within compensation rate categories that reflect their currently higher costs.

143. In addition, the Commission adjusts the boundary between Tiers I and II, currently at 50,000 monthly minutes, up to 500,000 monthly minutes. The Commission agrees with the Fund administrator that the rates for all monthly minutes up to 500,000 should be merged, inasmuch as the rates applicable to these minutes are already virtually equal and the historical record

does not reflect significant cost differences between smaller and larger companies operating within these ranges.

144. In summary, for purposes of setting rates applicable to the transition period prior to implementation of structural reforms, the Commission will merge existing Tiers I and II into a new Tier I, and carve out a new Tier II, applicable to the range of 500,001—1 million monthly minutes, from the lower portion of existing Tier III. The existing and new tiers are shown in Table 1 below.

TABLE 1—RECONFIGURED RATE TIERS FOR VRS COMPENSATION

Tier numbers	Existing tier definition (The range of a provider's monthly VRS minutes to which the Tier is applicable)	New tier definition (The range of a provider's a monthly VRS minutes to which the Tier is applicable)
I	0–50,000	0–500,000
II	50,001–500,000	500,001–1 million
III	Over 500,000	Over 1 million

145. To minimize any unintended consequences from the adjustment of the Tier II/III boundary, the Commission will phase in the divergence of the rates applicable to Tier II and Tier III over time, as VRS compensation rates in general are being moved closer to actual costs. This is shown below in Table 2.

Determination of a Cost-Based Rate and a Transitional Rate Plan

146. In the 2012 VRS Rate Filing, RLSA stated that VRS providers' weighted average actual per-minute costs were $3.5740 for 2010 and $3.1900 for 2011, and that VRS providers' weighted average projected per-minute costs were $3.4313 for 2012. RLSA proposed that rates be based on the average of these three numbers, or $3.396 per minute, with appropriate adjustments to reflect rate tiers. Implementing the proposed cost-based rate, however, would require per minute rate reductions of $2.844 ($6.24–$3.396) in the Tier I rate, $2.834 ($6.23–$3.396) in the Tier II rate, and $1.674 ($5.07–$3.396) in the Tier III rate. To avoid such dramatic immediate reductions, RLSA proposed that the $3.396 cost based rate be phased in over a multi-year time period, with the rates restructured in two tiers instead of the current three tiers. Based on equal yearly rate reductions over a three-year phase-in period, RLSA proposed that rates be set initially by reducing each tier by about one-third of the foregoing amounts, resulting in initial rates of $5.2877 per minute for Tiers I and II (applicable to a provider's first 500,000 minutes each month) and $4.5099 per minute for Tier III (applicable to a provider's monthly minutes in excess of 500,000).

147. In its May 1, 2013 TRS compensation rate filing, RLSA updated the VRS cost information presented in the 2012 VRS Rate Filing. The administrator reported that the weighted averages of the actual per-minute costs reported by providers are $3.2477 for 2011 and $3.0929 for 2012, and that weighted averages of providers' per-minute projected costs are $3.3894 for 2013 and $3.7102 for 2014.

148. As noted above, the Commission finds that RLSA's use, in this instance, of a combination of provider's projected costs and actual, historical costs is appropriate for the purpose of setting rates for the transition period. Although the Commission remains concerned about the accuracy of provider projections in general, in this instance the inclusion of projected costs does not appear to inject a significant bias. Indeed, had the Fund administrator excluded 2012 projected costs from the calculation, and simply taken an average of the two historical cost figures (from 2010 and 2011), the result would have been virtually the same. The Commission also approves RLSA's use of weighted averages in calculating actual and projected costs. The Commission finds reasonable RLSA's determination that a rate based on providers' reasonable costs, if adopted, would be $3.396 per minute, the average of three figures representing providers' historical costs for 2010, historical costs for 2011, and projected costs for 2012. RLSA's estimate is also within the range of provider cost figures presented in RLSA's most recent TRS rate filing.

149. The Commission concurs with RLSA that taking a step-by-step transition from existing, tiered rates toward a unitary cost-based rate is appropriate. Immediate imposition of a unitary cost-based rate would represent a significant and sudden cut to providers' compensation with potentially negative consequences for consumers. Rather than RLSA's proposed three-year transition, however, the Commission concludes that a somewhat longer ''glide path'' towards a unitary cost-based rate strikes the correct balance. As discussed in the Further Notice, as the Commission implements structural reforms, the Commission proposes to transition to a new ratemaking approach that uses competitive bidding to establish market-based rates. The Commission's structural reform plan will take a period of years to implement fully. Accordingly, until then, the Commission adopts a multi-year ''glide path'' towards cost-based rates. In addition, rather than RLSA's proposed yearly rate adjustments, the Commission finds that smaller six-month rate adjustments will provide a less disruptive ''glide path'' for providers. To improve the predictability of reimbursements and assist providers in planning efficiently for this transition, the Commission now determines the rates that will be in effect for the next four years, subject to exogenous cost adjustments, unless implementation of structural reforms and/or related changes in methodology supports revision of the rates prior to that time.

150. The Commission finds it appropriate to ''jump-start'' the transition to cost-based rates by setting a uniform $0.25 rate reduction for the initial rate period. The effective date of the initial rates set herein will be the later of July 1, 2013, or August 5, 2013. Those initial rates, which will remain in effect through December 31, 2013, will be $5.98 per minute for new Tier I (applicable to a provider's first 500,000 minutes each month), and $4.82 per minute for new Tier II (applicable to a provider's minutes between 500,001 and 1 million each month) and new Tier III (applicable to a provider's monthly minutes in excess of 1 million). These rates are each about $0.25 lower than the existing rates applicable to the corresponding ranges of minutes.

151. Subsequently, the Tier III rate will be reduced in $0.19 increments every six months, so that at the end of four years (unless the rate has been adjusted by then to take account of implementation of structural reforms) it will reach $3.49, a level approaching RLSA's estimate of the weighted average of actual per-minute VRS costs. The

rates for the other tiers will be reduced at a slower pace relative to current levels, in order to ensure that smaller VRS providers have a reasonable opportunity to improve the efficiency of their operations and to reach the optimum scale to compete effectively after the implementation of structural reforms. Thus, after the initial $0.25 drop, the Tier I rate will be reduced by $0.23 (a larger absolute reduction, but a smaller percentage reduction than for Tier III) every six months until January 1, 2016, when (unless the rate has been adjusted by then to take account of implementation of structural reforms) the reductions will begin to accelerate. As to Tier II, while the Commission has determined in section IV.C above that it is appropriate to carve out a new Tier II in order to allow smaller competitors a full opportunity to improve efficiencies and achieve scale, the Commission will not initially differentiate the rates for new Tiers II and III. Rather, the rates for new Tiers II and III are initially set equal to each other, at $4.82 per minute, to avoid any sudden, unintended consequences from the reconfiguration of tiers. In subsequent periods, as the rates for Tiers I and III are reduced further, the Tier II rate will remain stable for several periods at $4.82, so that it becomes differentiated from the Tier III rate and so that the gap between the rates for Tiers I and II will progressively diminish until the rates for those two tiers are equal. The Tier I and Tier II rates will then remain equal to each other while incrementally declining until the end of the transition. Despite these individual variations in the rate of change for the rates in each tier, all rates are progressively reduced over the four-year plan, and all rates reach levels approaching, but higher than, actual costs at the end of the four-year period.

152. The progressive adjustment of rates for each tier is illustrated in Table 2 below, which shows: (1) The current interim compensation rates, (2) average provider costs as calculated by RLSA, (3) RLSA's proposed first-year rates, and (4) the rates the Commission adopts for Fund years 2013–14, 2014–15, 2015–16, and 2016–17.

TABLE 2—AVERAGE VRS PROVIDER COSTS, CURRENT VRS COMPENSATION RATES, RLSA'S PROPOSED RATES, AND THE RATES ADOPTED FOR FUND YEARS 2013–14 THROUGH 2016–17

[Footnotes omitted]

Tiers (as reconfigured by this order)	*Weighted average provider costs*	*FY 2012–13 Rates*	*RLSA's Proposed first-year rates*	*FY 2013–14 Rates*	*FY 2014–15 Rates*	*FY 2015–16 Rates*	*FY 2016–17 Rates*
Tier I (0–500,000 minutes/month).	*$3.396*	*$6.24/$6.23*	*$5.2877*	*$5.98 (Jul.–Dec. 2013).* *$5.75 (Jan.–June 2014).*	*$5.52 (Jul.–Dec. 2014).* *$5.29 (Jan.–June 2015).*	*$5.06 (Jul.–Dec. 2015).* *$4.82 (Jan.–June 2016).*	*$4.44 (Jul.–Dec. 2016)* *$4.06 (Jan.–June 2017).*
Tier II (500,001–1 million minutes/month).	*$3.396*	*$5.07*	*$4.5099*	*$4.82 (Jul.–Dec. 2013).* *$4.82 (Jan.–June 2014).*	*$4.82 (Jul.–Dec. 2014).* *$4.82 (Jan.–June 2015).*	*$4.82 (Jul.–Dec. 2015).* *$4.82 (Jan.–June 2016).*	*$4.44 (Jul.–Dec. 2016)* *$4.06 (Jan.–June 2017).*
Tier III (over 1 million minutes/month).	$3.396	$5.07	$4.5099	$4.82 (Jul.–Dec. 2013). $4.63 (Jan.–June 2014).	$4.44 (Jul.–Dec. 2014). $4.25 (Jan.–June 2015).	$4.06 (Jul.–Dec. 2015). $3.87 (Jan.–June 2016).	$3.68 (Jul.–Dec. 2016) $3.49 (Jan.–June 2017).

153. The rates established in document FCC 13–82 will apply as scheduled to all VRS providers absent further action by the Commission. During the ''glide path'' period, however, the Commission may adjust the compensation rate to reflect exogenous cost changes, including the shedding of service responsibilities by VRS providers as VRS components begin to be provided by neutral entities. The Commission reserves the right to revisit the rates adopted in document FCC 13–82 if provider data shows that, notwithstanding the Commission's actions, the rates remain substantially in excess of actual provider costs.

Final Regulatory Flexibility Certification

154. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *2011 VRS Reform FNPRM* in this proceeding. The Commission sought comment on the possible significant economic impact on small entities by the policies and rules proposed in the *2011 VRS Reform FNPRM,* including comment on the IRFA. No comments were received on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

155. Under Title IV of the Americans with Disabilities Act (ADA), the Commission must ensure that telecommunications relay services (TRS) ''are available, to the extent possible and in the most efficient manner'' to persons in the United States with hearing or speech disabilities. Section 225 of the Communications Act of 1934, as amended (Act) defines TRS as a service provided in a manner that is ''functionally equivalent'' to voice telephone services and directs the Commission to establish functional requirements, minimum standards, and other regulations to carry out the statutory mandate. In addition, the Commission's regulations must encourage the use of existing technology and must not discourage the development of new technology. Finally, the Commission must ensure that TRS users ''pay rates no greater than the rates paid for functionally equivalent voice communication services.'' To this end, the costs of providing TRS on a call are supported by shared funding mechanisms at the state and federal levels. The federal fund supporting TRS is the Telecommunications Relay Services Fund (TRS Fund or Fund), which is

managed by the TRS Fund administrator, subject to the oversight of the Commission. Video relay service (VRS) is a form of TRS that allows persons with hearing or speech disabilities to use sign language to communicate in near real time through a communications assistant (CA), via video over a broadband Internet connection.

156. In the *2011 VRS Reform FNPRM* and subsequent *VRS Structure and Rates PN,* the Commission sought comment on a series of proposals to improve the structure and efficiency of the VRS program, to ensure that it is available to all eligible users and offers functional equivalence—particularly given advances in commercially-available technology—and is as immune as possible from the waste, fraud, and abuse that threaten the long-term viability of the program as it currently operates.

