

By providing OCC with sole discretion for particular adjustment decisions, the rule change helps to ensure that decisions are consistent, efficient and free from undue influence. As a result, the rule change should help to promote the prompt and accurate clearance and settlement of securities transactions as well as foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions consistent with Section 17A(b)(3)(F) of the Act.<sup>13</sup> Furthermore, in addition to ensuring consistency with Section 17A(b)(3)(F) of the Act,<sup>14</sup> the conforming and clarifying changes to OCC's By-Laws and Rules should help ensure that OCC maintains a well-founded, transparent and enforceable legal framework as required by Rule 17Ad-22(d)(1).<sup>15</sup>

#### 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<sup>16</sup> and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>17</sup> that the proposed rule change (File No. SR-OCC-2013-05) be and hereby is approved.<sup>18</sup>

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.<sup>19</sup>

**Elizabeth M. Murphy**,  
Secretary.

[FR Doc. 2013-17099 Filed 7-16-13; 8:45 am]

**BILLING CODE 8011-01-P**

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## SMALL BUSINESS ADMINISTRATION

### Small Business Size Standards: Waiver of the Nonmanufacturer Rule

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of intent to rescind the class waiver of the Nonmanufacturer Rule for NAICS Code 335999, *All Other Miscellaneous Electrical Equipment and Component Manufacturing*.

**SUMMARY:** The U. S. Small Business Administration (SBA) intends to rescind a class waiver of the Nonmanufacturer Rule for *All Other Miscellaneous Electrical Equipment and Component Manufacturing*, under the North American Industry Classification System (NAICS) code 335999. According to the request, there is at least one small business manufacturer of the various supplies listed under the *All Other Miscellaneous Electrical Equipment and Component Manufacturing* descriptor that has conducted business with the Federal Government within the previous 24 months. Additionally, SBA's independent research resulted in discovery of other small business manufacturers for the various items listed under the *All Other Miscellaneous Electrical Equipment and Component Manufacturing* descriptors.

**DATES:** Comments and source information must be submitted August 1, 2013.

**ADDRESSES:** You may directly submit comments and source information to regulations.gov at URL <http://www.regulations.gov#!/home> or Edward Halstead, Procurement Analyst, Small Business Administration, Office of Government Contracting, 409 3rd Street SW., Suite 8022, Washington, DC 20416. **FOR FURTHER INFORMATION CONTACT:** Mr. Edward Halstead, Procurement Analyst, by telephone at (202) 205-6855 or by email at [Edward.halstead@sba.gov](mailto:Edward.halstead@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), and SBA's implementing regulations require that recipients of Federal supply contracts set aside for small businesses, Service Disabled Veteran-Owned small businesses, Women-Owned Small Businesses, or Participants in SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. 13 CFR 121.406(b), 125.15(c). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "product or class" for which there are no small business manufacturers or processors available to participate in the Federal market.

In order to be considered available to participate in the Federal market for a product or class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from

the Federal Government within the last 24 months. 13 CFR 121.1202(c). SBA defines "class of product or products" based on the specific item descriptions found in the Office of Management and Budget's North American Industry Classification System (NAICS) online manual. SBA may then identify a specific item or items within a NAICS code to which a class waiver would apply.

SBA is currently processing a request to rescind the Nonmanufacturer Rule for All Other Miscellaneous Electrical Equipment and Component Manufacturing, under North American Industry Classification System (NAICS) code 335999. The public is invited to comment or provide source information to SBA on the proposed waiver of the Nonmanufacturer Rule for the within 15 days after the date of posting in the **Federal Register**.

Dated: Ju1y 11, 2013.

**Ajoy K. Sinah**,

Deputy Director, Office of Government Contracting.

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2013-0176, Notice No. 13-11]

### Safety Advisory: Unauthorized Filling of Compressed Gas Cylinders

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Safety Advisory Notice.

**SUMMARY:** This is to notify the public that PHMSA has confirmed that North American Coil and Beverage Group, 15641 E 10 Mile Road, Eastpointe, MI, 48021, improperly filled and offered for transportation high pressure compressed gas cylinders without verifying that they met the appropriate safety requirements for continued use. The Eastpointe Michigan Fire Department alerted the Michigan State Police, who in turn alerted PHMSA of an incident on June 25, 2013, in which a high pressure DOT 3A 1800 cylinder filled and provided by North American Coil and Beverage Group with carbon dioxide catastrophically burst at Sullivan's Bar in Eastpointe, Michigan

**FOR FURTHER INFORMATION CONTACT:** North American Coil and Beverage Group: Mr. Len Santamaria, Manager, 15641 E 10 Mile Road, Eastpointe,

<sup>13</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>14</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>15</sup> 17 CFR 240.17Ad-22(d)(1).

<sup>16</sup> 15 U.S.C. 78q-1.

<sup>17</sup> 15 U.S.C. 78s(b)(2).

<sup>18</sup> In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>19</sup> 17 CFR 200.30-3(a)(12).

Michigan 48021, Telephone (586) 775-7229, to arrange for the return of these empty cylinders.