157. In document FCC 13–82, as an important first step in its reforms, the Commission has identified certain discrete areas in which it can explore a new approach of relying on the efforts of one or more non-VRS provider third parties, either in whole or in part, to carry out the Commission's VRS policies. Specifically, the Commission:

- Directs the Commission's Managing Director, in consultation with the Chief of the Office of Engineering and Technology (OET) and the Chief of the Consumer and Governmental Affairs Bureau (CGB), to determine how best to structure, fund, and enter into an arrangement with the National Science Foundation (NSF) (or cause the TRS Fund administrator to enter into such an arrangement) to enable research designed to further the Commission's multiple goals of ensuring that TRS is functionally equivalent to voice telephone services and improving the efficiency and availability of TRS;
- Directs the Managing Director in consultation with the Chief of CGB to establish a two-to three year pilot Internet-based TRS (iTRS) National Outreach Program (iTRS–NOP) to select one or more independent iTRS Outreach Coordinators to conduct and coordinate IP Relay and VRS outreach nationwide under the Commission's (or the TRS Fund administrator's) supervision;
- Promotes the development and adoption of voluntary, consensus interoperability and portability standards, and facilitate compliance with those standards by directing the Managing Director to contract for the development and deployment of a VRS access technology reference platform;
- Directs the Managing Director to contract for a central TRS User Registration Database (TRS–URD) which incorporates a centralized eligibility verification requirement to ensure accurate registration and verification of users, to achieve more effective fraud and abuse prevention, and to allow the Commission to know, for the first time, the number of individuals that actually use VRS; and
- Directs the Managing Director to contract for a neutral party to build, operate, and maintain a neutral video communication service platform, which will allow eligible relay interpretation service providers to compete as VRS providers using the neutral video communication service platform without having to build their own video communication service platform.

158. Because the Commission is not fully departing from its historical regulatory approach for VRS, in the Report and Order, the Commission accompanies the actions describe above with targeted, incremental measures to improve the efficiency of the program, help protect against waste, fraud, and abuse, improve its administration of the program, and to generally ensure that VRS users' experiences reflect the policies and goals of section 225 of the Act. Specifically, the Commission:

- Adopts a general prohibition on practices resulting in waste, fraud, and abuse;
- Requires providers to adopt regulatory compliance plans subject to Commission review;
- More closely harmonizes the VRS speed of answer rules with those applicable to other forms of TRS by reducing the permissible wait time for all VRS calls to be answered within 30 seconds, 85 percent of the time, to be measured on a daily basis;
- Adopts rules to protect relay consumers against unauthorized default provider changes, also known as ''slamming,'' by VRS and Internet Protocol (IP) Relay providers;
- Adopts rules to protect the privacy of customer information relating to all relay services authorized under section 225 of the Act and to point-to-point video services offered by VRS providers; and;
- Adopts permanently the interim rules adopted in the *2011 iTRS Certification Order,* requiring that providers certify, under penalty of perjury, that their certification applications and annual compliance filings required under § 64.606(g) of the Commission's rules are truthful, accurate, and complete.

159. Consistent with the Commission's incremental approach to reform of the structure of this program, the Commission initiates in document FCC 13–82 a step-by-step transition from the existing tiered TRS Fund compensation rates for VRS providers toward a unitary, market-based compensation rate. Specifically, document FCC 13–82 (1) adjusts a volume-based three-tier rate structure by modifying the tier boundaries and (2) calls for a series of incremental rate reductions, every six months, over a four-year period.

160. No party filing comments in this proceeding responded to the IRFA, and no party filing comments in this proceeding otherwise argued that the policies and rules proposed in this proceeding would have a significant economic impact on a substantial number of small entities. The Commission has, nonetheless, considered any potential significant economic impact that the rule changes may have on the small entities which are impacted. On balance, the Commission believes that the economic impact on small entities will be positive rather than negative, and that the rule changes are needed to combat waste, fraud, and abuse in the TRS program.

161. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

162. The Commission believes that the entities that may be affected by the proposed rules are VRS providers and other TRS providers that are eligible to receive compensation from the TRS Fund. Neither the Commission nor the SBA has developed a definition of ''small entity'' specifically directed toward TRS providers. The closest applicable size standard under the SBA rules is for Wired Telecommunications Carriers, for which the small business size standard is all such firms having 1,500 or fewer employees. Currently, there are ten TRS providers that are authorized by the Commission to receive compensation from the Fund. Six of these entities may be small businesses under the SBA size standard.

163. Certain rule changes adopted in document FCC 13–82 modify rules or add requirements governing reporting,

recordkeeping and other compliance obligations.

164. The development and deployment of a VRS access technology reference platform will require providers to offer access technology that is compatible with the reference platform. By ensuring interoperability of VRS and point-to-point video calling, these additional requirements will actually benefit small entities by facilitating their ability to compete with the larger providers.

165. Although the development of a central TRS–URD will include the requirement for VRS providers to collect certain information from consumers and enter that information in the TRS–URD, the TRS–URD will actually reduce the regulatory burden on VRS providers because (1) the providers will no longer be required to verify user information, which will be accomplished centrally by a single entity contracted by the Commission, and (2) the providers will have reduced burdens when collecting information from users who switch providers, because the user information of those consumers is already in the database.

166. The Commission has decided to establish a neutral video communication service provider to reduce barriers to entry, to promote efficient and effective VRS CA service competition, and to ensure interoperability between VRS providers. VRS providers, including small entities, who elect to use the platform of the neutral video communication service provider for network operations will be able to operate more efficiently because they will be relieved of the obligation to provide their own video communication service platform. Although providers, including small entities, who elect to continue to operate their own video communication service platform will be required to ensure that such platform is interoperable with the platform of the neutral video communication service provider, the interoperability requirement will benefit small entities because the interoperability requirement will facilitate their ability to compete with larger providers.

167. The general prohibition on practices resulting in waste, fraud, and abuse adopted in the Report and Order codifies and clarifies the already existing prohibition on such practices. However, VRS providers will also be required to adopt regulatory compliance plans, submit such plans to the Commission and certify that they are in compliance. Although these additional requirements will result in new reporting, recordkeeping, and compliance requirements for VRS providers, including small entities, given the history of waste, fraud, and abuse in the VRS industry, these requirements are therefore necessary to ensure that the providers are not engaging in practices resulting in waste, fraud, and abuse. The Commission finds it essential to enact such measures to ensure the efficiency of the TRS program as required by section 225(b)(1) of the Act and to control the expenditure of public funds. The costs incurred by providers associated with regulatory compliance, which in the Report and Order the Commission believes will not be substantial, will be far outweighed by the substantial savings to the Fund that result from curbing waste, fraud, and abuse.

168. The adoption of more stringent VRS speed of answer requirements—calls answered within 30 seconds, 85 percent of the time, measured daily—will not cause an undue regulatory burden on VRS providers, including small entities, because record evidence demonstrates that the actual speed of answer currently practiced by providers would satisfy the new requirements, and all parties commenting on the issue supported a reduced speed of answer time. The more stringent speed of answer requirements are closer to the speed of answer requirements for other forms of TRS and are closer to achieving functionally equivalent service for VRS users. In addition, the new requirements are being phased in to help ease any regulatory burden that may exist.

169. Although the adoption of rules to protect consumers against unauthorized default provider changes, also known as ''slamming,'' will result in additional regulatory compliance requirements for VRS and IP Relay providers, including small entities, in addition to protecting consumers, such requirements will also protect providers, including small entities, from unauthorized provider changes, thereby enhancing the ability of such entities to compete.

170. Although the adoption of rules to protect consumer information relating to all relay services authorized under section 225 of the Act and to point-to-point video services offered by VRS providers will impose additional regulatory compliance requirements on all TRS providers, including small entities, such requirements are essential to ensure that users of TRS services enjoy the same privacy protections as users of telecommunications services.

171. Under interim rules established by the Commission, TRS providers, including small entities, are already certifying under penalty of perjury that their certification applications and annual compliance filings are truthful, accurate and complete. Making the interim certification requirements permanent is necessary to curb waste, fraud, and abuse in the TRS program and does not increase the regulatory compliance obligations.

172. The rate changes enacted in document FCC 13–82 do not impose any new reporting or recordkeeping requirements.

173. The RFA requires an agency to describe any significant alternatives, specific to small entities, that it has considered in developing its approach, which may include the following four alternatives (among others): ''(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.''

174. In general, alternatives to proposed rules are discussed only when those rules pose a significant adverse economic impact on small entities. In this context, however, the proposed rules generally confer benefits as explained below. Therefore, we limit our discussion of an alternative to paragraphs 26–28 below.

175. By ensuring interoperability of VRS and point-to-point video calling, the development and deployment of a VRS access technology reference platform will benefit small entities by facilitating their ability to compete with the larger providers.

176. The development of a central TRS–URD will reduce the regulatory burden on small entities because (1) VRS providers will no longer be required to verify user information, which will be accomplished centrally by a single entity contracted by the Commission, and (2) the providers will have reduced burdens when collecting information from users who switch providers, because the user information of those consumers is already in the database.

177. Small entities that elect to use the platform of the neutral video communication service provider for network operations will be able to operate more efficiently because they will be relieved of the obligation to provide their own video communication service platform. Although small entities that elect to continue to operate their own video communication service platform will be required to ensure that such platform is interoperable with the

platform of the neutral video communication service provider, the interoperability requirement will benefit these small entities because the interoperability requirement will facilitate their ability to compete with larger providers.

178. The adoption of rules to protect consumers against unauthorized default provider changes, also known as ''slamming,'' will benefit small entities by protecting them from unauthorized provider changes, thereby enhancing their ability to compete.

179. The general prohibition on practices resulting in waste, fraud, and abuse, the requirement for providers to adopt regulatory compliance plans, submit such plans to the Commission and certify that they are in compliance, and the requirement for providers to certify under penalty of perjury that their certification applications and annual compliance filings are truthful, accurate and complete are all necessary to combat waste, fraud, and abuse in the VRS industry. The Commission therefore finds it essential to enact such measures to ensure the efficiency of the TRS program as required by section 225(b)(1) of the Act and to control the expenditure of public funds. Because large and small providers alike have engaged in practices resulting in waste, fraud, and abuse in the VRS industry, exempting small providers from these requirements was considered and rejected. Therefore, it would be contrary to the public interest to in any way limit or exempt small entities from these requirements.

180. The adoption of more stringent VRS speed of answer requirements is necessary to bring the VRS speed of answer requirements closer to the speed of answer requirements for other forms of TRS and to help achieve functionally equivalent service for TRS users as required by section 225(a)(3) of the Act. Slower speed of answer requirements for small providers were considered and rejected, because they would not provide consumers with functionally equivalent service. The Commission finds that these new requirements will not cause an undue regulatory burden on small providers, because record evidence demonstrates that the actual speed of answer currently practiced by providers would satisfy the new requirements, and all parties commenting on the issue supported a reduced speed of answer time. In addition, the new requirements are being phased in to help ease any regulatory burden that may exist.

181. The adoption of rules to protect consumer information relating to all relay services authorized under section 225 of the Act and to point-to-point video services offered by VRS providers is essential to ensure that users of TRS services enjoy the same privacy protections as users of telecommunications services. Adopting regulations for small TRS providers that would not be as comprehensive as the regulations already in place for wireline, wireless and Voice over Internet Protocol (VoIP) providers to protect consumer information was considered and rejected because such lesser regulations would not provide TRS users with full protection of their privacy rights and such users would be denied functionally equivalent service as required by section 225(a)(3) of the Act. It would therefore be contrary to the public interest to enact any special exemptions for small providers.

Congressional Review Act

182. The Commission will send a copy of document FCC 13–82 in a report to be sent to Congress and the Governmental Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

Pursuant to sections 1, 2, 4(i), (j), 225, 251 254 and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), (j) and (o), 225, 251, 254 and 303(r), document FCC 13–82 *is adopted.* Pursuant to section 1.427(a) of the Commission's rules, 47 CFR 1.427(a), document FCC 13–82 and the rules adopted herein shall be effective August 5, 2013, except, 47 CFR 64.604(c)(5)(iii)(N)(13); 64.606(a)(4); 64.606(g)(3) and (4); 64.611(a)(3) and (4); 64.615(a); 64.631(a) through (d), (f); 64.634(b); 64.5105(c)(4) and (5); 64.5107; 64.5108; 64.5109; 64.5110; 64.5111 which require approval by OMB under the PRA and which shall become effective after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

The Commission *shall send* a copy of document FCC 13–82 to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of document FCC 13–82 including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 64

Individuals with disabilities, Reporting and recordkeeping requirements; Telecommunications.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 254(k); 403(b)(2)(B), (c), Pub. L. 104–104, 110 Stat. 56. Interpret or apply 47 U.S.C. 201, 218, 222, 225, 226, 227, 228, 254(k), 616, 620, and the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, unless otherwise noted.

Subpart F—Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities

■ 2. The authority citation for subpart F continues to read as follows:

Authority: 47 U.S.C. 151–154; 225, 255, 303(r), 616, and 620.

■ 3. Amend § 64.601 by revising paragraphs (a)(2) through (29) and adding paragraphs (a)(30) through (45) to read as follows:

§ 64.601 Definitions and provisions of general applicability.

(a) * * *

(2) *ACD platform.* The hardware and/or software that comprise the essential call center function of call distribution, and that are a necessary core component of Internet-based TRS.

(3) *American Sign Language (ASL).* A visual language based on hand shape, position, movement, and orientation of the hands in relation to each other and the body.

(4) *ANI.* For 911 systems, the Automatic Number Identification (ANI) identifies the calling party and may be used as the callback number.

(5) *ASCII.* An acronym for American Standard Code for Information Interexchange which employs an eight bit code and can operate at any standard transmission baud rate including 300, 1200, 2400, and higher.

(6) *Authorized provider.* An iTRS provider that becomes the iTRS user's new default provider, having obtained the user's authorization verified in accordance with the procedures specified in this part.

(7) *Baudot.* A seven bit code, only five of which are information bits. Baudot is used by some text telephones to communicate with each other at a 45.5 baud rate.

(8) *Call release.* A TRS feature that allows the CA to sign-off or be ''released'' from the telephone line after the CA has set up a telephone call between the originating TTY caller and a called TTY party, such as when a TTY user must go through a TRS facility to contact another TTY user because the called TTY party can only be reached through a voice-only interface, such as a switchboard.

(9) *Common carrier or carrier.* Any common carrier engaged in interstate Communication by wire or radio as defined in section 3(h) of the Communications Act of 1934, as amended (the Act), and any common carrier engaged in intrastate communication by wire or radio, notwithstanding sections 2(b) and 221(b) of the Act.

(10) *Communications assistant (CA).* A person who transliterates or interprets conversation between two or more end users of TRS. CA supersedes the term ''TDD operator.''

(11) *Default provider.* The iTRS provider that registers and assigns a ten-digit telephone number to an iTRS user pursuant to § 64.611.

(12) Default provider change order. A request by an iTRS user to an iTRS provider to change the user's default provider.

(13) *Hearing carry over (HCO).* A form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO is an HCO service that allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

(14) *Interconnected VoIP service.* The term ''interconnected VoIP service'' has the meaning given such term under § 9.3 of this chapter, as such section may be amended from time to time.

(15) *Internet-based TRS (iTRS).* A telecommunications relay service (TRS) in which an individual with a hearing or a speech disability connects to a TRS communications assistant using an Internet Protocol-enabled device via the Internet, rather than the public switched telephone network. Internet-based TRS does not include the use of a text telephone (TTY) over an interconnected voice over Internet Protocol service.

(16) *Internet Protocol Captioned Telephone Service (IP CTS).* A telecommunications relay service that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an Internet Protocol-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying. With IP CTS, the connection carrying the captions between the relay service provider and the relay service user is via the Internet, rather than the public switched telephone network.

(17) *Internet Protocol Relay Service (IP Relay).* A telecommunications relay service that permits an individual with a hearing or a speech disability to communicate in text using an Internet Protocol-enabled device via the Internet, rather than using a text telephone (TTY) and the public switched telephone network.

(18) *IP Relay access technology.* Any equipment, software, or other technology issued, leased, or provided by an Internet-based TRS provider that can be used to make and receive an IP Relay call.

(19) *iTRS access technology.* Any equipment, software, or other technology issued, leased, or provided by an Internet-based TRS provider that can be used to make and receive an Internet-based TRS call.

(20) *Neutral Video Communication Service Platform.* The service platform that allows a registered Internet-based VRS user to use VRS access technology to make and receive VRS and point-to-point calls through a VRS CA service provider. The functions provided by the Neutral Video Communication Service Platform include the provision of a video link, user registration and validation, authentication, authorization, ACD platform functions, routing (including emergency call routing), call setup, mapping, call features (such as call forwarding and video mail), and such other features and functions not provided by the VRS CA service provider.

(21) *New default provider.* An iTRS provider that, either directly or through its numbering partner, initiates or implements the process to become the iTRS user's default provider by replacing the iTRS user's original default provider.

(22) *Non-English language relay service.* A telecommunications relay service that allows persons with hearing or speech disabilities who use languages other than English to communicate with voice telephone users in a shared language other than English, through a CA who is fluent in that language.

(23) *Non-interconnected VoIP service.* The term ''non-interconnected VoIP service''—

(i) Means a service that—

(A) Enables real-time voice communications that originate from or terminate to the user's location using Internet protocol or any successor protocol; and

(B) Requires Internet protocol compatible customer premises equipment; and

(ii) Does not include any service that is an interconnected VoIP service.

(24) *Numbering partner.* Any entity with which an Internet-based TRS provider has entered into a commercial arrangement to obtain North American Numbering Plan telephone numbers.

(25) *Original default provider.* An iTRS provider that is the iTRS user's default provider immediately before that iTRS user's default provider is changed.

(26) *Qualified interpreter.* An interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

(27) Registered Internet-based TRS user. An individual that has registered with a VRS or IP Relay provider as described in § 64.611.

(28) *Registered Location.* The most recent information obtained by a VRS or IP Relay provider that identifies the physical location of an end user.

(29) *Sign language.* A language which uses manual communication and body language to convey meaning, including but not limited to American Sign Language.

(30) *Speech-to-speech relay service (STS).* A telecommunications relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

(31) *Speed dialing.* A TRS feature that allows a TRS user to place a call using a stored number maintained by the TRS facility. In the context of TRS, speed dialing allows a TRS user to give the CA a short-hand'' name or number for the user's most frequently called telephone numbers.

(32) *Telecommunications relay services (TRS).* Telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a

hearing or speech disability to communicate using voice communication services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a text telephone or other nonvoice terminal device and an individual who does not use such a device, speech-to-speech services, video relay services and non-English relay services. TRS supersedes the terms ''dual party relay system,'' ''message relay services,'' and ''TDD Relay.''

(33) *Text telephone (TTY).* A machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term ''TDD'' or ''telecommunications device for the deaf,'' and TT.

(34) *Three-way calling feature.* A TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

(35) *TRS Numbering Administrator.* The neutral administrator of the TRS Numbering Directory selected based on a competitive bidding process.

(36) *TRS Numbering Directory.* The database administered by the TRS Numbering Administrator, the purpose of which is to map each registered Internet-based TRS user's NANP telephone number to his or her end device.

(37) *TRS User Registration Database.* A system of records containing TRS user identification data capable of:

(i) Receiving and processing subscriber information sufficient to identify unique TRS users and to ensure that each has a single default provider;

(ii) Assigning each VRS user a unique identifier;

(iii) Allowing VRS providers and other authorized entities to query the TRS User Registration Database to determine if a prospective user already has a default provider;

(iv) Allowing VRS providers to indicate that a VRS user has used the service; and

(v) Maintaining the confidentiality of proprietary data housed in the database by protecting it from theft, loss or disclosure to unauthorized persons. The purpose of this database is to ensure accurate registration and verification of VRS users and improve the efficiency of the TRS program.

(38) *Unauthorized provider.* An iTRS provider that becomes the iTRS user's new default provider without having obtained the user's authorization verified in accordance with the procedures specified in this part.

(39) *Unauthorized change.* A change in an iTRS user's selection of a default provider that was made without authorization verified in accordance with the verification procedures specified in this part.

(40) *Video relay service (VRS).* A telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment. The video link allows the CA to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller.

(41) *Visual privacy screen.* A screen or any other feature that is designed to prevent one party or both parties on the video leg of a VRS call from viewing the other party during a call.

(42) *Voice carry over (VCO).* A form of TRS where the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows TRS users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users.

(43) *VRS access technology.* Any equipment, software, or other technology issued, leased, or provided by an Internet-based TRS provider that can be used to make and receive a VRS call.

(44) *VRS Access Technology Reference Platform.* A software product procured by or on behalf of the Commission that provides VRS functionality, including the ability to make and receive VRS and point-to-point calls, dial-around functionality, and the ability to update user registration location, and against which providers may test their own VRS access technology and platforms for compliance with the Commission's interoperability and portability rules.

(45) *VRS CA service provider.* A VRS provider that uses the Neutral Video Communication Service Platform for the video communication service components of VRS.

* * * * *

■ 4. Amend § 64.604 by revising paragraphs (b)(2)(iii), (b)(4)(iv) and (c)(5)(iii)(N)(*1*)(*iii*), and add paragraphs (c)(11) through (13), and (d) to read as follows:

§ 64.604 Mandatory minimum standards.

* * * * *

(b) * * *

(2) * * *

(iii) *Speed of answer requirements for VRS providers.* (A) Speed of answer requirements for VRS providers are phased-in as follows:

(*1*) By January 1, 2007, VRS providers must answer 80% of all VRS calls within 120 seconds, measured on a monthly basis;

(*2*) By January 1, 2014, VRS providers must answer 85% of all VRS calls within 60 seconds, measured on a daily basis; and

(*3*) By July 1, 2014, VRS providers must answer 85% of all VRS calls within 30 seconds, measured on a daily basis. Abandoned calls shall be included in the VRS speed of answer calculation.

(B) VRS CA service providers must meet the speed of answer requirements for VRS providers as measured from the time a VRS call reaches facilities operated by the VRS CA service provider.

* * * * *

(4) * * *

(iv) A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based upon minutes of use. In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform. VRS CA service providers are not required to have a written lease or licensing agreement for an ACD if they obtain that function from the Neutral Video Communication Service Platform.

* * * * *

(c) * * *

(5) * * *

(iii) * * *

(N) * * *

(*1*) * * *

(*iii*) An eligible VRS provider may not contract with or otherwise authorize any third party to provide interpretation services or call center functions (including call distribution, call routing, call setup, mapping, call features, billing, and registration) on its behalf, unless that authorized third party also is an eligible provider, or the eligible VRS provider is a VRS CA service provider and the authorized third party is the provider of the Neutral Video Communication Service Platform, except that a VRS CA service provider may not contract with or otherwise authorize the provider of the Neutral

Video Communication Service Platform to perform billing on its behalf.

* * * * *

(11) [Reserved]

(12) *Discrimination and preferences.* A VRS provider shall not:

(i) Directly or indirectly, by any means or device, engage in any unjust or unreasonable discrimination related to practices, facilities, or services for or in connection with like relay service,

(ii) Engage in or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or

(ii) Subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

(13) *Unauthorized and unnecessary use of VRS.* A VRS provider shall not engage in any practice that causes or encourages, or that the provider knows or has reason to know will cause or encourage:

(i) False or unverified claims for TRS Fund compensation,

(ii) Unauthorized use of VRS,

(iii) The making of VRS calls that would not otherwise be made, or

(iv) The use of VRS by persons who do not need the service in order to communicate in a functionally equivalent manner. A VRS provider shall not seek payment from the TRS Fund for any minutes of service it knows or has reason to know are resulting from such practices. Any VRS provider that becomes aware of such practices being or having been committed by any person shall as soon as practicable report such practices to the Commission or the TRS Fund administrator.