**SUPPLEMENTARY INFORMATION:** PHMSA determined that North American Coil and Beverage Group improperly filled various types of high pressure US DOT and special permit cylinders with compressed gases without verifying that they met the appropriate safety requirements for continued use. The DOT 3A 1800 cylinder that failed was manufactured by Morcar in 1973 and had not been requalified since May, 1996. DOT 3A 1800 cylinders used in carbon dioxide service must be successfully requalified through a visual inspection and a pressure test at least once every 5 years. Cylinders that are not properly and routinely inspected and requalified as required may not possess the structural integrity to safely contain their contents under pressure during normal transportation and use. Extensive property damage, serious personal injury, or death could result from a rupture of a cylinder.

Because North American Coil and Beverage Group did not have their cylinders requalified prior to filling them and the fact that one catastrophically failed, PHMSA questions the condition of all of the cylinders owned and filled by North American Coil and Beverage. These cylinders should be considered unsafe and unauthorized for the filling of hazardous material unless and until they are first tested properly by an individual or company authorized by DOT to requalify DOT specification cylinders. Anyone who had their carbonated beverage service cylinders filled and provided by North American Coil and Beverage Group is advised to remove these cylinders from service immediately and contact a cylinder filler to have the cylinders depressurized. North American Coil and Beverage Group will contact their customers with further instructions on returning the empty cylinders.

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

**Magdy El-Sibaie,**

*Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

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**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA-2013-0157, [Notice No. 13-10]]

#### SafetyAlert: Safety Alert: Risks Associated With Liquid Petroleum (LP) Gas Odor Fade

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Safety Alert Notice.

**SUMMARY:** PHMSA is issuing this safety alert to notify the public of the risks associated with the under-odorization of Liquefied Petroleum Gases (LPG). LPG is an odorless and colorless gas that under certain conditions is required to be odorized for leak detection. The purpose of this alert is to advise shippers and carriers of the recommended procedures to ensure that LPG is properly odorized by all modes of transportation.

#### FOR FURTHER INFORMATION CONTACT:

Charles Betts, Director, (email: [charles.betts@dot.gov](mailto:charles.betts@dot.gov)) or Delmer Billings, Senior Regulatory Advisor (email: [delmer.billings@dot.gov](mailto:delmer.billings@dot.gov)), Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington DC 20590. Telephone: (202) 366-8553, Fax: (202) 366-7435.

**SUPPLEMENTARY INFORMATION:** PHMSA is aware of several incidents possibly attributed to either the under-odorization or odorant fade of liquefied petroleum gas (LPG). Most notable of these incidents is one that happened in Norfolk, MA on July 30, 2010 where an explosion occurred at a residential condominium complex that was under construction. Emergency responders from 21 cities/towns deployed personnel to the accident site. The accident resulted in seven injuries and one fatality.

The subsequent investigation raised questions as to whether there was a sufficient level of odorant in the LPG contained in the on-site storage tanks. In accordance with Federal and State laws and regulations, LPG intended for use by non-industrial entities is generally required to be odorized, or stented, to enable the detection of any unintended release or leak of the gas. LPG is highly flammable and dangerous to inhale in large quantities. The added odorant is a safety precaution that helps warn those in the area that a release of gas has occurred. In the Norfolk incident, there

appeared to be no warning, i.e. odorant smell, prior to the explosion, that the on-site LPG storage tank was leaking. PHMSA has consulted with stakeholders from industry, fire fighter associations, and other regulatory agencies in order to better understand the root cause of incidents like the one in Norfolk. Although additional research may be necessary in order to come to more definitive conclusions, PHMSA has identified situations in which the risks of under-odorization or odor fade are more likely to occur. These situations are outlined below along with recommendations to mitigate potential risk factors that might lead to preventable outcomes.

**Injection Process:** On December 13, 2012, PHMSA met with representatives from the National Propane Gas Association (NPGA) to gain a better understanding of the LPG odorization process. During this meeting, representatives from the NPGA stated that the most common method for the odorization of LPG is through an automated system. However, the NPGA also noted there are situations where the odorization process is manually performed. Preliminary investigations into the Norfolk, MA incident suggest that the lack of sufficient odorization rendered the LPG undetectable when the on-site storage tank began to leak. In situations where the injection process is not fully automated, the potential for human error may increase the possibility of under-odorization. We believe that the insufficient level of odorant in the LPG contained in the on-site storage tank involved in the Norfolk, MA incident was likely a major contributing factor in restricting the ability of on-site personnel to readily detect the leak. Therefore, in this safety alert, PHMSA recommends that when the odorization of LPG is being accomplished by a manual injection process, quality control checks should be conducted to ensure that the requisite amount of odorant is being injected. Additionally, PHMSA recommends that when odorization of LPG is automatically injected, equipment calibration checks should be periodically performed to ensure consistent injection levels of the required odorant.

**New Tanks or Freshly Cleaned Tanks:** During our meetings with various stakeholders, several indicated that a phenomenon known as "odor fade" may be a problem when new or recently cleaned tanks are used. New or recently cleaned tanks may absorb the odorant into the metal shell of these tanks, thus limiting the effectiveness of the remaining odorant in the LPG. Based on