(d) *Other standards.* The applicable requirements of §§ 64.605, 64.611, 64.615, 64.617, 64.621, 64.631, 64.632, 64.5105, 64.5107, 64.5108, 64.5109, and 64.5110 of this part are to be considered mandatory minimum standards.

■ 5. Amend § 64.605 by revising paragraph (b)(4)(ii) to read as follows:

§ 64.605 Emergency calling requirements.

* * * * *

(b) * * *

(4) * * *

(ii) If the VRS or IP Relay is capable of being used from more than one location, provide their registered Internet-based TRS users one or more methods of updating their Registered Location, including at least one option that requires use only of the iTRS access technology necessary to access the VRS or IP Relay. Any method utilized must allow a registered Internet-based TRS user to update the Registered Location at will and in a timely manner.

■ 6. Amend § 64.606 by adding paragraphs (a)(4) and (g)(3) and (4) to read as follows:

§ 64.606 Internet-based TRS provider and TRS program certification.

(a) * * *

(4) For the purposes of paragraphs (a)(2)(ii)(A)(*4*) and (a)(2)(ii)(A)(*6*) of this section, VRS CA Service Providers shall, in their description of the technology and equipment used to support their call center functions, describe:

(i) How they provide connectivity to the Neutral Video Communication Service Platform; and

(ii) How they internally route calls to CAs and then back to the Neutral Video Communication Service Platform. VRS CA service providers need not describe ACD platform functionality if it is not used for these purposes.

* * * * *

(g) * * *

(3) Each VRS provider shall include within its annual report a compliance plan describing the provider's policies, procedures, and practices for complying with the requirements of § 64.604(c)(13) of this subpart. Such compliance plan shall include, at a minimum:

(i) Identification of any officer(s) or managerial employee(s) responsible for ensuring compliance with § 64.604(c)(13) of this subpart;

(ii) A description of any compliance training provided to the provider's officers, employees, and contractors;

(iii) Identification of any telephone numbers, Web site addresses, or other mechanisms available to employees for reporting abuses;

(iv) A description of any internal audit processes used to ensure the accuracy and completeness of minutes submitted to the TRS Fund administrator; and

(v) A description of all policies and practices that the provider is following to prevent waste, fraud, and abuse of the TRS Fund. A provider that fails to file a compliance plan shall not be entitled to compensation for the provision of VRS during the period of noncompliance.

(4) If, at any time, the Commission determines that a VRS provider's compliance plan currently on file is inadequate to prevent waste, fraud, and abuse of the TRS Fund, the Commission shall so notify the provider, shall explain the reasons the plan is inadequate, and shall direct the provider to correct the identified defects and submit an amended compliance plan reflecting such correction within a specified time period not to exceed 60 days. A provider that fails to comply with such directive shall not be entitled to compensation for the provision of VRS during the period of noncompliance. A submitted compliance plan shall not be prima facie evidence of the plan's adequacy; nor shall it be evidence that the provider has fulfilled its obligations under § 64.604(c)(13) of this subpart.

* * * * *

■ 7. Amend § 64.611 by adding paragraphs (a)(3) and (4), by revising paragraph (f), and by adding paragraph (h) to read as follows:

§ 64.611 Internet-based TRS registration.

(a) * * *

(3) *Certification of eligibility of VRS users.* (i) A VRS provider seeking compensation from the TRS Fund for providing VRS to a particular user registered with that provider must first obtain a written certification from the user, attesting that the user is eligible to use VRS.

(ii) The certification required by paragraph (a)(3)(i) of this section must include the user's attestation that:

(A) The user has a hearing or speech disability; and

(B) The user understands that the cost of VRS calls is paid for by contributions from other telecommunications users to the TRS Fund.

(iii) The certification required by paragraph (a)(3)(i) of this section must be made on a form separate from any other agreement or form, and must include a separate user signature specific to the certification. For the purposes of this rule, an electronic signature, defined by the Electronic Signatures in Global and National Commerce Act, as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record, has the same legal effect as a written signature. For the purposes of this rule, an electronic record, defined by the Electronic Signatures in Global and National Commerce Act as a contract or other record created, generated, sent, communicated, received, or stored by electronic means, constitutes a record.

(iv) Each VRS provider shall maintain the confidentiality of any registration and certification information obtained by the provider, and may not disclose such registration and certification information or the content of such registration and certification information except as required by law or regulation.

(v) VRS providers must, for existing registered Internet-based TRS users, submit the certification required by

paragraph (a)(3)(i) of this section to the TRS User Registration Database within 60 days of notice from the Managing Director that the TRS User Registration Database is ready to accept such information.

(vi) When registering a user that is transferring service from another VRS provider, VRS providers shall obtain and submit a properly executed certification if a query of the TRS User Registration Database shows a properly executed certification has not been filed.

(vii) VRS providers shall require their CAs to terminate any call which does not involve an individual eligible to use VRS due to a hearing or speech disability or, pursuant to the provider's policies, the call does not appear to be a legitimate VRS call, and VRS providers may not seek compensation for such calls from the TRS Fund.

(4) TRS User Registration Database information. Each VRS provider shall collect and transmit to the TRS User Registration Database, in a format prescribed by the administrator of the TRS User Registration Database, the following information for each of its new and existing registered Internet-based TRS users: full name; full residential address; ten-digit telephone number assigned in the TRS numbering directory; last four digits of the social security number or Tribal Identification number, if the registered Internet-based TRS user is a member of a Tribal nation and does not have a social security number; date of birth; Registered Location; VRS provider name and dates of service initiation and termination; a digital copy of the user's self-certification of eligibility for VRS and the date obtained by the provider; the date on which the user's identification was verified; and (for existing users only) the date on which the registered Internet-based TRS user last placed a point-to-point or relay call.

(i) Each VRS provider must obtain, from each new and existing registered Internet-based TRS user, consent to transmit the registered Internet-based TRS user's information to the TRS User Registration Database. Prior to obtaining consent, the VRS provider must describe to the registered Internet-based TRS user, using clear, easily understood language, the specific information being transmitted, that the information is being transmitted to the TRS User Registration Database to ensure proper administration of the TRS program, and that failure to provide consent will result in the registered Internet-based TRS user being denied service. VRS providers must obtain and keep a record of affirmative acknowledgment by every registered Internet-based TRS user of such consent.

(ii) VRS providers must, for existing registered Internet-based TRS users, submit the information in paragraph (a)(3) of this section to the TRS User Registration Database within 60 days of notice from the Commission that the TRS User Registration Database is ready to accept such information. Calls from or to existing registered Internet-based TRS users that have not had their information populated in the TRS User Registration Database within 60 days of notice from the Commission that the TRS User Registration Database is ready to accept such information shall not be compensable.

(iii) VRS providers must submit the information in paragraph (a)(4) of this section upon initiation of service for users registered after 60 days of notice from the Commission that the TRS User Registration Database is ready to accept such information.

* * * * *

(f) *iTRS access technology.* (1) Every VRS or IP Relay provider must ensure that all iTRS access technology they have issued, leased, or otherwise provided to VRS or IP Relay users delivers routing information or other information only to the user's default provider, except as is necessary to complete or receive ''dial around'' calls on a case-by-case basis.

(2) All iTRS access technology issued, leased, or otherwise provided to VRS or IP Relay users by Internet-based TRS providers must be capable of facilitating the requirements of this section.

* * * * *

(h) A VRS CA service provider shall fulfill its obligations under paragraphs (a), (c), (d), and (e) of this section using the Neutral Video Communication Service Platform.

■ 8. Amend subpart F by adding §§ 64.615, 64,617, 64.619, 64.621, 64.623, 64.630, 64.631, 64.632, 64.633, 64.634, 64.635, and 64.636 to read as follows:

Subart F—Telecommunications Relay Services and Related Customer Premises Equipment for Persons With Disabilities

* * * * *

Sec.

64.615 TRS User Registration Database and administrator.
64.617 Neutral Video Communication Service Platform.
64.619 VRS Access Technology Reference Platform and administrator.
64.621 Interoperability and portability.
64.623 Administrator requirements.
64.630 Applicability of change of default TRS provider rules.
64.631 Verification of orders for change of default TRS providers.
64.632 Letter of authorization form and content.
64.633 Procedures for resolution of unauthorized changes in default provider.
64.634 Procedures where the Fund has not yet reimbursed the provider.
64.635 Procedures where the Fund has already reimbursed the provider.
64.636 Prohibition of default provider freezes.

§ 64.615 TRS User Registration Database and administrator.

(a) *TRS User Registration Database.* (1) VRS providers shall validate the eligibility of the party on the video side of each call by querying the TRS User Registration Database on a per-call basis. Emergency 911 calls are excepted from this requirement.

(i) Validation shall occur during the call setup process, prior to the placement of the call.

(ii) If the eligibility of at least one party to the call is not validated using the TRS User Registration Database, the call shall not be completed, and the VRS provider shall either terminate the call or, if appropriate, offer to register the user if they are able to demonstrate eligibility.

(iii) Calls that VRS providers are prohibited from completing because the user's eligibility cannot be validated shall not be included in speed of answer calculations and shall not be eligible for compensation from the TRS Fund.

(2) The administrator of the TRS User Registration Database shall assign a unique identifier to each user in the TRS User Registration Database.

(3) *Data integrity.* (i) Each VRS provider shall request that the administrator of the TRS User Registration Database remove from the TRS User Registration Database user information for any registered user:

(A) Who informs its default provider that it no longer wants use of a ten-digit number for TRS services; or;

(B) For whom the provider obtains information that the user is not eligible to use the service.

(ii) The administrator of the TRS User Registration Database shall remove the data of:

(A) Any user that has neither placed nor received a VRS or point to point call in a one year period; and

(B) Any user for which a VRS provider makes a request under paragraph (a)(3)(i) of this section.

(4) VRS providers may query the TRS User Registration Database only for the purposes provided in this subpart, and to determine whether information with respect to its registered users already in the database is correct and complete.

(5) *User verification.* (i) The TRS User Registration Database shall have the capability of performing an identification verification check when a VRS provider or other party submits a query to the database about an existing or potential user.

(ii) VRS providers shall not register individuals that do not pass the identification verification check conducted through the TRS User Registration Database.

(iii) VRS providers shall not seek compensation for calls placed by individuals that do not pass the identification verification check conducted through the TRS User Registration Database.

(b) *Administration*—(1) *Terms of administration.* The administrator of the TRS User Registration Database shall administer the TRS User Registration Database pursuant to the terms of its contract.

(2) *Compensation.* The TRS Fund, as defined by § 64.604(a)(5)(iii) of this subpart, may be used to compensate the administrator of the TRS User Registration Database for the reasonable costs of administration pursuant to the terms of its contract.

§ 64.617 Neutral Video Communication Service Platform.

(a) VRS CA service providers certified by the Commission are required to utilize the Neutral Video Communication Service Platform to process VRS calls. Each VRS CA service provider shall be responsible for providing sign language interpretation services and for ensuring that the Neutral Video Communication Service Platform has the information it needs to provide video communication service on the VRS CA service provider's behalf.

(b) *Administration*—(1) *Terms of administration.* The provider of the Neutral Video Communication Service Platform shall administer the Neutral Video Communication Service Platform pursuant to the terms of its contract.

(2) *Compensation.* The TRS Fund, as defined by § 64.604(a)(5)(iii) of this subpart, may be used to compensate the provider of the Neutral Video Communication Service Platform for the reasonable costs of administration pursuant to the terms of its contract.

§ 64.619 VRS Access Technology Reference Platform and administrator.

(a) *VRS Access Technology Reference Platform.* (1) The VRS Access Technology Reference Platform shall be a software product that performs consistently with the rules in this subpart, including any standards adopted in § 64.621 of this subpart.

(2) The VRS Access Technology Reference Platform shall be available for use by the public and by developers.

(b) *Administration*—(1) Terms of administration. The administrator of the VRS Access Technology Reference Platform shall administer the VRS Access Technology Reference Platform pursuant to the terms of its contract.

(2) *Compensation.* The TRS Fund, as defined by § 64.604(a)(5)(iii) of this subpart, may be used to compensate the administrator of the VRS Access Technology Reference Platform for the reasonable costs of administration pursuant to the terms of its contract.

§ 64.621 Interoperability and portability.

(a) *General obligations of VRS providers.* (1) All VRS users must be able to place a VRS call through any of the VRS providers' services, and all VRS providers must be able to receive calls from, and make calls to, any VRS user.

(2) A VRS provider may not take steps that restrict a user's unfettered access to another provider's service, such as providing degraded service quality to VRS users using VRS equipment or service with another provider's service.

(3) All VRS providers must ensure that their VRS access technologies and their video communication service platforms are interoperable with the VRS Access Technology Reference Platform, including for point-to-point calls. No VRS provider shall be compensated for minutes of use involving their VRS access technologies or video communication service platforms that are not interoperable with the VRS Access Technology Reference Platform.

(4) All VRS providers must ensure that their VRS access technologies and their video communication service platforms are interoperable with the Neutral Video Communication Service Platform, including for point-to-point calls. No VRS provider shall be compensated for minutes of use involving their VRS access technologies or video communication service platforms that are not interoperable with the Neutral Video Communication Service Platform.

(b) [Reserved]

§ 64.623 Administrator requirements.

(a) For the purposes of this section, the term ''Administrator'' shall refer to each of the TRS Numbering administrator, the administrator of the TRS User Registration Database, the administrator of the VRS Access Technology Reference Platform, and the provider of the Neutral Video Communication Service Platform. A single entity may serve in one or more of these capacities.

(b) *Neutrality.* (1) The Administrator shall be a non-governmental entity that is impartial and not an affiliate of any Internet-based TRS provider.

(2) Neither the Administrator nor any affiliate thereof shall issue a majority of its debt to, nor derive a majority of its revenues from, any Internet-based TRS provider.

(3) Neither the TRS Numbering administrator nor any affiliate thereof shall be unduly influenced, as determined by the North American Numbering Council, by parties with a vested interest in the outcome of TRS-related numbering administration and activities.

(4) None of the administrator of the TRS User Registration Database, the administrator of the VRS Access Technology Reference Platform, or the provider of the Neutral Video Communication Service Platform, nor any affiliates thereof, shall be unduly influenced, as determined by the Commission, by parties with a vested interest in the outcome of TRS-related activities.

(5) Any subcontractor that performs any function of any Administrator shall also meet the neutrality criteria applicable to such Administrator.

(c) *Terms of administration.* The Administrator shall administer pursuant to the terms of its contract.

(d) *Compensation.* The TRS Fund, as defined by § 64.604(a)(5)(iii) of this subpart, may be used to compensate the Administrator for the reasonable costs of administration pursuant to the terms of its contract.

§ 64.630 Applicability of change of default TRS provider rules.

Sections 64.630 through 64.636 of this part governing changes in default TRS providers shall apply to any provider of IP Relay or VRS eligible to receive payments from the TRS Fund.

§ 64.631 Verification of orders for change of default TRS providers.

(a) No iTRS provider, either directly or through its numbering partner, shall initiate or implement the process to change an iTRS user's selection of a default provider prior to obtaining:

(1) Authorization from the iTRS user, and

(2) Verification of that authorization in accordance with the procedures prescribed in this section. The new default provider shall maintain and preserve without alteration or modification all records of verification of the iTRS user's authorization for a minimum period of five years after

obtaining such verification and shall make such records available to the Commission upon request. In any case where the iTRS provider is unable, unwilling or otherwise fails to make such records available to the Commission upon request, it shall be presumed that the iTRS provider has failed to comply with its verification obligations under the rules.

(b) Where an iTRS provider is offering more than one type of TRS, that provider must obtain separate authorization from the iTRS user for each service, although the authorizations may be obtained within the same transaction. Each authorization must be verified separately from any other authorizations obtained in the same transaction. Each authorization must be verified in accordance with the verification procedures prescribed in this part.

(c) A new iTRS provider shall not, either directly or through its numbering partner, initiate or implement the process to change a default provider unless and until the order has been verified in accordance with one of the following procedures:

(1) The iTRS provider has obtained the iTRS user's written or electronically signed authorization in a form that meets the requirements of § 64.632 of this part; or

(2) An independent third party meeting the qualifications in this subsection has obtained, in accordance with the procedures set forth in paragraphs (c)(2)(i) through (iv) of this section, the iTRS user's authorization to implement the default provider change order that confirms and includes appropriate verification of registration data with the TRS User Registration Database as defined in § 64.601(a) of this part. The independent third party must not be owned, managed, controlled, or directed by the iTRS provider or the iTRS provider's marketing agent; must not have any financial incentive to confirm default provider change orders for the iTRS provider or the iTRS provider's marketing agent; and must operate in a location physically separate from the iTRS provider or the iTRS provider's marketing agent.

(i) Methods of third party verification. Third party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of paragraphs (c)(3)(ii) through (iv) of this section are satisfied. It shall be a per se violation of these rules if at any time the iTRS provider, an iTRS provider's marketing representative, or any other person misleads the iTRS user with respect to the authorization that the iTRS user is giving, the purpose of that authorization, the purpose of the verification, the verification process, or the identity of the person who is placing the call as well as on whose behalf the call is being placed, if applicable.

(ii) Provider initiation of third party verification. An iTRS provider or an iTRS provider's marketing representative initiating a three-way conference call must drop off the call once the three-way connection has been established.

(iii) Requirements for content and format of third party verification. Any description of the default provider change transaction by a third party verifier must not be misleading. At the start of the third party verification process, the third party verifier shall identify the new default provider to the iTRS user and shall confirm that the iTRS user understands that the iTRS user is changing default providers and will no longer receive service from the iTRS user's current iTRS provider. In addition, all third party verification methods shall elicit, at a minimum: The date of the verification; the identity of the iTRS user; confirmation that the person on the call is the iTRS user; confirmation that the iTRS user wants to make the default provider change; confirmation that the iTRS user understands that a default provider change, not an upgrade to existing service, or any other misleading description of the transaction, is being authorized; confirmation that the iTRS user understands what the change in default provider means, including that the iTRS user may need to return any video equipment belonging to the original default provider; the name of the new default provider affected by the change; the telephone number of record to be transferred to the new default provider; and the type of TRS used with the telephone number being transferred. If the iTRS user has additional questions for the iTRS provider's marketing representative during the verification process, the verifier shall instruct the iTRS user that they are terminating the verification process, that the iTRS user may contact the marketing representative with additional questions, and that the iTRS user's default provider will not be changed. The marketing representative may again initiate the verification process following the procedures set out in this section after the iTRS user contacts the marketing representative with any additional questions. Third party verifiers may not market the iTRS provider's services by providing additional information.

(iv) Other requirements for third party verification. All third party verifications shall be conducted in the same language and format that were used in the underlying marketing transaction and shall be recorded in their entirety. In the case of VRS, this means that if the marketing process was conducted in American Sign Language (ASL), then the third party verification shall be conducted in ASL. In the event that the underlying marketing transaction was conducted via text over IP Relay, such text format shall be used for the third party verification. The third party verifier shall inform both the iTRS user and, where applicable, the communications assistant relaying the call, that the call is being recorded. The third party verifier shall provide the new default provider an audio, video, or IP Relay transcript of the verification of the iTRS user authorization. New default providers shall maintain and preserve audio and video records of verification of iTRS user authorization in accordance with the procedures set forth in paragraph (a)(2) of this section.

(d) A new default provider shall implement an iTRS user's default provider change order within 60 days of obtaining either:

(1) A written or electronically signed letter of agency in accordance with § 64.632 of this part or

(2) Third party verification of the iTRS user's default provider change order in accordance with paragraph (c)(2) of this section. If not implemented within 60 days as required herein, such default provider change order shall be deemed void.

(e) At any time during the process of changing an iTRS user's default provider, and until such process is completed, which is when the new default provider assumes the role of default provider, the original default provider shall not:

(1) Reduce the level or quality of iTRS service provided to such iTRS user, or

(2) Reduce the functionality of any VRS access technology provided by the iTRS provider to such iTRS user.

(f) An iTRS provider that is certified pursuant to § 64.606(a)(2) of this part may acquire, through a sale or transfer, either part or all of another iTRS provider's iTRS user base without obtaining each iTRS user's authorization and verification in accordance with paragraph (c) of this section, provided that the acquiring iTRS provider complies with the following streamlined procedures. An iTRS provider shall not use these streamlined procedures for any fraudulent purpose, including any attempt to avoid liability for violations under part 64 of the Commission rules.

(1) Not later than 30 days before the transfer of the affected iTRS users from the selling or transferring iTRS provider to the acquiring iTRS provider, the acquiring iTRS provider shall provide notice to each affected iTRS user of the information specified herein. The acquiring iTRS provider is required to fulfill the obligations set forth in the advance iTRS user notice. In the case of VRS, the notice shall be provided as a pre-recorded video message in American Sign Language sent to all affected iTRS users. In the case of IP Relay, the notice shall be provided as a pre-recorded text message sent to all affected iTRS users. The advance iTRS user notice shall be provided in a manner consistent with 47 U.S.C. 255, 617, 619 and the Commission's rules regarding accessibility to blind and visually-impaired consumers, §§ 6.3, 6.5, 14.20, and 14.21 of this chapter. The following information must be included in the advance iTRS user notice:

(i) The date on which the acquiring iTRS provider will become the iTRS user's new default provider;

(ii) The iTRS user's right to select a different default provider for the iTRS at issue, if an alternative iTRS provider is available;

(iii) Whether the acquiring iTRS provider will be responsible for handling any complaints filed, or otherwise raised, prior to or during the transfer against the selling or transferring iTRS provider, and

(iv) The toll-free customer service telephone number of the acquiring iTRS provider.

(2) All iTRS users receiving the notice will be transferred to the acquiring iTRS provider, unless they have selected a different default provider before the transfer date.

§ 64.632 Letter of authorization form and content.

(a) An iTRS provider may use a written or electronically signed letter of authorization to obtain authorization of an iTRS user's request to change his or her default provider. A letter of authorization that does not conform with this section is invalid for purposes of this subpart.

(b) The letter of authorization shall be a separate document or located on a separate screen or Web page. The letter of authorization shall contain the following title ''Letter of Authorization to Change my Default Provider'' at the top of the page, screen, or Web page, as applicable, in clear and legible type.

(c) The letter of authorization shall contain only the authorizing language described in paragraph (d) of this section and be strictly limited to authorizing the new default provider to implement a default provider change order. The letter of authorization shall be signed and dated by the iTRS user requesting the default provider change.

(d) At a minimum, the letter of authorization must be printed with a type of sufficient size and readable type to be clearly legible and must contain clear and unambiguous language that confirms:

(1) The iTRS user's registered name and address and each telephone number to be covered by the default provider change order;

(2) The decision to change the default provider from the original default provider to the new default provider;

(3) That the iTRS user designates [insert the name of the new default provider] to act as the iTRS user's agent and authorizing the new default provider to implement the default provider change; and

(4) That the iTRS user understands that only one iTRS provider may be designated as the TRS user's default provider for any one telephone number.

(e) If any portion of a letter of authorization is translated into another language then all portions of the letter of authorization must be translated into that language. Every letter of authorization must be translated into the same language as any promotional materials, descriptions or instructions provided with the letter of authorization.

(f) Letters of authorization submitted with an electronically signed authorization must include the consumer disclosures required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act.

§ 64.633 Procedures for resolution of unauthorized changes in default provider.

(a) *Notification of alleged unauthorized provider change.* Original default providers who are informed of an unauthorized default provider change by an iTRS user shall immediately notify the allegedly unauthorized provider and the Commission's Consumer and Governmental Affairs Bureau of the incident.

(b) *Referral of complaint.* Any iTRS provider that is informed by an iTRS user or original default provider of an unauthorized default provider change shall:

(1) Notify the Commission's Consumer and Governmental Affairs Bureau, and

(2) Shall inform that iTRS user of the iTRS user's right to file a complaint with the Commission's Consumer and Governmental Affairs Bureau. iTRS providers shall also inform the iTRS user that the iTRS user may contact and file a complaint with the alleged unauthorized default provider. An original default provider shall have the right to file a complaint with the Commission in the event that one of its respective iTRS users is the subject of an alleged unauthorized default provider change.

(c) *Notification of receipt of complaint.* Upon receipt of an unauthorized default provider change complaint or notification filed pursuant to this section, the Commission will notify the allegedly unauthorized provider and the Fund administrator of the complaint or notification and order that the unauthorized provider identify to the Fund administrator all minutes attributable to the iTRS user after the alleged unauthorized change of default provider is alleged to have occurred. The Fund administrator shall withhold reimbursement for such minutes pending Commission determination of whether an unauthorized change, as defined by § 64.601(a) of this part, has occurred, if it has not already done so.

(d) *Proof of verification.* Not more than 30 days after notification of the complaint or other notification, the alleged unauthorized default provider shall provide to the Commission's Consumer and Governmental Affairs Bureau a copy of any valid proof of verification of the default provider change. This proof of verification must clearly demonstrate a valid authorized default provider change, as that term is defined in § § 64.631 through 64.632 of this part. The Commission will determine whether an unauthorized change, as defined by § 64.601(a) of this part, has occurred using such proof and any evidence supplied by the iTRS user or other iTRS providers. Failure by the allegedly unauthorized provider to respond or provide proof of verification will be presumed to be sufficient evidence of a violation.

§ 64.634 Procedures where the Fund has not yet reimbursed the provider.

(a) This section shall only apply after an iTRS user or iTRS provider has complained to or notified the Commission that an allegedly unauthorized change, as defined by § 64.601(a) of this part, has occurred, and the TRS Fund (Fund), as defined in § 64.604(c)(5)(iii) of this part, has not reimbursed the allegedly unauthorized default provider for service attributable to the iTRS user after the allegedly unauthorized change occurred.

(b) An allegedly unauthorized provider shall identify to the Fund administrator all minutes submitted by the allegedly unauthorized provider to the Fund for reimbursement that are attributable to the iTRS user after the allegedly unauthorized change of default provider, as defined by § 64.601(a) of this part, is alleged to have occurred.

(c) If the Commission determines that an unauthorized change, as defined by § 64.601(a) of this part, has occurred, the Commission shall direct the Fund administrator to not reimburse for any minutes attributable to the iTRS user after the unauthorized change occurred, and neither the authorized nor the unauthorized default provider may seek reimbursement from the fund for those charges. The remedies provided in this section are in addition to any other remedies available by law.

(d) If the Commission determines that the default provider change was authorized, the default provider may seek reimbursement from the Fund for minutes of service provided to the iTRS user.

§ 64.635 Procedures where the Fund has already reimbursed the provider.

(a) The procedures in this section shall only apply after an iTRS user or iTRS provider has complained to or notified the Commission that an unauthorized change, as defined by § 64.601(a) of this part, has occurred, and the Fund has reimbursed the allegedly unauthorized default provider for minutes of service provided to the iTRS user.

(b) If the Commission determines that an unauthorized change, as defined by § 64.601(a) of this part, has occurred, it shall direct the unauthorized default provider to remit to the Fund an amount equal to 100% of all payments the unauthorized default provider received from the Fund for minutes attributable to the iTRS user after the unauthorized change occurred. The remedies provided in this section are in addition to any other remedies available by law.

§ 64.636 Prohibition of default provider freezes.

(a) A default provider freeze prevents a change in an iTRS user's default provider selection unless the iTRS user gives the provider from whom the freeze was requested his or her express consent.

(b) Default provider freezes shall be prohibited.

■ 9. Add subpart EE to part 64 to read as follows:

Subpart EE—TRS Customer Proprietary Network Information.

Sec.

64.5101 Basis and purpose.
64.5103 Definitions.
64.5105 Use of customer proprietary network information without customer approval.
64.5107 Approval required for use of customer proprietary network information.
64.5108 Notice required for use of customer proprietary network information.
64.5109 Safeguards required for use of customer proprietary network information.
64.5110 Safeguards on the disclosure of customer proprietary network information.
64. 5111 Notification of customer proprietary network information security breaches.

§ 64.5101 Basis and purpose.

(a) *Basis.* The rules in this subpart are issued pursuant to the Communications Act of 1934, as amended.

(b) *Purpose.* The purpose of the rules in this subpart is to implement customer proprietary network information protections for users of telecommunications relay services pursuant to sections 4, 222, and 225 of the Communications Act of 1934, as amended, 47 U.S.C. 4, 222, and 225.

§ 64.5103 Definitions.

(a) *Address of record.* An ''address of record,'' whether postal or electronic, is an address that the TRS provider has associated with the customer for at least 30 days.

(b) *Affiliate.* The term ''affiliate'' shall have the same meaning given such term in section 3 of the Communications Act of 1934, as amended, 47 U.S.C. 153.

(c) *Call data information.* The term ''call data information'' means any information that pertains to the handling of specific TRS calls, including the call record identification sequence, the communications assistant identification number, the session start and end times, the conversation start and end times, incoming and outbound telephone numbers, incoming and outbound internet protocol (IP) addresses, total conversation minutes, total session minutes, and the electronic serial number of the consumer device.

(d) *Communications assistant (CA).* The term ''communications assistant'' or ''CA'' shall have the same meaning given to the term in § 64.601(a) of this part.

(e) *Customer.* The term ''customer'' means a person:

(1) To whom the TRS provider provides TRS or point-to-point service, or

(2) Who is registered with the TRS provider as a default provider.

(f) *Customer proprietary network information (CPNI).* The term ''customer proprietary network information'' or ''CPNI'' means information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service used by any customer of a TRS provider; and information regarding a customer's use of TRS contained in the documentation submitted by a TRS provider to the TRS Fund administrator in connection with a request for compensation for the provision of TRS.

(g) *Customer premises equipment (CPE).* The term ''customer premises equipment'' or ''CPE'' shall have the same meaning given to such term in section 3 of the Communications Act of 1934, as amended, 47 U.S.C. 153.

(h) *Default provider.* The term ''default provider'' shall have the same meaning given such term in § 64.601(a) of this part.

(i) *Internet-based TRS (iTRS).* The term ''Internet-based TRS'' or ''iTRS shall have the same meaning given to the term in § 64.601(a) of this part.

(j) *iTRS access technology.* The term ''iTRS access technology'' shall have the same meaning given to the term in § 64.601(a) of this part.

(k) *Opt-in approval.* The term ''opt-in approval'' shall have the same meaning given such term in § 64.5107(b)(1) of this subpart.

(l) *Opt-out approval.* The term ''opt-out approval'' shall have the same meaning given such term in § 64.5107(b)(2) of this subpart.

(m) *Point-to-point service.* The term ''point-to-point service'' means a service that enables a VRS customer to place and receive non-relay calls without the assistance of a CA over the VRS provider facilities using VRS access technology. Such calls are made by means of ten-digit NANP numbers assigned to customers by VRS providers. The term ''point-to-point call'' shall refer to a call placed via a point-to-point service.

(n) *Readily available biographical information.* The term ''readily available biographical information'' means information drawn from the customer's life history and includes such things as the customer's social security number, or the last four digits of that number; mother's maiden name; home address; or date of birth.

(o) *Sign language.* The term ''sign language'' shall have the same meaning given to the term in § 64.601(a) of this part.

(p) *Telecommunications relay services (TRS).* The term ''telecommunications

relay services'' or ''TRS'' shall have the same meaning given to such term in § 64.601(a) of this part.

(q) *Telephone number of record.* The term ''telephone number of record'' means the telephone number associated with the provision of TRS, which may or may not be the telephone number supplied as part of a customer's ''contact information.''

(r) *TRS Fund.* The term ''TRS Fund'' shall have the same meaning given to the term in § 64.604(c)(5)(iii) of this part.

(s) *TRS provider.* The term ''TRS provider'' means an entity that provides TRS and shall include an entity that provides point-to-point service.

(t) *TRS-related services.* The term ''TRS-related services'' means, in the case of traditional TRS, services related to the provision or maintenance of customer premises equipment, and in the case of iTRS, services related to the provision or maintenance of iTRS access technology, including features and functions typically provided by TRS providers in association with iTRS access technology.

(u) *Valid photo ID.* The term ''valid photo ID'' means a government-issued means of personal identification with a photograph such as a driver's license, passport, or comparable ID that has not expired.

(v) *Video relay service.* The term ''video relay service'' or VRS shall have the same meaning given to the term in § 64.601(a) of this part.

(w) *VRS access technology.* The term ''VRS access technology'' shall have the same meaning given to the term in § 64.601(a) of this part.

§ 64.5105 Use of customer proprietary network information without customer approval.

(a) A TRS provider may use, disclose, or permit access to CPNI for the purpose of providing or lawfully marketing service offerings among the categories of service (*i.e.,* type of TRS) for which the TRS provider is currently the default provider for that customer, without customer approval.

(1) If a TRS provider provides different categories of TRS, and the TRS provider is currently the default provider for that customer for more than one category of TRS offered by the TRS provider, the TRS provider may share CPNI among the TRS provider's affiliated entities that provide a TRS offering to the customer.

(2) If a TRS provider provides different categories of TRS, but the TRS provider is currently not the default provider for that customer for more than one offering by the TRS provider, the TRS provider shall not share CPNI with its affiliates, except as provided in § 64.5107(b) of this subpart.

(b) A TRS provider shall not use, disclose, or permit access to CPNI as described in this paragraph (b).

(1) A TRS provider shall not use, disclose, or permit access to CPNI to market to a customer TRS offerings that are within a category of TRS for which the TRS provider is not currently the default provider for that customer, unless that TRS provider has customer approval to do so.

(2) A TRS provider shall not identify or track CPNI of customers that call competing TRS providers and, notwithstanding any other provision of this subpart, a TRS provider shall not use, disclose or permit access to CPNI related to a customer call to a competing TRS provider.

(c) A TRS provider may use, disclose, or permit access to CPNI, without customer approval, as described in this paragraph (c).

(1) A TRS provider may use, disclose or permit access to CPNI derived from its provision of TRS without customer approval, for the provision of CPE or iTRS access technology, and call answering, voice or video mail or messaging, voice or video storage and retrieval services.

(2) A TRS provider may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

(3) A TRS provider may use CPNI, without customer approval, to market services formerly known as adjunct-to-basic services, such as, but not limited to, speed dialing, call waiting, caller I.D., and call forwarding, only to those customers that are currently registered with that TRS provider as their default provider.

(4) A TRS provider shall use, disclose, or permit access to CPNI to the extent necessary to:

(i) Accept and handle 911/E911 calls;

(ii) Access, either directly or via a third party, a commercially available database that will allow the TRS provider to determine an appropriate Public Safety Answering Point, designated statewide default answering point, or appropriate local emergency authority that corresponds to the caller's location;

(iii) Relay the 911/E911 call to that entity; and

(iv) Facilitate the dispatch and response of emergency service or law enforcement personnel to the caller's location, in the event that the 911/E911 call is disconnected or the caller becomes incapacitated.

(5) A TRS provider shall use, disclose, or permit access to CPNI upon request by the administrator of the TRS Fund, as that term is defined in § 64.604(c)(5)(iii) of this part, or by the Commission for the purpose of administration and oversight of the TRS Fund, including the investigation and prevention of fraud, abuse, and misuse of TRS and seeking repayment to the TRS Fund for non-compensable minutes.

(6) A TRS provider may use, disclose, or permit access to CPNI to protect the rights or property of the TRS provider, or to protect users of those services, other TRS providers, and the TRS Fund from fraudulent, abusive, or unlawful use of such services.

§ 64.5107 Approval required for use of customer proprietary network information.

(a) A TRS provider may obtain approval through written, oral, electronic, or sign language methods.

(1) A TRS provider relying on oral or sign language approval shall bear the burden of demonstrating that such approval has been given in compliance with the Commission's rules in this part.

(2) Approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by a TRS provider must remain in effect until the customer revokes or limits such approval or disapproval. A TRS provider shall accept any such customer revocation, whether in written, oral, electronic, or sign language methods.

(3) A TRS provider must maintain records of approval, whether oral, written, electronic, or sign language, during the time period that the approval or disapproval is in effect and for at least one year thereafter.

(b) *Use of opt-in and opt-out approval processes.* (1) Opt-in approval requires that the TRS provider obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the TRS provider's request consistent with the requirements set forth in this subpart.

(2) With opt-out approval, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within the waiting period described in § 64.5108(d)(1) of this subpart after the TRS provider has provided to the customer appropriate notification of the TRS provider's request for consent consistent with the rules in this subpart.

(3) A TRS provider may only use, disclose, or permit access to the

customer's individually identifiable CPNI with the customer's opt-in approval, except as follows:

(i) Where a TRS provider is permitted to use, disclose, or permit access to CPNI without customer approval under § 64.5105 of this subpart.

(ii) Where a TRS provider is permitted to use, disclose, or permit access to CPNI by making use of customer opt-in or opt-out approval under paragraph (?)(4) of this section.

(4) A TRS provider may make use of customer opt-in or opt-out approval to take the following actions with respect to CPNI:

(i) Use its customer's individually identifiable CPNI for the purpose of lawfully marketing TRS-related services to that customer.

(ii) Disclose its customer's individually identifiable CPNI to its agents and its affiliates that provide TRS-related services for the purpose of lawfully marketing TRS-related services to that customer. A TRS provider may also permit such persons or entities to obtain access to such CPNI for such purposes.

§ 64.5108 Notice required for use of customer proprietary network information.

(a) *Notification, generally.* (1) Prior to any solicitation for customer approval to use, disclose, or permit access to CPNI, a TRS provider shall provide notification to the customer of the customer's right to deny or restrict use of, disclosure of, and access to that customer's CPNI.

(2) A TRS provider shall maintain records of notification, whether oral, written, electronic, or sign language, during the time period that the approval is in effect and for at least one year thereafter.

(b) *Individual notice.* A TRS provider shall provide individual notice to customers when soliciting approval to use, disclose, or permit access to customers' CPNI.

(c) *Content of notice.* Customer notification shall provide sufficient information in clear and unambiguous language to enable the customer to make an informed decision as to whether to permit a TRS provider to use, disclose, or permit access to, the customer's CPNI.

(1) The notification shall state that the customer has a right to deny any TRS provider the right to use, disclose or permit access to the customer's CPNI, and the TRS provider has a duty, under federal law, to honor the customer's right and to protect the confidentiality of CPNI.

(2) The notification shall specify the types of information that constitute CPNI and the specific entities that will use, receive or have access to the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw the customer's consent to use, disclose, or permit access to access to CPNI at any time.

(3) The notification shall advise the customer of the precise steps the customer must take in order to grant or deny use, disclosure, or access to CPNI, and must clearly state that customer denial of approval will not affect the TRS provider's provision of any services to the customer. However, TRS providers may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) TRS providers shall provide the notification in a manner that is accessible to the customer, comprehensible, and not misleading.

(5) If the TRS provider provides written notification to the customer, the notice shall be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) A TRS provider may state in the notification that the customer's approval to use CPNI may enhance the TRS provider's ability to offer products and services tailored to the customer's needs. A TRS provider also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) The notification shall state that any approval or denial of approval for the use of CPNI outside of the service for which the TRS provider is the default provider for the customer is valid until the customer affirmatively revokes or limits such approval or denial.

(9) A TRS provider's solicitation for approval to use, disclose, or have access to the customer's CPNI must be proximate to the notification of a customer's CPNI rights to non-disclosure.

(d) *Notice requirements specific to opt-out.* A TRS provider shall provide notification to obtain opt-out approval through electronic or written methods, but not by oral or sign language communication (except as provided in paragraph (f) of this section). The contents of any such notification shall comply with the requirements of paragraph (c) of this section.

(1) TRS providers shall wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. A TRS provider may, in its discretion, provide for a longer period. TRS providers shall notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) TRS providers using the opt-out mechanism shall provide notices to their customers every two years.

(3) TRS providers that use email to provide opt-out notices shall comply with the following requirements in addition to the requirements generally applicable to notification:

(i) TRS providers shall obtain express, verifiable, prior approval from consumers to send notices via email regarding their service in general, or CPNI in particular;

(ii) TRS providers shall either:

(A) Allow customers to reply directly to the email containing the CPNI notice in order to opt-out; or

(B) Include within the email containing the CPNI notice a conspicuous link to a Web page that provides to the customer a readily usable opt-out mechanism;

(iii) Opt-out email notices that are returned to the TRS provider as undeliverable shall be sent to the customer in another form before the TRS provider may consider the customer to have received notice;

(iv) TRS providers that use email to send CPNI notices shall ensure that the subject line of the message clearly and accurately identifies the subject matter of the email; and

(v) TRS providers shall make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. TRS providers may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

(e) *Notice requirements specific to opt-in.* A TRS provider may provide notification to obtain opt-in approval through oral, sign language, written, or electronic methods. The contents of any such notification shall comply with the

requirements of paragraph (c) of this section.

(f) *Notice requirements specific to one-time use of CPNI.* (1) TRS providers may use oral, text, or sign language notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone, TRS, or point-to-point contacts for the duration of the call, regardless of whether TRS providers use opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification shall comply with the requirements of paragraph (c) of this section, except that TRS providers may omit any of the following notice provisions if not relevant to the limited use for which the TRS provider seeks CPNI:

(i) TRS providers need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) TRS providers need not advise customers that the TRS provider may share CPNI with the TRS provider's affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) TRS providers need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as the TRS provider explains to customers that the scope of the approval the TRS provider seeks is limited to one-time use; and

(iv) TRS providers may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the TRS provider clearly communicates that the customer can deny access to his or her CPNI for the call.

§ 64.5109 Safeguards required for use of customer proprietary network information.

(a) TRS providers shall implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI. Except as provided for in §§ 64.5105 and 64.5108(f) of this subpart, TRS providers shall provide access to and shall require all personnel, including any agents, contractors, and subcontractors, who have contact with customers to verify the status of a customer's CPNI approval before using, disclosing, or permitting access to the customer's CPNI.

(b) TRS providers shall train their personnel, including any agents, contractors, and subcontractors, as to when they are and are not authorized to use CPNI, including procedures for verification of the status of a customer's CPNI approval. TRS providers shall have an express disciplinary process in place, including in the case of agents, contractors, and subcontractors, a right to cancel the applicable contract(s) or otherwise take disciplinary action.

(c) TRS providers shall maintain a record, electronically or in some other manner, of their own and their affiliates' sales and marketing campaigns that use their customers' CPNI. All TRS providers shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record shall include a description of each campaign, the specific CPNI that was used in the campaign, including the customer's name, and what products and services were offered as a part of the campaign. TRS providers shall retain the record for a minimum of three years.

(d) TRS providers shall establish a supervisory review process regarding TRS provider compliance with the rules in this subpart for outbound marketing situations and maintain records of TRS provider compliance for a minimum period of three years. Sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

(e) A TRS provider shall have an officer, as an agent of the TRS provider, sign and file with the Commission a compliance certification on an annual basis. The officer shall state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. The TRS provider must provide a statement accompanying the certification explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart. In addition, the TRS provider must include an explanation of any actions taken against data brokers, a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI, and a report detailing all instances where the TRS provider, or its agents, contractors, or subcontractors, used, disclosed, or permitted access to CPNI without complying with the procedures specified in this subpart. In the case of iTRS providers, this filing shall be included in the annual report filed with the Commission pursuant to § 64.606(g) of this part for data pertaining to the previous year. In the case of all other TRS providers, this filing shall be made annually with the Disability Rights Office of the Consumer and Governmental Affairs Bureau on or before March 1 in CG Docket No. 03–123 for data pertaining to the previous calendar year.

(f) TRS providers shall provide written notice within five business days to the Disability Rights Office of the Consumer and Governmental Affairs Bureau of the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

(1) The notice shall be in the form of a letter, and shall include the TRS provider's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified, if applicable, and whether the state commission(s) has taken any action, a copy of the notice provided to customers, and contact information.

(2) Such notice shall be submitted even if the TRS provider offers other methods by which consumers may opt-out.

§ 64.5110 Safeguards on the disclosure of customer proprietary network information.

(a) *Safeguarding CPNI.* TRS providers shall take all reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI. TRS providers shall authenticate a customer prior to disclosing CPNI based on a customer-initiated telephone contact, TRS call, point-to-point call, online account access, or an in-store visit.

(b) *Telephone, TRS, and point-to-point access to CPNI.* A TRS provider shall authenticate a customer without the use of readily available biographical information, or account information, prior to allowing the customer telephonic, TRS, or point-to-point access to CPNI related to his or her TRS account. Alternatively, the customer may obtain telephonic, TRS, or point-to-point access to CPNI related to his or her TRS account through a password, as described in paragraph (e) of this section.

(c) *Online access to CPNI.* A TRS provider shall authenticate a customer without the use of readily available biographical information, or account information, prior to allowing the customer online access to CPNI related to his or her TRS account. Once authenticated, the customer may only obtain online access to CPNI related to his or her TRS account through a password, as described in paragraph (e) of this section.

(d) *In-store access to CPNI.* A TRS provider may disclose CPNI to a customer who, at a TRS provider's retail location, first presents to the TRS

provider or its agent a valid photo ID matching the customer's account information.

(e) *Establishment of a password and back-up authentication methods for lost or forgotten passwords.* To establish a password, a TRS provider shall authenticate the customer without the use of readily available biographical information, or account information. TRS providers may create a back-up customer authentication method in the event of a lost or forgotten password, but such back-up customer authentication method may not prompt the customer for readily available biographical information, or account information. If a customer cannot provide the correct password or the correct response for the back-up customer authentication method, the customer shall establish a new password as described in this paragraph.

(f) *Notification of account changes.* TRS providers shall notify customers immediately whenever a password, customer response to a back-up means of authentication for lost or forgotten passwords, online account, or address of record is created or changed. This notification is not required when the customer initiates service, including the selection of a password at service initiation. This notification may be through a TRS provider-originated voicemail, text message, or video mail to the telephone number of record, by mail to the physical address of record, or by email to the email address of record, and shall not reveal the changed information or be sent to the new account information.

§ 64.5111 Notification of customer proprietary network information security breaches.

(a) A TRS provider shall notify law enforcement of a breach of its customers' CPNI as provided in this section. The TRS provider shall not notify its customers or disclose the breach publicly, whether voluntarily or under state or local law or these rules, until it has completed the process of notifying law enforcement pursuant to paragraph (b) of this section. The TRS provider shall file a copy of the notification with the Disability Rights Office of the Consumer and Governmental Affairs Bureau at the same time as when the TRS provider notifies the customers.

(b) As soon as practicable, and in no event later than seven (7) business days, after reasonable determination of the breach, the TRS provider shall electronically notify the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) through a central reporting facility. The Commission will maintain a link to the reporting facility at *http://www.fcc.gov/eb/cpni.*

(1) Notwithstanding any state law to the contrary, the TRS provider shall not notify customers or disclose the breach to the public until 7 full business days have passed after notification to the USSS and the FBI except as provided in paragraphs (b)(2) and (3) of this section.

(2) If the TRS provider believes that there is an extraordinarily urgent need to notify any class of affected customers sooner than otherwise allowed under paragraph (b)(1) of this section, in order to avoid immediate and irreparable harm, it shall so indicate in its notification and may proceed to immediately notify its affected customers only after consultation with the relevant investigating agency. The TRS provider shall cooperate with the relevant investigating agency's request to minimize any adverse effects of such customer notification.

(3) If the relevant investigating agency determines that public disclosure or notice to customers would impede or compromise an ongoing or potential criminal investigation or national security, such agency may direct the TRS provider not to so disclose or notify for an initial period of up to 30 days. Such period may be extended by the agency as reasonably necessary in the judgment of the agency. If such direction is given, the agency shall notify the TRS provider when it appears that public disclosure or notice to affected customers will no longer impede or compromise a criminal investigation or national security. The agency shall provide in writing its initial direction to the TRS provider, any subsequent extension, and any notification that notice will no longer impede or compromise a criminal investigation or national security and such writings shall be contemporaneously logged on the same reporting facility that contains records of notifications filed by TRS providers.

(c) *Customer notification.* After a TRS provider has completed the process of notifying law enforcement pursuant to paragraph (b) of this section, and consistent with the waiting requirements specified in paragraph (b) of this section, the TRS provider shall notify its customers of a breach of those customers' CPNI.

(d) *Recordkeeping.* All TRS providers shall maintain a record, electronically or in some other manner, of any breaches discovered, notifications made to the USSS and the FBI pursuant to paragraph (b) of this section, and notifications made to customers. The record must include, if available, dates of discovery and notification, a detailed description of the CPNI that was the subject of the breach, and the circumstances of the breach. TRS providers shall retain the record for a minimum of 2 years.

(e) *Definition.* As used in this section, a ''breach'' has occurred when a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI.

(f) This section does not supersede any statute, regulation, order, or interpretation in any State, except to the extent that such statute, regulation, order, or interpretation is inconsistent with the provisions of this section, and then only to the extent of the inconsistency.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–15926 Filed 7–2–13; 11:15 am]

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FEDERAL REGISTER

Vol. 78 Friday,

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Part IV

The President

Executive Order 13648—Combating Wildlife Trafficking

Federal Register
Vol. 78, No. 129
Friday, July 5, 2013

Presidential Documents

Title 3—

The President

Executive Order 13648 of July 1, 2013

Combating Wildlife Trafficking

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to address the significant effects of wildlife trafficking on the national interests of the United States, I hereby order as follows:

Section 1. *Policy.* The poaching of protected species and the illegal trade in wildlife and their derivative parts and products (together known as ''wildlife trafficking'') represent an international crisis that continues to escalate. Poaching operations have expanded beyond small-scale, opportunistic actions to coordinated slaughter commissioned by armed and organized criminal syndicates. The survival of protected wildlife species such as elephants, rhinos, great apes, tigers, sharks, tuna, and turtles has beneficial economic, social, and environmental impacts that are important to all nations. Wildlife trafficking reduces those benefits while generating billions of dollars in illicit revenues each year, contributing to the illegal economy, fueling instability, and undermining security. Also, the prevention of trafficking of live animals helps us control the spread of emerging infectious diseases. For these reasons, it is in the national interest of the United States to combat wildlife trafficking.

In order to enhance domestic efforts to combat wildlife trafficking, to assist foreign nations in building capacity to combat wildlife trafficking, and to assist in combating transnational organized crime, executive departments and agencies (agencies) shall take all appropriate actions within their authority, including the promulgation of rules and regulations and the provision of technical and financial assistance, to combat wildlife trafficking in accordance with the following objectives:

(a) in appropriate cases, the United States shall seek to assist those governments in anti-wildlife trafficking activities when requested by foreign nations experiencing trafficking of protected wildlife;

(b) the United States shall promote and encourage the development and enforcement by foreign nations of effective laws to prohibit the illegal taking of, and trade in, these species and to prosecute those who engage in wildlife trafficking, including by building capacity;

(c) in concert with the international community and partner organizations, the United States shall seek to combat wildlife trafficking; and

(d) the United States shall seek to reduce the demand for illegally traded wildlife, both at home and abroad, while allowing legal and legitimate commerce involving wildlife.

Sec. 2. *Establishment.* There is established a Presidential Task Force on Wildlife Trafficking (Task Force), to be co-chaired by the Secretary of State, Secretary of the Interior, and the Attorney General (Co-Chairs), or their designees, who shall report to the President through the National Security Advisor. The Task Force shall develop and implement a National Strategy for Combating Wildlife Trafficking in accordance with the objectives outlined in section 1 of this order, consistent with section 4 of this order.

Sec. 3. *Membership.* (a) In addition to the Co-Chairs, the Task Force shall include designated senior-level representatives from:

(i) the Department of the Treasury;

(ii) the Department of Defense;

(iii) the Department of Agriculture;

(iv) the Department of Commerce;

(v) the Department of Transportation;

(vi) the Department of Homeland Security;

(vii) the United States Agency for International Development;

(viii) the Office of the Director of National Intelligence;

(ix) the National Security Staff;

(x) the Domestic Policy Council;

(xi) the Council on Environmental Quality;

(xii) the Office of Science and Technology Policy;

(xiii) the Office of Management and Budget;

(xiv) the Office of the United States Trade Representative; and

(xv) such agencies and offices as the Co-Chairs may, from time to time, designate.

(b) The Task Force shall meet not later than 60 days from the date of this order and periodically thereafter.

Sec. 4. *Functions.* Consistent with the authorities and responsibilities of member agencies, the Task Force shall perform the following functions:

(a) not later than 180 days after the date of this order, produce a National Strategy for Combating Wildlife Trafficking that shall include consideration of issues relating to combating trafficking and curbing consumer demand, including:

(i) effective support for anti-poaching activities;

(ii) coordinating regional law enforcement efforts;

(iii) developing and supporting effective legal enforcement mechanisms; and

(iv) developing strategies to reduce illicit trade and reduce consumer demand for trade in protected species;

(b) not later than 90 days from the date of this order, review the Strategy to Combat Transnational Organized Crime of July 19, 2011, and, if appropriate, make recommendations regarding the inclusion of crime related to wildlife trafficking as an implementation element for the Federal Government's transnational organized crime strategy;

(c) coordinate efforts among and consult with agencies, as appropriate and consistent with the Department of State's foreign affairs role, regarding work with foreign nations and international bodies that monitor and aid in enforcement against crime related to wildlife trafficking; and

(d) carry out other functions necessary to implement this order.

Sec. 5. *Advisory Council on Wildlife Trafficking.* Not later than 180 days from the date of this order, the Secretary of the Interior (Secretary), in consultation with the other Co-Chairs of the Task Force, shall establish an Advisory Council on Wildlife Trafficking (Advisory Council) that shall make recommendations to the Task Force and provide it with ongoing advice and assistance. The Advisory Council shall have eight members, one of whom shall be designated by the Secretary as the Chair. Members shall not be employees of the Federal Government and shall include knowledgeable individuals from the private sector, former governmental officials, representatives of nongovernmental organizations, and others who are in a position to provide expertise and support to the Task Force.

Sec. 6. *General Provisions.* (a) This order shall be implemented consistent with applicable domestic and international law, and subject to the availability of appropriations.

(b) 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 the status of that department or agency within the Federal Government; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(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) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the ''Act''), may apply to the Advisory Council, any functions of the President under the Act, except for that of reporting to the Congress, shall be performed by the Secretary in accordance with the guidelines issued by the Administrator of General Services.

(e) The Department of the Interior shall provide funding and administrative support for the Task Force and Advisory Council to the extent permitted by law and consistent with existing appropriations.

THE WHITE HOUSE,
July 1, 2013.

[FR Doc. 2013–16387
Filed 7–3–13; 11:15 am]
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Federal Register

Vol. 78, No. 129

Friday, July 5, 2013

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FEDERAL REGISTER PAGES AND DATE, JULY

39163–39542 1
39543–39956 2
39957–40380 3
40381–40624 5

CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
8997 39949
Executive Orders:
13646 39539
13648 40621
Administrative Orders:
Memorandums:
Memorandum of June 25, 2013 39535

5 CFR

1201 39543
1209 39543

7 CFR

210 39163
253 39548
925 39548
1205 39551
1206 39564
Proposed Rules:
1205 39632

10 CFR

170 39162
171 39162
Proposed Rules:
26 39190
430 40403

12 CFR

911 39957
1091 40352
1214 39957
1215 39959
1703 39959
Proposed Rules:
1002 39902
1024 39902
1026 39902

14 CFR

39 ..... 39567, 39571, 39574
71 ..... 40381, 40382
73 39964
91 ..... 39576, 39968
97 ..... 40383, 40385
121 39968
125 39968
Proposed Rules:
39 ..... 39190, 39193, 39633, 40045, 40047, 40050, 40053, 40055, 40057, 40060, 40063, 40065, 40069, 40072, 40074
71 ..... 40076, 40078

15 CFR

774 39971
902 39583
Proposed Rules:
997 39638

19 CFR

12 40388

21 CFR

21 39184
Proposed Rules:
890 39649

22 CFR

502 39584

23 CFR

1200 39587
1205 39587
1206 39587
1250 39587
1251 39587
1252 39587
1313 39587
1335 39587
1345 39587
1350 39587

26 CFR

1 ..... 39973, 39984
54 39870
602 ..... 39973, 39984
Proposed Rules:
1 39644

29 CFR

2510 39870
2590 39870

30 CFR

49 39532

33 CFR

1 39163
3 39163
6 39163
13 39163
72 39163
80 39163
83 39163
100 ..... 39588, 40391
101 39163
103 39163
104 39163
105 39163
106 39163
110 39163
114 39163
115 39163
116 39163
117 ..... 39163, 39591, 40393
118 39163
133 39163
136 39163
138 39163
148 39163
149 39163

150.....39163
151.....39163
161.....39163
164.....39163
165 .....39163, 39592, 39594, 39595, 39597, 39598, 39599, 39601, 39604, 39606, 39608, 39610, 39992, 39995, 39997, 39998, 40000, 40394, 40396, 40399

Proposed Rules:
100.....40079
165.....40081
334.....39198

34 CFR

690.....39613

Proposed Rules:
Ch. II.....40084

36 CFR

Proposed Rules:
1196.....39649

37 CFR

Proposed Rules:
201.....39200

40 CFR

50.....40000
52.....40011, 40013
62.....40015
180 .....40017, 40020, 40027

Proposed Rules:
52 .....39650, 39651, 39654, 40086, 40087
62.....40087
81.....39654

42 CFR

121.....40033

Proposed Rules:
88.....39670
431.....40272

45 CFR

5b.....39184, 39186
147.....39870
155.....39494
156.....39494, 39870

47 CFR

51.....39617
53.....39617
63.....39617
64.....38617, 40582
73.....40402
79.....39619

Proposed Rules:
2.....39200, 39232
5.....39232
43.....39232
51.....39233
53.....39233
64.....39233, 40407
79.....39691, 40421

48 CFR

204.....40043
209.....40043
216.....40043
225.....40043
229.....40043
247.....40043

50 CFR

17.....39628, 39836
622.....39188, 40043
635.....40318
679.....39631

Proposed Rules:
17.....39698
50.....39273
622.....39700

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.archives.gov/federal-register/laws*.

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H.R. 475/P.L. 113–15

To amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines. (June 25, 2013; 127 Stat. 476)

Last List June 17, 2013

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